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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WHYZDOM ANTONIO LEE DOUSE,

APPELLANT.

APPELLATE CASE NO. 2021-000607

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT NOS. 1 (PHOTO/INTERSECTION), 3 (REDACTED VIDEO FROM LAW FIRM), 4 (HOSPITAL VIDEO), 5 (SILVER ELANTRA PICTURE), 6 (RED ELANTRA PICTURE), 7 (DOUSE PICTURE), 8 (BATES PICTURE), 17 (JAIL CALL), 25 (PHOTO/STREET SIGN), 26 (PHOTO/SCENE), 27 (PHOTO/WATERLOO STREET), 28 (PHOTO), 29 (PHOTO/STOP SIGN), 32-43 (PHOTOS OF VEHICLE), 47-55 (PHOTOS OF VEHICLE), 56 (VIDEO/DOUSE INTERVIEW), AND 57 (REDACTED VIDEO/DOUSE INTERVIEW).

STATE OF SOUTH CAROLINA

GENERAL SESSIONS

COUNTY OF AIKEN

----------x

STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	Transcript of Record
	)	2019-GS-02-01999
	)	2019-GS-02-02000
WHYZDOM ANTONIO LEE DOUSE,	)	
	)	
Defendant.	)	

----------x

May 24, 2021

TRIAL - DAY 1

B E F O R E:

The Honorable Clifton Newman, Presiding Judge; and a jury

A P P E A R A N C E S:

Jacqui Charbonneau, Esq.
Jack Hammack, Esq.
Attorney for the State

Brianne Steiner, Esq.
Nick McCarley, Esq.
Attorney for the Defendant

Transcribed by Bobbi Fisher, RPR, for DCRP, Digital Courtroom Project

Q Where do you work?

A Aiken Department of Public Safety.

Q What is your job title?

A Investigator. Police officer.

Q How long have you been in law enforcement all total?

A Twenty-two years.

Q Going straight to this case, State versus Whyzdom Douse, can you tell us, did the defendant end up making a statement in this case?

A Yes.

Q When was that statement taken?

A August 3rd, around 9 a.m.

Q And who was present during the questioning?

A Myself, the defendant, and Detective Griffin.

Q Are we talking about Jason Griffin that works at Public Safety?

A Yes, ma'am.

Q Where was the statement physically located? Where were you guys?

A At 834 Beaufort Street, which is Aiken, our headquarters.

Q Were you in an interview room?

A Interview room at our headquarters, yes.

Q Was the defendant under arrest at that time?

A Yes.

Q Did he appear to be under the influence of any alcohol or

drugs at the time to the extent that it would impair his ability to understand?

A Not at all.

Q Was he able to ask you questions or respond to your questions in a coherent manner?

A Yes.

Q Was all of this on videotape?

A Yes. The whole interview was recorded.

Q Any part of it where it was not videotaped?

A No.

Q And did he have any physical or mental disability that he indicated to you that he would not be able to understand or to listen to the questions?

A No, ma'am.

Q Did you read him his Miranda rights?

A Yes.

Q Was that on videotape as well?

A Yes.

Q How long was -- how long would you say that statement took place?

A I'd have to look back. Around two hours maybe.

Q Was he able to have bathroom breaks? Did you bring him water, food, anything that he wanted?

A Yes.

Q Was he able to call his mother?

A Yes.

Q Did he actually speak to his mother?

A Yes.

Q At the end of the interview, still on tape, did you actually let his mother visit with Mr. Douse?

A Yes.

Q And Mr. Douse, the person we're talking about, is the man sitting in the courtroom today?

A Yes, ma'am.

Q When -- is that also on videotape when he visits with his mother?

A Yes.

Q Did you allow Mr. Douse to even hug his mother?

A Yes.

Q Is that unusual?

A Yes.

Q Why?

A I felt sorry for his mother.

Q Okay. Were any threats or promises made in exchange for Mr. Douse's statement?

A No.

Q Was he given water when he wanted it?

A Yes.

Q Was the defendant made aware of the charges against him?

A Yes.

Q Was he advised of his constitutional rights or Miranda rights prior to any questioning regarding this crime?

A Yes, ma'am.

Q Was he coerced at all, on-screen, off-screen, at any time?

A No, ma'am.

Q Any promises made by any law enforcement?

A No.

Q How did you tell the defendant his constitutional rights? Did you actually read them with him?

A Our department has a form -- a prefilled form with information I read verbatim from that.

Q I'm showing you State's Exhibit 60. Is this the actual form that you used with Mr. Whyzdom Douse on that day?

A Yes, ma'am.

Q And is that his signature?

A Yes.

Q And is that form also signed by you?

A I'm sorry?

Q Is the form also signed by you?

A Yes.

Q And dated?

A And dated, yes.

Q Can you please read to us the -- what it is that you read to Mr. Douse on August 3rd, 2019.

A "Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer, the Court will appoint one to represent you without cost if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You'll also have the right to stop answering at any time until you talk to a lawyer. I have read this statement of my rights and I understand what my rights are."

Q At any point, if Mr. Douse had any questions, did you go over it with him?

A Yes.

Q And did he end up signing the Miranda rights?

A Yes.

Q Did you also read him the waiver of Miranda rights?

A I did.

Q Can you please read those.

A "I'm willing to take a statement and answer questions. I do not want a lawyer at this time. I understand and know what I'm doing. No promises or threats have been made to me and no pressure of any kind has been used against me."

Q And is that Mr. Douse's signature on August 3rd, 2019?

A Yes.

Q Did he agree to waive his rights?

A Yes.

MS. CHARBONNEAU: At this time, I move State's Exhibit 60 in as a Court exhibit for this hearing.

THE COURT: Any objection?

MS. STEINER: No objection.

THE COURT: It's a Court's exhibit.

(State's Exhibit No. 60 was marked for identification and received into evidence as Court's Exhibit No. 60.)

BY MS. CHARBONNEAU:

Q And all that was done on video?

A Yes, ma'am.

Q State's Exhibit 56, Mr. Douse's interview, the original unredacted. Did you have an opportunity to review it?

THE COURT: Did you want me to see the exhibit?

MS. CHARBONNEAU: Yes, Your Honor. I have also handed that to you.

THE COURT: The State's exhibit that's been introduced into evidence.

BY MS. CHARBONNEAU:

Q And did you have an opportunity to review Mr. Douse's interview?

A Yes.

Q And is that a fair and accurate exact [verbatim] of what

And in the videotaped statement, did the defendant actually admit -- after some time, did he admit that he was the driver of the red Elantra car?

A Yes.

Q Did he admit that he was there at the intersection of Waterloo Street and Richland Avenue in the county of Aiken and that Roderick McMillan was shot?

A Yes.

Q Did the defendant admit that he knew Roderick McMillan, although by his nickname Blue?

A Yes.

MS. CHARBONNEAU: And, Your Honor, for purposes of this hearing, I would move the transcript of the video recording into evidence for Your Honor's reading.

THE COURT: Any objection?

MS. CHARBONNEAU: Exhibit 61.

MS. STEINER: No objection, Your Honor.

THE COURT: It's admitted for purposes of this hearing.

MS. CHARBONNEAU: Yes.

(State's Exhibit No. 61 was marked for identification and received into evidence as Court's Exhibit No. 4.)

BY MS. CHARBONNEAU:

Q Do you know when Mr. Douse was arrested?

A You said when?

Q Yes, please.

Q Do you remember saying, "We have to redo that and then we can talk?"

A Have to read what?

Q "Redo that," I'm assuming the Miranda rights, "and then we can talk"?

A Right, yes.

Q And you said you didn't recall Whyzdom interrupting you during the Miranda rights?

A I don't -- I don't recall him interrupting me, no.

MS. STEINER: Your Honor, at this point, I think it would be best to show the video with the Miranda rights, just that portion. Would that be all right with Your Honor?

THE COURT: All right. And what is the purpose of showing the video?

MS. STEINER: Your Honor, I think it's best for Your Honor to see the video instead of relying on the transcript. There were a couple of parts where Mr. Douse did interrupt Detective Eagerton, going over the rights. I think it would be best to see --

THE COURT: Well, I understand that portion of it but the -- you have handed me a transcript that's got 60-some pages -- 89 pages -- 88 pages. Are you interested in --

MS. STEINER: Not the whole statement, Your Honor. Just the Miranda rights part.

THE COURT: Okay.

(Video plays.)

BY MS. STEINER:

Q Do you recall Whyzdom telling you that he smokes a lot of weed and that he was tripping?

A He did make that statement, referring to the day of the incident.

Q Do you recall Whyzdom telling you that he was 19 at the time?

A I don't recall.

Q Do you recall Detective Griffin saying "when we take this truthfulness information to the Solicitor's Office"?

A Vaguely, yes.

MS. STEINER: No more questions.

REDIRECT EXAMINATION

BY MS. CHARBONNEAU:

Q Detective Eagerton, did the defendant, during that statement on video also explain to you about other murders that have been convicted in Aiken County and what sentences they got? Do you remember him talking about Speed and Poopoo and what sentences they got for murder?

A I don't recall.

Q Okay. And throughout the rest of the statement that we would be watching on video, at any time, does the defendant appear incoherent or not understand?

A No, ma'am.

BY MS. STEINER:

Q Whyzdom, did you understand your Miranda rights?

A No, ma'am.

Q Do you remember asking, on page 72, "Bro, listen. Stop, Bro. Stop asking me questions"?

A Yeah.

Q Whyzdom, would you have wanted a lawyer with you?

A Yes, ma'am.

Q Why didn't you ask for one?

A I mean, I didn't understand that I would be given a lawyer if I didn't have a paid attorney. I mean, I never been in this situation, so I just assumed that I had to have a paid lawyer, which I didn't at the time, so I never knew that I would be appointed an attorney.

Q Whyzdom, have you ever been interviewed by police before?

A No, ma'am.

Q Were you high at the time?

A Yeah.

Q On what?

A I had popped a couple of pills, smoking weed on my way to Graniteville.

Q And you got arrested in Graniteville?

A Yes, ma'am.

MS. STEINER: No further questions.

THE COURT: By the State?

Q Okay. Well, were you sleep deprived or food deprived or anything like that?

A I mean, I had been up for a couple of days.

Q I'm talking about from law enforcement. Did any law enforcement mistreat you in any way?

A Are you speaking of Detective Eagerton and Griffin, or are you speaking of law enforcement in general?

Q I'm talking about on August 3rd, 2019, from the point where you were arrested to the point where you gave your statement, did anybody mistreat you?

A No, ma'am.

MS. CHARBONNEAU: Thank you. Nothing further.

THE COURT: Anything further?

MS. STEINER: Just one question.

REDIRECT EXAMINATION

BY MS. STEINER:

Q Whyzdom, you were appointed to me on the domestic violence when I got the murder too; correct?

A Yes, ma'am.

THE COURT: Thank you. You may step down.

Any further witnesses on this case?

MS. STEINER: No, Your Honor.

MS. CHARBONNEAU: No, sir.

THE COURT: I find that the statement given was given freely and voluntarily and taken in compliance with the

Miranda v. Arizona, and that the State has so established that by a preponderance of the evidence.

Do you have another motion?

MS. STEINER: Yes, Your Honor. There is a *Neil v. Biggers* motion as well.

THE COURT: Okay.

NEIL V. BIGGERS MOTION

MR. HAMMACK: Your Honor, I would imagine it would be probably longer than that or close to that. The jury panel is here now (indiscernible).

THE COURT: Well, chances are, they're not ready to come in. If they are, you can hit the door.

While they're coming, tell me what that motion is about.

MR. HAMMACK: Your Honor, basically, the State has --

THE COURT: Under the -- prior to making the motion.

MR. HAMMACK: I'm sorry.

MS. STEINER: Your Honor, the State provided a one-person photo lineup for Mr. Douse and for co-defendant Harold Bates to one of the witnesses, Keyshawn Davis. And we're trying to get that suppressed, Your Honor.

THE COURT: All right. And the State's position?

MR. HAMMACK: Mr. Davis is here and is going to testify. He knows Mr. Douse. He went to school with him. He's known him for a number of years. I think there's case law basically saying that a one-person lineup, while it is -- I can't

remember the exact wording but I'll give it to you --

THE COURT: In a (indiscernible) case, probably.

MR. HAMMACK: It's certainly considered to be prejudicial usually, but in the situation where they know the person involved, they know the identity of the person in the photograph, the case law says it's merely confirmatory. And I'll have that case (indiscernible), Your Honor, (indiscernible) the jury but it's not on my case list right now.

THE COURT: Is it the -- that witness -- the State's witness (indiscernible) identification?

MR. HAMMACK: He's here now. He's actually coming upstairs so we'll have him ready just in case.

THE COURT: All right. If he's the primary witness, concerning the identification, there are many independent bases to identify him.

MS. CHARBONNEAU: Yes. He's the primary witness.

THE COURT: All right. We will in time then.

Got the people?

THE BAILIFF: They're not ready yet, Your Honor.

MR. HAMMACK: Your Honor, we would also -- regarding the first witness on the *Neil v. Biggers* --

THE COURT: All right. You may proceed.

MR. HAMMACK: We wanted to call him first.

THE COURT: All right.

MR. HAMMACK: The State calls Detective Eagerton to the stand.

THE COURT: All right. You're still under oath.

Just letting you know, when the jury gets here, we'll stop. Don't bring them in until we tell you.

MR. HAMMACK: And, Your Honor, if I may, the main case that we'll be relying on is *State v. Liverman*, South Carolina Supreme Court case. And I have got copies for you and Ms. Steiner so that you don't have to look it up.

THE COURT: All right.

MR. HAMMACK: If I may approach, Your Honor.

THE COURT: Yes, sir.

MR. HAMMACK: I'll go ahead and hand it to you before we get started, before I start referring to it.

THE COURT: All right. Thank you.

DET. JONATHAN EAGERTON,

the witness, after having been previously duly sworn, was examined and testified to as follows:

DIRECT EXAMINATION

BY MR. HAMMACK:

Q Detective Eagerton, by whom are you employed?

A Aiken Department of Public Safety.

Q And how long have you been there?

A Law enforcement? 22 years.

Q And were you working back on the day of this crime,

August 2nd or August 1st into August 2nd of 2019?

A Yes.

Q What was your role at that point?

A I was the on-call investigator.

Q What does that mean?

A It means that, during a certain period of time, at nighttime, there's an investigator list, and I was on-call for those two nights that this occurred.

Q Were you called out to the investigation of a shooting at the intersection of Waterloo and Richland Avenue here in Aiken?

A Yes.

Q About what time was that?

A One -- I was called around 1:30.

Q What time did you arrive on the scene?

A 1:45.

Q While you were out there, what kind of information did you have?

A Initially, it was just a crime scene, where there was some evidence in the roadway.

Q Did you ever have an opportunity to talk to Keyshawn Davis?

A Yes.

Q Where did you talk to him?

A I was around him about 45 minutes later down at the

hospital, and then, of course, I interviewed him at a later time.

Q How many times did you interview him?

A I interviewed him one time in a vehicle but there was other times where I was around while he was being interviewed.

Q Okay. When you talked with Mr. Davis, you were there when he was interviewed the first time; correct?

A At the hospital?

Q Yes.

A In the parking lot? Yes. I wasn't there for the whole thing, but I was there.

Q Okay. Did you have an opportunity to speak with him?

A Yes.

Q When you spoke with him, could he give you any names of the victim, the vehicle? Did he identify anybody?

A Not at that point.

Q Did you speak to him a second time?

A He was interviewed by Detective Griffin an hour later, approximately, in our headquarters. I was not involved in that interview.

Q Okay. But during that interview, do you know if he gave names?

A Not in that interview either.

Q All right. Which interview did he start getting the name of people that he knew?

A There was an interview roughly six hours later at his house in my patrol vehicle.

Q And you were present for that?

A Yes.

Q Tell me a little bit about that situation.

A At that point, we had already interviewed him probably three, four hours earlier, and he was able to give up two names that he saw in the vehicle -- suspect vehicle.

Q What names did he give you?

A Whyzdom Douse and Harold Bates.

Q Did he tell you how he knew who they were?

A He said that he knew Whyzdom Bates [verbatim] from school, from high school. Midland Valley, I believe.

Q Whyzdom Douse?

A Yes.

Q Okay. Let me show you photographs that have been marked 7 and 8. They haven't been entered it. Do you recognize those?

A Yes.

Q What are those?

A These are the two photos that I showed Mr. Davis in my vehicle.

Q About what time was that?

A Couple hours later. 9:00 or 10:00 in the morning. Something like that.

Q So roughly eight hours after the shooting?

A Yes.

Q And that was -- where was your vehicle? I'm sorry?

A It was at -- I believe it was at Whyzdom's house or a family member -- I'm sorry, I apologize. At Mr. Davis's house or one of his family member's house.

Q And when he talked to you about those photographs, did he seem confident of it?

A Yes.

Q Did he say anything to you?

A He said that's them. I don't remember the exact wording but basically that that's them.

Q Okay. And this is the second or third interview?

A Yes.

MR. HAMMACK: Okay. I have nothing further right now.

THE COURT: Okay. Ms. Steiner?

CROSS-EXAMINATION

BY MS. STEINER:

Q Just to clarify, because I believe you said Whyzdom Bates.

A Yes.

Q How did Keyshawn know Whyzdom Douse and Harold Bates?

A He knew Whyzdom Douse -- I apologize about the Bates -- Douse from high school. Or he said school. I believe it was Midland Valley.

Q And then how did he know Harold Bates?
A I don't recall.
Q Do you recall Keyshawn telling you that he had looked everyone up on Facebook and thought he knew what Douse and Bates looked like from Facebook?
A Yes. At the time of the incident right at the hospital parking lot, he made reference to "I have seen them somewhere before. I think I might -- I want to say that I know them," but he wasn't able to give a name. So, after a period of time, yes.
Q So when you did show him the photos, he had already given you the full names of everyone; correct?
A Yes. He had already -- at 7 a.m. that morning, he -- we did an interview, and he gave us the names.
Q Do you remember what kind of description he gave of the people in the vehicle at the hospital?
A Two black males. He said around his age. I believe it was 18 to 20. I don't remember anything else other than that.
Q So basically just two black males?
A Yes.

MS. STEINER: No more questions.

THE COURT: Anything further?

REDIRECT EXAMINATION

BY MR. HAMMACK:

Q Just quickly, I think you have already answered it: When

you were at the scene, was it well-lit?

A At the initial scene that I went to?

Q At the corner of Waterloo and Richland.

A Yes.

Q And I think you already mentioned but he did tell you that night at the hospital when you first met with him that he thought he knew him; is that correct?

A Yeah. He made a reference. He said, "I want to say that I knew them. I have seen them before." Something to that nature.

MR. HAMMACK: Okay. I have nothing further.

THE COURT: Anything further?

MS. STEINER: No, Your Honor.

THE COURT: All right. Thank you, sir.

MR. HAMMACK: The State would call Keyshawn Davis, Your Honor, if we have got time.

THE COURT: Mr. Davis.

KEYSHAWN DAVIS,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box and state your full name for the Court.

DIRECT EXAMINATION

BY MR. HAMMACK:

Q If you would, can you state your full name for the record

and spell both names because, as I recall, you spell Keyshawn a little differently and the court reporter will need it.

A K-e-y-s-h-a-w-n. D-a-v-i-s.

Q And if you'll do me a favor, can you move up a little bit closer? When the jury gets here, it's going to be hard to hear you. You're pretty soft spoken. But if you can talk really loud to see if I can hear you. Okay?

Mr. Davis, do you know Roderick -- excuse me. Do you know Whyzdom Douse?

A Personally? No.

Q All right. Know what he looks like?

A Yeah.

Q Do you see him here in the courtroom today?

A Yeah.

Q Who is he?

A Right there (indicating).

Q By "right there," what you mean? What's he wearing?

A Button-down shirt.

Q What color is it?

A Purple.

Q All right. How do you know of Mr. Douse?

A Went to school with him.

Q Go on and take your mask all the way off because it's still a little hard to hear you. Okay?

Where did y'all go to school together?

A Midland Valley.

Q How long did you go to school together?

A I don't know.

Q All right. What grade were you in; do you recall? Were you in the same grade? Different grades?

A I graduated early so I don't know what grade he was in.

Q Okay. But you know him from Midland Valley?

A Yeah.

Q Went to school with him there. Did you know him from the neighborhood or anything or just from school?

A School.

Q Do you have any idea about how long you had even known him at that point?

A No.

Q Well, on the night of this incident, back on August 2nd, 2019, were you involved in an incident that involved Mr. Douse?

A Yes.

Q And the victim in the case, Roderick McMillan?

A Yes.

Q Tell me about that.

A Yes, sir.

Q Tell me what happened.

A So I was on Piney Heights, and I was with Raven. And we was drinking and she was -- well, I was drinking and she was

the driver. And Roderick had called me to pick him up. And when I got to Cushman to pick him up, him and Drake (ph), when I had picked them up, we had went to Winfield. And then, on our way from Winfield, we was at the red light, going back home to Sage Creek.

Q All right. Quick question: Who is Drake?

A Richard.

Q Richard who?

A Carroll.

Q So he's there with you too?

A Yes, sir.

Q And you're at the red light. What red light were you at?

A Waterloo.

Q Waterloo and Richland?

A Yes, sir.

Q Okay. Well, tell me, about what time of day was it?

A The time it happened, I want to say roughly, like, 11:00ish.

Q So it was dark?

A Yes, sir.

Q Do you recall street lights and stuff out there?

A Yes, sir.

Q What kind of lighting was it?

A It was an Enmark -- not an Enmark -- a 3 Way that was across the street that was lit, and it was a building beside

it that was lit.

Q So you could see pretty good out there?

A Yes, sir.

Q Well, tell me what happened. You're right at the intersection. Y'all are stopped. Tell me what happens.

A When we was stopped at the intersection, they were staring down, and then shots had just went off.

Q Now, they, who is "they"?

A Whyzdom.

Q Whyzdom was staring down on who?

A Back of the car.

Q And then shots went off. Where did shots go off from?

A Their car.

Q How far away was their car?

A We were, like, pretty side by side.

Q So feet -- not -- like a couple of feet? Closer?

A Maybe like 15.

Q Okay. So it's -- is that intersection, one car beside the other one?

A Yes, sir.

Q So it's a pretty tight fit, you would say?

A Yes, sir.

Q But he's close enough you could see him.

A Yes, sir.

Q Were the windows tinted?

A Not really.

Q So you could see in the car?

A Yes, sir.

Q How many people did you see?

A Two.

Q Did you know who they were at the time?

A Not at the time.

Q But you see two people in the car that the shots were coming from; correct?

A Correct.

Q You don't remember talking to law enforcement -- you talked to them a few times, didn't you?

A Yes, sir.

Q The first time you talked to them, do you recall telling them that you think you knew the people?

A Yes, sir.

Q And, at that point, did you know them?

A I knew of them.

Q How did you come up with the names Whyzdom Douse and Harold Bates? Where did that come from?

A I had to get further clarification.

Q That's what I want to ask you about. What did you do to get further clarification?

A Yes, sir. At first, I asked about the car, the red car.

Q You asked who?

A My friends.
Q Okay. All right. Well, tell me -- so you asked about the red car?
A Yes, sir. And then that's -- that's when it led me to that it was Sonjai's car.
Q Okay. You know Sonjai?
A Yes, sir.
Q How do you know Sonjai?
A Went to school with her.
Q Where at?
A Midland Valley.
Q Do you know about how long you went to school with Sonjai?
A I'd say three to four years.
Q And what's Sonjai's relationship to Whyzdom Douse?
A They have a child together.
Q And you know that -- from your knowledge, you know they have a child together?
A Yes, sir.
Q Is that where you ended up coming to Whyzdom Douse's name?
A No, sir.
Q Well, how did you end up coming to that name?
A I asked Sonjai. Well, not, I mean, directly at Sonjai, but I had gotten my friend to ask Sonjai was Whyzdom driving

her car at that time of night.

Q Okay. Once you found out the name Whyzdom Douse, what did you do?

A That's -- y'all had came and talked to me that morning.

Q Is that when you were shown some pictures?

A Yes, sir.

Q Did you give law enforcement the name before they showed you the pictures?

A No.

MR. HAMMACK: Judge, do you have the pictures up there? I'm sorry, Your Honor. Thank you.

BY MR. HAMMACK:

Q Let me show you what's been marked for right now State's 7 and 8. Do you recognize those?

A Yes, sir.

Q What is that?

A Whyzdom and Harold.

Q All right. And what is that right there? Who wrote that?

A Me.

Q Whose initials are those?

A Mine.

Q Where did this come from?

A What do you mean?

Q Where did you get these pictures to write on it?

A Y'all gave them to me.

Q "Y'all" being law enforcement?

A Yes, sir.

Q And you wrote the names on there?

A Yes, sir.

Q You knew who they were and wrote the names on there; right?

A Correct.

Q Now, I think you told us before that you didn't know Mr. Bates very well, right?

A No, sir.

Q How did you end up coming along with his name?

A When I had ran -- well, when I had asked Sonjai.

Q Okay. Let me get back to some of the details just so we can be sure we're clear on them. Okay? Is that good?

A Yes, sir.

Q All right. So at the incident location when you were there, you have testified that y'all pulled up to the light. You testified that it's well-lit out there. You could see the car; correct?

A Correct.

Q You could see how many people were in it?

A Correct.

Q How many people?

A Two.

Q Did you see their faces well?
A It wasn't well-lit but you can see their faces.
Q Could you see what they were wearing?
A Kind of, but I don't really remember.
Q But you could see them pretty good; right?
A Yes, sir.
Q How long did all this take place from the car pulling up beside you until the shooting and taking off? About how long was that?
A 30 seconds. 30, 35.
Q So about half a minute or so that you were able to see these people?
A Yes, sir.
Q Did you -- when did you first speak with law enforcement; do you remember?
A At the hospital.
Q Do you know what time that was?
A No, sir.
Q Was it pretty close to the shooting?
A It was like maybe 20, 25 minutes after the shooting.
Q So it was pretty close?
A Yes, sir.
Q And when you talked to them, did you give them some information about the people in the car and what they looked like, what they were wearing or anything?

A To the best of my knowledge, yes.

Q Do you recall what you told them?

A No, sir.

Q All right. But you were able to give them at least a bit of a description; right?

A Yes, sir.

Q Did you give them any kind of description of the car?

A It was a red Hyundai. Hyundai, Honda.

Q And you were able to tell the police that?

A Yes, sir.

Q Did you know whose car it was?

A At the time, no.

Q But you later found out whose car it was?

A Yes, sir.

Q And do you know -- who was that?

A Sonjai.

Q So when the officers came and showed you those pictures, where was that; do you remember?

A I want to say at -- I don't remember when they showed me them, but I know it was like that morning that I woke up.

Q So a few hours after the shooting?

A Yes, sir.

Q You don't remember where it was?

A I want to say -- we was in Sage Creek but where? I don't remember.

Q Were you in the car with them or standing in the yard or where were you?
A I talked to them twice that day, so...
Q Okay.
A I'm not for sure which one.
Q And, as I recall, you didn't get a whole lot of sleep; right?
A No, sir.
Q Because I recall from the interviews you tried and just couldn't sleep.
A No, sir.
Q When they showed you these pictures, did they tell you anything? Were they, like, telling you who it was, who they think they are or did they just show you some pictures? Tell me how that happened.
A I really don't recall how it -- everything went.
Q But, at some point, the officers showed you those two pictures; right?
A Yes, sir.
Q And you looked at them?
A Yes, sir.
Q Did you identify them as the people in the car?
A Yes, sir.
Q And by name, you knew their names; correct?
A Correct.

Q And you signed it -- or you initialled it after you put their names on there; right?

A Correct.

Q When you were at the scene when all this was going on, could you tell who was driving?

A Raven.

Q Who was driving the car?

A Raven.

Q No, who was driving the car that was shooting at you?

A Oh, Whyzdom.

Q You're positive on that?

A Correct.

Q You saw it?

A Correct.

Q How about who was in the -- where was Harold Bates?

A In the passenger.

Q You could see him?

A Correct.

Q You could see his face?

A Correct.

Q You were able to identify him?

A Correct.

Q One more question I wanted to ask you: At the hospital, you told the officers you thought you knew him. Why didn't you give any kind of name that night?

A Because I didn't know for sure.
Q You wanted to be positive about it; right?
A Correct.
MR. HAMMACK: I have nothing further right now.

CROSS-EXAMINATION

BY MS. STEINER:
Q Hi, Mr. Davis. I'm Brianne Steiner. I'm Whyzdom's attorney.
A Hello.
Q So the photos, those were showed to you by detectives?
A Correct.
Q And you had already given them the full names of those people at that point?
A On the photos, correct.
Q What was that?
A On the photos, correct.
Q But you told them before that Whyzdom Douse and Harold Bates were involved before you saw the photos?
A No, I said I didn't know before.
Q So the first time you saw those photos was the very first that you ever said that that was Whyzdom Douse and Harold Bates?
A The first time I talked to the police, I didn't -- I told them that I didn't know who it was. But I talked to them that same day, and that's when I identified them.

Q So you told them -- told Detective Eagerton the names, and then Detective Eagerton went and got photos and showed you those photos to confirm the names.

A Correct.

Q Okay. And the only photos that Detective Eagerton showed you were those two photos up there; right?

A Correct.

Q So you said before that the whole thing took about 30 seconds at the light; is that right?

A Yes, ma'am.

Q Does that include when you were stopped at the red light before the car pulled up?

A No, ma'am.

Q So it took about 30 seconds for the whole shooting to happen?

A Yes, ma'am. It was like six or seven shots.

Q Did you duck when the shooting started happening?

A Yes, ma'am.

Q Do you remember what the description was that you initially gave police of people in the car?

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

Q Was it basically just two black males about your age? Does that sound right?

A Correct.

Q And between when the incident happened and when you

identified those photos, it was several hours in between; right?

A It was maybe five.

Q And you talked to people?

A Ma'am?

Q You talked to a whole bunch of people?

A No, ma'am.

Q You didn't talk to anyone in those five hours?

A No, ma'am.

Q You didn't talk to a single person in those five hours between when you talked to police?

A No, ma'am, because I was trying to sleep, and I couldn't sleep.

Q But you didn't talk to the people that you just said about trying to get in touch with Sonjai and you didn't talk to whoever family members you were around?

A Correct.

Q You didn't talk to any of those people?

A I did.

Q Okay. So you did talk to a whole bunch of people in those five hours?

A No, ma'am, not really.

Q But you talked with some people in those five hours?

A Yes, ma'am.

Q And did you go on Facebook in those five hours?

A Yes, ma'am.

Q Who all did you talk to in those five hours?

A In the five hours, I talked to Zaylenn.

Q To who?

A Zaylenn.

Q What's that?

A Zaylenn.

Q Zaylenn?

A Yes.

Q Do you know what Zaylenn's last name is?

A Page.

Q What is that?

A Page.

Q Page?

Who else did you talk to?

A Keyasia.

Q Keyasia?

A Yes.

Q What's Keyasia's last name?

A Barnes.

Q What was that?

A Barnes.

Q Who else did you talk to?

A Felicia.

Q What's Felicia's last name?

A Page.
Q Who else did you talk to?
A That's it.
Q You didn't talk to any of your family members?
A No.
Q You didn't talk to any of Roderick's family members?
A At the time, no.
Q So I'm talking about between when you first talked to police -- when you left the police station, when you left Public Safety and then you went home and you were away from police for about five hours or so, like you said, and then you talked to police again, I'm asking who all you talked to in these five hours.
A That's the three people.
Q You didn't talk to any of your family members?
A No.
Q You didn't talk to any of Roderick's family members?
A I didn't talk to them until I talked to the police at their house.
Q Okay. But they were at the house when you talked to police?
A Correct.
Q And did you directly talk to Sonjai?
A No.
Q Who talked to Sonjai?

A It was a word of mouth.

Q It was word of mouth?

A Yes.

MS. STEINER: Okay. No further questions.

MR. HAMMACK: Your Honor, just briefly. I can't remember if I remembered to enter these as Court's exhibits to take a look at. Those with two pictures.

THE COURT: You've put them in already.

MR. HAMMACK: Okay.

EXAMINATION ON BEHALF OF THE COURT

THE COURT: Before you ask any questions -- before you proceed, Mr. Davis, any questions in your mind that -- as to who it was driving that car that night?

THE WITNESS: No, sir.

THE COURT: Who was driving the car?

THE WITNESS: Whyzdom.

THE COURT: And how do you know that?

THE WITNESS: Because I seen him and then I verified that it was them.

THE COURT: And when you went to the police department or talked to the police the second time and they had these photographs, what did they say to you when you came back to the police department? Was it at your house they talked with you the second time?

THE WITNESS: It was at their house.

THE COURT: At their house. Whose house was it?

THE WITNESS: The parents of Roderick.

THE COURT: Roderick's parents. And they had you come outside?

THE WITNESS: Yes, sir.

THE COURT: And what did they say to you?

THE WITNESS: They basically asked me what happened again and they asked me if you could identify who was the shooter.

THE COURT: And what did you say? What did you tell them?

THE WITNESS: I said I didn't know who the shooter was but I know the people that was in the car.

THE COURT: Okay. And what did you tell them?

THE WITNESS: Whyzdom and Harold.

THE COURT: Were the people in the car?

THE WITNESS: Correct.

THE COURT: Then what happened?

THE WITNESS: And that was it. And then they talked to me, I want to say, maybe two hours after that.

THE COURT: And what happened then?

THE WITNESS: They were basically asking me the same thing. And then I think that's when they had brought me the pictures or they brought me pictures at their house.

THE COURT: And what did they say about the pictures?

THE WITNESS: I'm not for sure. I don't remember.

THE COURT: When they brought the pictures, you had already told them who had done the shooting? You told them the second time that it was Whyzdom and Harold that was in the car? You didn't know who did the shooting but you said they were in the car.

THE WITNESS: Correct.

THE COURT: Whyzdom and Harold. And you gave the police the names?

THE WITNESS: When I first talked to them, no.

THE COURT: The second time?

THE WITNESS: Yes, sir.

THE COURT: When you were at someone's house --

THE WITNESS: Correct.

THE COURT: -- you told the police that it was Whyzdom and Harold.

THE WITNESS: Correct.

THE COURT: And then, the third time, they brought the photographs.

THE WITNESS: Correct.

THE COURT: And then they asked you could you identify the photographs or what did they ask you about them?

THE WITNESS: Can I name the people on these photographs.

THE COURT: And what did you tell them?

THE WITNESS: Whyzdom and Harold.

THE COURT: And that's when you wrote your name on there?

THE WITNESS: Yes, sir.

THE COURT: All right. Any further questions by the State or the defense?

MR. HAMMACK: No, sir, Your Honor. Nothing from the State.

MS. STEINER: Your Honor, if I may just have one moment.

RECROSS-EXAMINATION

BY MS. STEINER:

Q Do you remember talking to the police about Harold maybe having dreads?

A It sounds familiar but I can't remember the exact conversation.

Q Do you remember if someone in the car had dreads?

A No, ma'am.

Q Do you remember if -- when they showed you those photographs, if they said, "Is this Whyzdom?"

A Correct.

Q And when they showed you the photograph of Harold, did they say, "Is this Harold?"

A Correct.

MS. STEINER: No further questions.

MR. HAMMACK: None from the State, Your Honor.

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

I'm going to bring the jury in, and then I'll hear what you have to -- y'all have to say about it.

MS. STEINER: Thank you, Your Honor.

MR. HAMMACK: Yes, sir.

THE COURT: Bring the panel on in.

(Jury Panel No. 4 entered the courtroom at 1:40 p.m.)

(General qualifications of Jury Group No. 4 held off the record, followed by the call of the case:)

THE COURT: All right. The panel is qualified. I'll have the State give an indication as to what the first case is about. We will introduce some folks to you about have some questions.

MS. CHARBONNEAU: In Indictment No. 2019-GS-02-02000, the State of South Carolina versus Whyzdom Antonio Lee Douse, along with others, did, in Aiken County on or about August 2nd, 2019, feloniously, willfully, and with malice aforethought murder Roderick Alexander McMillan by means of shooting him at the intersection of Richland Avenue and Waterloo Street in Aiken, and that the victim did die in Richmond County as a proximate result thereof on August 2nd, 2019.

THE COURT: All right. The first case that will be called is this murder case, charging Whyzdom Antonio Lee Douse with murder of Roderick Alexander McMillan on Richland Avenue and Waterloo Street here in Aiken on or about August 2nd, 2019.

If any of the members of the jury panel knows anything

about this case or if you heard anything about this case, please stand.

(No response given.)

THE COURT: All right. Mr. Douse has pled not guilty. He's presumed to be not guilty, and, therefore, we have a jury trial.

Mr. Douse, if you'll stand and face the jury panel, along with counsel. If you'll introduce yourselves.

MR. McCARLEY: My name is Nick McCarley.

MS. STEINER: My name is Brianne Steiner.

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

If any member of the jury panel, if you know Mr. Douse, are a friend, relative, associate or if you're acquainted with him in any way, if so, please stand.

(No response given.)

THE COURT: The same as to the alleged victim, Roderick Alexander McMillan. If you knew him or believed that you did, please stand.

(No response given.)

THE COURT: If there is anything about the nature of this charge in this case that would permit you from being a fair and impartial juror or gives you any reason for pause, hesitation, or uncertainty, please stand.

(No response given.)

THE COURT: All right. Well, ladies and gentlemen, we'll

need you back at 2:30.

MS. CHARBONNEAU: Your Honor, may we approach briefly before they're released?

THE COURT: Yes.

BENCH CONFERENCE

(The following bench conference was held outside of the hearing of the jury and others.)

THE COURT: Any questions or issues by any of the jurors regarding service as a juror on this case, being a friend, acquaintance of any of the parties involved? If so, please stand.

(No response given.)

THE COURT: All right. We'll see you back at 2:30.

(Juror Group No. 4 exited the courtroom at 1:58 p.m.)

THE COURT: All right. Ms. Charbonneau, you wanted to approach concerning a juror?

MS. CHARBONNEAU: Yes, Your Honor. When the jury was walking in, the defendant clearly recognized somebody and he put his finger up in a vertical position across his lips, which means be quiet. And when Your Honor asked if anybody knew him or not, nobody stood up.

THE COURT: And which juror was that?

MS. CHARBONNEAU: I am not clear if it's Juror 151, Keyonna Pough. It appeared to be her.

MR. HAMMACK: Your Honor, if it helps the Court, I used

to be a police officer in the City of North Augusta. I'm familiar where both of them live. Grimson (ph) Boulevard is basically connected to (indiscernible) where Mr. Douse lives. Their apartments would be within 200, 300 yards of each other.

THE COURT: Is she the first juror who --

MR. HAMMACK: That showed up late, yes, sir.

THE COURT: All right.

MR. HAMMACK: That young lady.

THE COURT: All right. Ms. Steiner?

MS. STEINER: Your Honor, I did ask Mr. Douse, and he said that he didn't know any of the jurors. He was just told (indiscernible). I didn't see it, Your Honor, so I don't know exactly what happened.

THE COURT: All right. Well, the State has five strikes. The defense has ten strikes. We're going to question all jurors in further detail prior to jury selection at 2:30.

And, if necessary, I will speak to Ms. Pough, is it?

MS. CHARBONNEAU: "Pew" or "Pow."

THE COURT: "Pew."

Regarding the motion we heard, any further argument by anyone? The State has the burden.

NEIL V. BIGGERS HEARING (Continued)

CLOSING ARGUMENT ON BEHALF OF THE STATE

MR. HAMMACK: Yes, sir. Your Honor, I'll be the first one to admit that, normally, a show-up like that -- which is

basically was a show-up photograph, normally, that is looked upon with suspicion. There's no question. I believe it is absolutely appropriate. It was in the *Neil v. Biggers* hearing (indiscernible) doing. But I would note that the courts have talked a lot about this.

If you look at *Liverman*, which I handed up -- it's 398 S.C. 130 -- the Court goes into these basically photo show-ups, which is what this is, and it talks about that if the Court -- if the photo is necessarily suggestive, then it won't be allowed in court or out-of-court identification.

The problem is what we're looking at, Your Honor, is we're trying to look at on a case-by-case basis, and the Court has to decide if the identification results are from unnecessary or unduly suggested police procedures or whether it was just so unreliable as to have substantial likelihood of misidentification.

In this particular case, when you looked at the totality of the circumstances, what *Liverman* says when we look at it is:

The witness's opportunity to view the perpetrator at the time of the crime, which Mr. Keyshawn testified that he was feet from me, I saw him, it was bright enough where I could see his face, I could identify Whyzdom Douse as the driver of that vehicle;

the witness's degree of attention, when he was talking,

he said, I saw them -- I saw them -- I can't remember his exact words but staring down the vehicle that he was in. He was paying attention to what he was doing;

the accuracy of his prior description of the perpetrator. He initially told law enforcement, two black males in the vehicle. Couldn't really say who they were. He recognized them, but that's about the best information he could give them: Two black males in a vehicle that he did recognize;

the level of certainty demonstrated when they showed him the photos. And, Your Honor, he -- reading the transcript when they talk to him and from his testimony, he was certain when he looked that that's Whyzdom Douse. He signed it and said that's Whyzdom Douse. Put the date on it, put his initials on it;

and the length of time between the crime and the confrontation was hours, as he's told us on the stand, Your Honor. I believe the last thing he said was it was about five hours or so -- maybe give or take about five hours.

The big thing that I'm looking at is, again, according to *Liverman*, it talks about the fact that an identification witness knows the accused remains the significant factor in determining reliability. The suggested nature of the show-up is mitigated by the witness's prior knowledge of the accused.

And they go on to say that, basically, while the show-up identification is normally considered unduly suggestive, in a

case like this, it's merely confirmatory. And, Your Honor, that would be what the State is arguing is that Mr. Davis knows Mr. Douse, he identified him. He said on the stand, said, "I know him from school." He's able to identify him from the photograph he was shown because he knows him from school.

And, Your Honor, there's a statement in evidence in which Mr. Douse says he's in the vehicle, that the Court's had an opportunity to review or will get an opportunity to review that's in evidence where he himself admits to being in the vehicle. And we think the statement or the ID should be admitted, Your Honor, under those factors.

THE COURT: From the defense?

CLOSING ARGUMENT ON BEHALF OF THE DEFENSE

MS. STEINER: Thank you, Your Honor. Looking at *State v. Warner*, it goes into the requirements for suppression, and those are that it's a State action and it's clearly a State action as Detective Eagerton produced the photos, and it is unnecessary because there was no need to do a confirmation. They already had the full names. And it was suggestive because it was the only photo that was shown.

And as Your Honor heard, Mr. Davis testified that Eagerton did tell him, "This is Whyzdom," "This is Harold."

And then, according to *Warner*, both it's unnecessary and suggestive, the question, then, is if there's a substantial

likelihood if they are (indiscernible) as identification, and I believe in this case, there is.

Mr. Davis talked about how he spoke with other people. It was word of mouth that led him to the identification. He could not recall how long he had been in the school together with Whyzdom. He didn't know what grade he was in. He said he didn't really know Bates.

The State did not get into evidence how long he was in school with Bates or Douse at Midland Valley. He testified that he wasn't familiar with Harold Bates at all, just kind of knew him from around. He was not able to identify either Mr. Bates or Mr. Douse that night.

Going into the *Biggers* factors, the opportunity was just mere seconds to view him. Mr. Davis himself said that it was not well-lit and that Mr. Hammack kept telling him that it was well-lit.

The degree of attention was (indiscernible) person. Mr. Davis told you that he had to duck when the shooting started. He wasn't able to really give a lot of focus to that.

His accuracy of the initial description is basically just two black males about his age. The level of certainty expressed by the witness in making the identification, that was very strong because he had plenty of time to look for him on Facebook and from word of mouth who those people were. He

was the one that essentially did the investigation and found out the car or determined what car it was, figured out who Mr. Douse was and Mr. Bates. It wasn't anything that law enforcement did. It was Mr. Davis going through his own investigation.

And there was several hours that had lapsed between the observation and the identification, and that's during that period of time in which he was able to speak with other people and do a confirmation of what he was told from word of mouth and that's based upon what he saw at the scene.

RULING ON MOTIONS

THE COURT: All right. Well, the way I view the testimony that I heard was that the -- Mr. Davis informed the police as to who was in the car that shots came from and informed the offices that they -- that they were Whyzdom -- that it was Whyzdom and Bates -- Douse and Bates. The officer then produced a photograph and asked them, "Is this them?" basically.

So this is not a typical out-of-court show-up like the previous case *Liverman*, where a guy is coming out of the woods of a shooting and they have him stand by the car in front of the beaming headlights and say -- where identification was made. This is identification -- the photographs are shown, was after the names of the potential -- of the people are verified. The witness said he knew the driver and he named

the car and did some research and found that he was driving the car and that's how he nailed down his certainty the identification in his mind. He then informed the police about that, and the police then showed him the photographs, which he confirmed as being the two.

The identification under these circumstances meets the test of reliability based on the defendant's independent ability identify -- to identify the defendant -- the witness's ability to identify the defendant based on his prior knowledge of the defendant and other circumstances surrounding their encounter that night and his ability to identify them without any police intervention.

Aside from all of that, it's really a nonissue in that the defendant admits that he was the driver of the car and admits the shooting occurred. The only issue is what his degree of his culpability, if the jury is to believe that he gave this voluntary statement, whether it means he's confessed or he's claiming innocence based on the circumstances that he alleged in the statement.

So I find that, by a preponderance of the evidence, that the State has shown that the -- (indiscernible) suggested means of identifying a person, he was not a witness, he was able to identify the defendant as someone he went to school with. He saw him and could see him at the scene. The investigation nailed him down to his name and other things

that he did in the intervening hours was subsequently related to him identifying the photos. It does not violate a due process clause of the Constitution nor the mandates of *Neil v. Biggers*. I deny the motion to suppress the identification -- out-of-court identification, and he's indicated that he has the ability to do an in-court identification based on his knowledge and other things as someone who attended school with him and who he saw that night. So the motion is denied.

So 2:30 then. That means you have 15 minutes for lunch.

MS. STEINER: Your Honor, I do have a request. I respectfully request that the State has no subsequent conversations with Mr. Davis regarding his testimony between now and whenever he does testify again.

MR. HAMMACK: Your Honor, I don't plan on talking to him.

THE COURT: The State agrees.

MS. STEINER: Thank you, Your Honor.

THE COURT: All right. Anything else? Then be back by 2:30?

MR. HAMMACK: Your Honor, briefly, I think we discussed sequestration. I can't remember if we put it on the record. Do you still need to sequester witnesses?

MS. STEINER: I think Your Honor was in agreement and --

THE COURT: Well, don't speak for me. I look at everything fresh every time.

MR. HAMMACK: Your Honor, if they want it, we're fine

with that. I don't mind, I just --

THE COURT: Well, she wants you to sequester Mr. Davis, which you have agreed to. There's no point in sequestering law enforcement.

MS. STEINER: I agree, Your Honor.

THE COURT: So who are you sequestering then?

MS. STEINER: Your Honor, there are additional eyewitnesss that are not Mr. Davis that we'd request to have sequestered.

THE COURT: The witnesses are sequestered, other than law enforcement.

So we're going to stretch this break to 2:45. If we can pull the 35, then those would be -- gather outside somewhere, and then once they will come in, (indiscernible).

MR. HAMMACK: Thank you, Your Honor.

THE COURT: All right.

(A discussion was held off the record.)

THE COURT: Okay. No. 169, Cynthia Smith thinks she may be related to defendant. That's Point No. 1.

Point No. 2, Keyonna Pough has a one-year-old baby and may not have a babysitter the rest of the week. So that's your Keyonna Pough lady.

MS. CHARBONNEAU: Your Honor, I would move for cause to strike her anyway, as I feel that that's the woman the defendant put a signal into.

statements and I'll probably take one witness today.

We'll generally start court at 10:00 and try to end as close to 5:00 as possible.

Any objections to anything the Court has stated by either side?

MS. CHARBONNEAU: No, sir.

MS. STEINER: No, Your Honor.

THE COURT: All right. Are you ready now for opening statements?

MS. CHARBONNEAU: Yes, sir.

MS. STEINER: Yes, Your Honor.

THE COURT: All right. I invite you to listen to the solicitor. Opening statements.

MS. CHARBONNEAU: May it please the Court?

THE COURT: Yes.

OPENING STATEMENT ON BEHALF OF THE STATE

MS. CHARBONNEAU: Good afternoon. I'm Jacqui Charbonneau. My co-counsel is Jack Hammack, and we are the assistant solicitors here in Aiken County. We represent the State of South Carolina.

"It was a stupid mistake and a great retaliation." That's what the defendant, Whyzdom Douse, said on a recorded line to his girlfriend on August 3rd, 2019, after he was arrested for the murder of Roderick McMillan.

Now, Keyshawn Davis and Raven Turner, on the night

before, Thursday, August 1st, 2019, they're friends, and they got together and went to a friend's house. They went in Keyshawn Davis's silver Hyundai Elantra car. They were there for a couple of hours, and the victim in this case, Roderick McMillan, called Keyshawn and asks him for a ride to come home.

So Raven and Keyshawn had been in Keyshawn's car, and they drive to the Cushman Apartments to pick up Roderick McMillan. This is much later in the evening. When they go to pick him up, Roderick was with a friend of his, Richard Carroll, and the two of them had been in the car. At this point, Raven Turner is driving the car. Keyshawn Davis is the front passenger in his own car. Roderick McMillan, the victim, gets in behind the driver in the back left seat of the car, and Richard Carroll gets in the backseat on the right side.

They're driving home. It's about 1 a.m. and now it's August 2nd, 2019. They're listening to music, they're on their phones, and they're just minding their own business. Raven pulls up -- as they're heading home to Sage Creek, Raven pulls up -- she's heading north on Waterloo Street where it intersects with Richland Avenue in Aiken. They pull up to a red light, and as they sit there, the defendant, who is driving his girlfriend Sonjai Simpkins' red Hyundai Elantra, he pulls up next to them -- he pulls up from behind, he pulled

up next to him with his co-defendant, Harold Bates, in the passenger seat. And now they are sitting next to the victim in their car.

No words were exchanged. Nothing was happening on the drive there. Keyshawn Davis will tell you that they were staring into the victim's car. No words were said and both Whyzdom Douse and Harold Bates opened fire on Roderick McMillan as he sits in the backseat of that car. He's hit multiple times.

Raven takes off and goes straight to Aiken Regional Medical Center. Keyshawn is trying to keep his friend alive in the backseat. The defendant makes a right on Richland Avenue and he takes off. They're gone.

When they get to the hospital, you will actually see on video at the hospital, you will see Raven Turner run into the hospital to get help. You will see Keyshawn Davis carrying his best friend, bringing him into the hospital and putting him in a wheelchair and then they take him away.

The police are called. Keyshawn and Raven give the hospital staff all the information, Roderick's name, what happened, where it happened. The police are called. The police come to Aiken Regional and they talk to Keyshawn and they talk to Raven. They take statements from him and they find out what happened, who was involved, what did the car look like, how many people. They also sent police to Waterloo

Street where it happened.

So while Keyshawn and Raven are giving the statement at the hospital and Roderick McMillan is fighting for his life, Roderick has to be rushed to Augusta University. He dies within a couple of hours at Augusta University.

While this is going on, Detective Eagerton and Officer Rice are at the Waterloo Street, and they recover a 9 millimeter shell casing in the road, there's broken glass from the car, and they recover that and they put that into evidence.

Now, based on information that they have given, he's put a BOLO out for this red Elantra. They're looking for the car. Well, Sonjai Simpkins is the owner of that car. She also has a child with Whyzdom Douse and was his girlfriend. She finds out that they're looking for her car involved in a murder, and she calls the police. And the police talk to her. She gives a statement and she tells the police, "I work at Aiken Regional Medical Center. I work 7 p.m. to 7 a.m. I worked the night of August 2nd, 2019, and my boyfriend, Whyzdom Douse, brought me to the hospital in my red Elantra and he kept the car while I worked. He picked me up at 7 a.m. the next morning in my red Hyundai Elantra when I was finished with work. And while I was working that night, I got a call from Whyzdom Douse who told me that he had just gotten into it with Lil Blue." Lil Blue is the nickname for Roderick

McMillan.

While that is going on, she gives consent to search her car, and the police go over her car and they find three 9 millimeter shell casings on the hood of the car where the windshield wipers are in front. They find three spent shell -- 9 millimeter shell casings. So that's a total of four.

Roderick McMillan dies and Dr. Ross [verbatim] does the autopsy. She's going to testify that he was hit multiple times. He was shot in the back of his right arm as he sat in that car. It came through the inside or the front of his arm and one bullet reentered his chest. It was a fatal shot.

He was also shot in the left knee, and Dr. Ross [verbatim] was able to recover both of those projectiles. There's a forensic scientist who is going to testify for you. She's going to tell you that she examined those two projectiles, and they most likely came from the 9 millimeter gun. They also came from the same gun.

She also looked at the four 9 millimeter shell casings. She'll be able to tell you, obviously, they're 9 millimeter, but she cannot say whether it came from one gun or from two.

Keyshawn Davis ends up speaking to the police three times in less than 24 hours. At the hospital, he speaks to them when they're so excited, trying to save Roderick McMillan's life. He speaks to them at the station, and then he speaks to

them the same day, all on August 2nd, 2019, the same day that Roderick dies, the same day that this happens, and he tells the police that night in the hospital, "I recognize the guy. I recognize him. I have seen him before." But he wanted to be sure. Well, by the next time they talk to him a couple hours later, he said Whyzdom Douse was the driver of that red Elantra. He also recognized Sonjai Simpkins' car, because they all went to school together. He knew them from before.

He said that Harold Bates, the co-defendant, was the front passenger, and he recognized him, and he had ID'd him for the police.

The day that Roderick died, that the shooting took place, Whyzdom Douse goes to work at McDonald's. He works there and he has a co-worker named Nyasia Myers. Nyasia Myers overheard the defendant on August 2nd, 2019, telling somebody five feet away from her, as they stood by the fryer in the back of the McDonald's, that he killed somebody.

He is arrested -- Whyzdom Douse is arrested on August 3rd, 2019, in the early morning hours. He is brought to the Aiken Department of Public Safety. He's read his constitutional rights or his Miranda rights. He waives those rights and he agrees to talk to the police.

He gives them several different stories that are not true, and then he eventually gets to the point where he admits, number one, he was in Sonjai Simpkins' red Elantra

car, that he was driving that red Elantra; that he was at the corner of Waterloo and Richland Avenue, and he admits to being there; that they stared into the car, but he says that Harold Bates was the one who shot, not him. So he admits to everything short of that he's actually the shooter.

When they looked at Keyshawn Davis's silver Elantra, you will see in photographs that there are bullet holes going through the car. You will see the broken glass. You'll see some of the projectile jackets and projectiles that were recovered in the car. And that is documented.

The police attempt fingerprints and DNA but they didn't get them. Not needed in this case because Whyzdom Douse has always been in that red car because it was his girlfriend's car.

What Whyzdom Douse doesn't know, when he's talking to the police, is that Chandler Law Firm is on the corner of Waterloo Street and Richland Avenue, and they have surveillance video. And the police were able to obtain that video. And you will see that video for yourself. It captures the shooting. You will not see the people (indiscernible). It's a long view. It's a little grainy.

But what you will see is the car pull up and Raven stops at the red light. You will see the car that Whyzdom Douse was driving pull up next to them. And then what you will be able to see, when you look at it closely, are muzzle flashes.

Muzzle flashes, when a gun is shot, you see that bright flash of fire. You will be able to see that. And then you can see Raven goes straight and the defendant goes right.

The judge is going to instruct you on the law after we are finished, after you have seen all the testimony and the evidence, and he's going to tell you that I, as the State, have to prove to you the elements of murder beyond a reasonable doubt. And the elements of murder is, number one, that the defendant killed another person, number two, with malice aforethought.

He's going to read to you that malice is hatred, ill-will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and would be an intentional inflicted injury or other circumstances that the law would infer an evil intent. It may be expressed or inferred. Malice may be inferred from conduct showing total disregard for human life.

The judge is also going to instruct you on another law called hand of one here in South Carolina. If a crime is committed by two or more people who are acting together when committing a crime, the act of one is the act of all. Two people can be guilty of killing another person when only one of the two had a gun, that there was only one bullet, and only one of the two fired the shot that caused the death. If two or more people are together, acting together, assisting each

other in committing the offense, the act of one is the act of all; whereas it's sometimes said, the hand of one is the hand of all.

The judge is also going to read you the instruction on reasonable doubt. Reasonable doubt is the doubt that causes an honest, sincere, conscientious juror to hesitate to act. Proof beyond a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs.

Proof beyond a reasonable doubt can also be described as proof that leaves you firmly convinced of the guilt of the defendant. There are very few things in the world that we know with absolutely certainty, and in criminal cases, the law does not require proof that overcomes every possible doubt.

Now, after you have seen the evidence, you have heard the testimony, you're not going to have a doubt. And I'm going to ask you to return a verdict for guilty as charged of murder. Thank you.

THE COURT: For the defense, Ms. Steiner.

MS. STEINER: Thank you, Your Honor.

OPENING STATEMENT ON BEHALF OF THE DEFENSE

MS. STEINER: What Ms. Charbonneau said, that's not evidence. The evidence that comes from this case is what's said up there on the witness stand. I need you to pay the

utmost attention to what people say while they're on that witness stand. If you can't hear them, say something. If you're starting to fall asleep, ask for a break. If you want to take some notes, ask Judge Newman to take some notes -- for the ability to take notes.

You're in charge. Everything that we do here is for all of you. I want you to know that you are the most important factor in this whole trial, and we appreciate you being here and serving and giving the utmost attention to every single detail.

This is Whyzdom. He's 21. He's my client. This is his mom, Patience, and his sister, Trinity. (Indiscernible) here was at the time that the trial goes on. He has a loving, supportive family.

Ms. Charbonneau told you what reasonable doubt was. It's hesitant to act or being firmly convinced. What she didn't quite say is that it's their burden. What that really means? That the State has to bowl a strike. They have to get down every single pin. That's not a spare. It's not a 7/10 split. They have to bowl a strike. They have to prove beyond a reasonable doubt -- she's already (indiscernible) every single doubt, it's reasonable doubt. It's something, when you're (indiscernible) and it says, That's not right. Keep in mind that it's everything as it's said on that witness stand that you will actually deliberate about.

Keep an open mind. Judge Newman already told you that you can't start deliberating until all the evidence is heard. You can't start deliberating until you go into the jury room and Judge Newman will tell you it's time. You can't make up your mind before that. You have to hear everything all the way to the end.

I'm going to ask you now and then I'm going to ask you later, find Whyzdom Douse not guilty. Thank you.

THE COURT: All right. Let's get another stretch in, and then we're going to proceed with the first witness.

(Pause in the proceedings.)

THE COURT: All right. You may call your first witness.

MR. HAMMACK: Your Honor, the State calls Sergeant Travis Rice.

THE COURT: Sergeant Rice, if you'll come forward.

THE CLERK: Please raise your right hand.

THE COURT: Put your hand on the Bible.

PSO TRAVIS RICE,

the witness, after having been duly sworn, was examined and testified to as follows:

THE COURT: You don't have to use the Bible when you swear in a witness?

THE CLERK: It's right here.

THE COURT: Left hand on the Bible and raise your right hand.

THE WITNESS: Want me to slide it under?

(The witness was re-sworn.)

THE CLERK: Your Honor, he's been sworn. You may have a seat in the witness box, stating your first and last name, spelling your last.

THE COURT: (Indiscernible) outside.

THE WITNESS: I'm Travis Rice. Last name, R-i-c-e.

DIRECT EXAMINATION

BY MR. HAMMACK:

Q Good afternoon, Sergeant Rice.

A Good afternoon.

THE COURT: Sergeant Rice, you may remove your mask so the jurors can hear you better.

THE WITNESS: Yes, sir. Thank you.

BY MR. HAMMACK:

Q Sergeant Rice, can you hear me okay?

A Yes, sir.

Q Good, good. The first time I have done it with this setup. Want to make sure everybody can hear me.

So, Sergeant Rice, what do you do for a living?

A I'm a patrol sergeant for Aiken Department of Public Safety.

Q How long have you done that?

A Six years. Since 2015.

Q Tell me a little bit about your background.

A Okay. Like I said, I have been with the Department for six years. Prior to that, I graduated Wade Hampton High School and went to the University of South Carolina-Aiken, where I majored in sociology and got my bachelors with my concentration in criminology and criminal justice.

Q Wade Hampton High School, which one? The one in Greenville or the one in --

A The one in Hampton. The smaller one.

Q Okay. Well, back on the night of August -- well, let's say the night of August 1st going into August 2nd of 2019, it's right around midnight, a bunch of stuff going on or right after midnight, were you working that night?

A Yes, sir, I was.

Q When did you get to work?

A I arrived at 6 p.m. on the evening of the 1st.

Q What were you doing that night?

A Just my normal patrol duties, responding to calls for service and then just property checks in the City of Aiken.

Q Were you dispatched out to the area of Waterloo and Richland?

A Yes, sir, I was.

Q About what time was that?

A It was roughly 1:15.

Q Do you recall what you were dispatched to?

A Yes, sir. Units were dispatched to a shooting that had

occurred. An individual had showed up to Aiken Regional Medical Center, suffering from gunshot wounds. It was relayed to us that the shooting may have occurred in the area of Richland and Waterloo. So as units responded to the hospital, I responded to the scene of where the shooting had allegedly occurred.

Q And you were the first one to get there?

A Yes, sir.

Q What did you see when you got there?

A So, when I got there, approximately at the intersection of Richland and Waterloo, I found some broken glass. Upon further inspection, I found one spent shell casing that was on the ground. And then, at that time, I just secured the scene from anybody from, you know, coming in and running over the evidence.

Q Okay. We're talking about this intersection. Let me show you this photo right here. It's been premarked as State's 1.

(State's Exhibit No. 1 was premarked for identification.)

BY MR. HAMMACK:

Q Do you recognize this?

A Yes, sir. That's the intersection at Richland and Waterloo.

Q Okay. And where is that? Where's Richland and Waterloo?

A It's on the west end of town. It's right across from

Vaucluse. I don't know how to better describe that.

Q Okay. So back over that way?

A Yes, sir.

Q About how far?

A Probably about a mile and a half from here. It's like you're heading to Walmart, essentially.

Q Okay. So this is just right up the street?

A Yes, sir.

Q And it's here in Aiken County?

A Yes, sir. The City of Aiken.

Q Okay. The City of Aiken in Aiken County?

A Yes, sir.

Q All right. And look at this big overhead map that I'm showing you. Does that appear to be a fair and accurate representation of that area?

A Yes, sir.

Q It shows where the streets are. The streets haven't moved or anything; right?

A No, sir.

Q I'm going to get you to look at it one more time closely, because I'm going to ask you about Waterloo Street --

A Okay.

Q -- to get some idea of the character of it. What -- how big is Waterloo Street?

A It's a two-lane road: One lane south, one lane north. A

couple of hundred yards long, I would say. Mostly -- it's mostly businesses and medical centers lining either side of the street.

Q And Richland Avenue here is the big road?

A Yes, sir.

Q And it's significantly larger?

A Yes, sir. A couple more lanes.

Q Okay. And you're familiar with this area; right?

A Yes, sir.

Q You patrol that area pretty often?

A Pretty frequently, yes, sir.

Q Do you recall -- let me ask you this first: Does this appear to be a picture of that area, an overhead photo?

A Yes, sir.

MR. HAMMACK: Your Honor, the State moves to introduce State's 1 into evidence.

MS. STEINER: No objection.

THE COURT: So admitted.

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

MR. HAMMACK: Your Honor, if I may publish to the jury while we talk about them a little bit.

THE COURT: Yes.

BY MR. HAMMACK:

Q So the area of Richland Avenue and Waterloo Street, you got there that night you said about what time?

A The call came out at approximately 1:15. I arrived at approximately 1:23.

Q After you looked around, saw the glass and the shell casings, what did you do?

A After I located the glass and the shell casing, I radioed to my supervisor and told them that I had found evidence that was pertinent and requested that I shut down -- I could shut down the road. And then I requested that an investigator arrive to collect the evidence and document it.

Q Did you shut down the road?

A Yes, sir, I did.

Q Do you recall that night the lighting conditions?

A Yes, sir. That intersection is actually one of the more well-lit, just the north side of it. You know, it was nighttime. I used my flashlight to find the shell casing, but there are several street lamps right there, and there is also exterior lighting from one of the businesses that keep it pretty well-lit.

Q Do you recall about how long you stayed out there?

A No, sir. If I had to guess, I would say in the half an hour range. Once Detective Eagerton showed up and kind of documented it, then I went back and went in service. So I couldn't tell you exactly how long, but I'd say about half an hour.

Q Are you familiar with any of the businesses there at this

intersection?
A Yes, sir.
Q Do you know -- what's there on the corner next to where Waterloo and Richland meet?
A So for -- on the northbound lane, there is a pharmacy, and then on the southbound lane at the corner is actually a law firm.
Q Do you know which law firm that is?
A I believe it's Chandler Law Firm.
Q Are you familiar if they have video cameras?
A Yes, sir. So after I arrived on-scene and secured, I did walk around the different businesses to see if there were any exterior cameras, and I did find one on Chandler Law Firm's.
Q Have you had a chance to see the video from there?
A Yes, sir, I have.
Q And does it show you on it? Do you show up?
A Yes, sir.
Q Now, when you watched the video, did something seem out of place to you?
A In what regard?
Q As far as the times on it.
A It was -- I believe there was an hour delay on the actual time and when I was actually on-scene.
Q But you have had a chance to watch it and it shows you arriving.

A Yes, sir.

Q The only other thing I have got for you is, once you cleared up from all this, did you do anything else as far as this case goes?

A So while Investigator Eagerton was processing the crime scene, it had been relayed to me the suspect vehicle that was involved in the shooting. So I rode around, you know, north and west side of Aiken, just trying to find the car. I went to several different hotels, several gas stations so if I could find the suspects and the vehicle.

Q Do you recall what the description of the car was?

A I believe originally they had put out that it was a red either Nissan or Hyundai, was what was put out over the radio.

Q Do you know about how long you went around looking to see if you saw that car?

A Initially, probably around half an hour or so, but I looked for it, you know, obviously through the rest of the night, so yes, sir.

Q Thank you. I don't have anything further.

A Yes, sir.

CROSS-EXAMINATION

BY MS. STEINER:

Q Sergeant Rice, you said you used your flashlight to find the shell casing?

A Yes, ma'am.

Q And this might be a silly question, but you didn't see Whyzdom Douse at Waterloo Street; right?

A No. No, ma'am.

Q And it was just one shell casing?

A Yes, ma'am, just one that I located, yes, ma'am.

MS. STEINER: No further questions.

THE COURT: Anything further?

MR. HAMMACK: No, sir, Your Honor.

THE COURT: All right. You may step down.

THE WITNESS: Thank you.

MS. CHARBONNEAU: That's all we had prepared for today, Judge.

THE COURT: All right. Ladies and gentlemen, we'll stop for today and start back tomorrow morning at 10 a.m. Please do not discuss the case. When you come back in the morning -- let's see, where do they go?

THE CLERK: They go to the jury assembly room.

THE COURT: All right.

THE CLERK: Jury assembly room.

THE COURT: You'll convene in the jury assembly room. We plan to start court at 10 a.m. so you'll want to get there a few minutes before. Please do not discuss the case. Have a good evening.

(The jury exited the courtroom at 4:19 p.m.)

THE COURT: Are there any other matters we need to

discuss in this case?

MS. CHARBONNEAU: Nothing from the State, Your Honor.

MS. STEINER: Nothing from the defense.

THE COURT: Okay. We'll reconvene with this case at 10:00 tomorrow. If there is anything else that the State, solicitor's office, defense lawyers want to do today? Because we're breaking kind of early otherwise.

MS. CHARBONNEAU: Do you want to do the jury instructions?

THE COURT: No. Start the trial there. I mean relative to any other defendant -- Aiken County.

UNIDENTIFIED SPEAKER: (Indiscernible) bringing back the jail (indiscernible).

THE COURT: Okay. All right. Well, we'll break camp then and start at 10:00 tomorrow morning.

MS. CHARBONNEAU: Thank you.

MR. HAMMACK: Thank you, Your Honor.

Your Honor, if I may, grab any exhibits to give to her that were court exhibits from all the hearings and that criminal history on that one juror so that we can get it back where we're supposed to keep criminal histories. Those, this, and this.

THE COURT: Criminal history of the juror?

MR. HAMMACK: Yes, sir. It was -- I can't remember which juror number it was. 30 something. It was the one with the

STATE OF SOUTH CAROLINA

GENERAL SESSIONS

COUNTY OF AIKEN

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STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	Transcript of Record
	)	2019-GS-02-01999
	)	2019-GS-02-02000
WHYZDOM ANTONIO LEE DOUSE,	)	
	)	
Defendant.	)	

----------x

May 25, 2021

TRIAL - DAY 2

B E F O R E:

The Honorable Clifton Newman, Presiding Judge; and a jury

A P P E A R A N C E S:

Jacqui Charbonneau, Esq.
Jack Hammack, Esq.
Attorney for the State

Brianne Steiner, Esq.
Nick McCarley, Esq.
Attorney for the Defendant

Transcribed by Bobbi Fisher, RPR, for DCRP, Digital Courtroom Project

I'll also warn you that, when you are taking notes, you often may not notice the body language of a witness, which could be used by you in deciding a witness's credibility. My experience with jurors and note-taking is that it is often more of a distraction than a benefit, and then when we see those notes at the end of the trials, they are often just a lot of doodling. Some people might be adding up how many bills they need to pay and many other things.

So you can take notes, if you'd like. Your main focus should be on the witnesses as they testify and focused on the trial itself and not on making notes even though, if that's your preference, you can do so.

The State may call your next witness.

MS. CHARBONNEAU: The State calls Keyshawn Davis.

THE CLERK: Place your left hand on the Bible and raise your right hand.

KEYSHAWN DAVIS,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last for the Court, please.

THE WITNESS: Keyshawn Davis. D-a-v-i-s.

DIRECT EXAMINATION

BY MS. CHARBONNEAU:

Q Good morning, Keyshawn.

A Good morning.
Q You can take your mask off completely. Make sure that we can hear you all the way into the back of the courtroom. Okay?
A Yes, ma'am.
Q How old are you?
A Twenty.
Q Do you know Roderick McMillan?
A Yes, ma'am.
Q How long have you known him?
A Five years, going on now.
Q And how -- in 2019, how often would you see or speak to Roderick?
A Almost every day.
Q Was he your best friend?
A Yeah.
Q I'm going to take you back to Thursday, August 1st, 2019, that evening, and then we'll go into the early morning hours --
A Yes, ma'am.
Q -- of August 2nd, 2019. Tell us first, what were you doing the evening of Thursday, August 1st?
A Working.
Q Where did you work at that time?
A Where was I working? Subway.

Q Okay. And what did do you after work?
A Went home and played a game and that's about it.
Q At some point, did you meet up with Raven Turner?
A Correct.
Q How did that come about?
A When I had got off work, I had went to the neighborhood and I had changed my clothes and washed and everything. And I have linked up with Raven because we were staying in the same neighborhood.
Q Is that over in Sage Creek?
A Correct.
Q And what time did you get off work that night?
A I want to say, like, 4:30. Maybe 5:00.
Q In the afternoon?
A Yes, ma'am.
Q Back then, in 2019, how did you end up with Raven Turner? Did she come to your house? Did you go to her house?
A Both.
Q Okay. And how did you travel that night?
A My car.
Q And what car did you have back in 2019?
A A Hyundai Elantra.
Q What color was it?
A Silver.
Q At some point, did you and -- and how do you know Raven

Turner?
A I went to school with her.
Q Which school was that?
A Midland Valley.
Q Did she also know Roderick Macmillan?
A Correct.
Q Did Roderick go to school with you guys as well?
A Yes.
Q Back in August of 2019, did Raven Turner even have a car?
A Yes.
Q Do you remember what color it was?
A No.
Q Was it black?
A I want to say so. It was a -- I know she had a Malibu though.
Q A Malibu?
A Yes.
Q So, at some point, you and Raven Turner go somewhere besides your house or her house?
A Correct.
Q Where did you go?
A Piney Heights.
Q Piney Heights?
A Yes, ma'am.
Q Is that a neighborhood?

A It's the real name, but I don't know where we was on the road.

Q And how did you get there?

A She drove my car.

Q Your car?

Do you remember about what time it was that you went there?

A I want to say maybe 8:00. 8ish, nine.

Q 8:00 or 9:00. And we're talking about p.m.?

A Yes, ma'am.

Q When you speak, you sometimes say "I want to say." Is that because you're unsure or is that just your style of speaking?

A Unsure and my style of speaking.

Q Okay. Just let us know then.

A Yes, ma'am.

Q So you go to Piney Heights. And what did you go there for?

A It was a party. A house party.

Q And Piney Heights, is that in Aiken?

A It's on 421.

Q Okay. In Aiken County then?

A Yes, ma'am.

Q Do you know how long you guys were there, you and Raven?

A Roughly an hour.

Q All right. What happened around 11:30 p.m.?
A I get a call to go pick them up from Cushman.
Q And you got a call from who?
A Roderick.
Q Roderick Macmillan?
A Yes, ma'am.
Q And to pick him up at Cushman? What did that mean to you? Is that the neighborhood?
A Yes, ma'am.
Q Is that Cushman Apartments?
A Yes, ma'am.
Q Do you go and get Roderick?
A Yes, ma'am.
Q Does anyone go with you?
A Raven. She's the driver.
Q She's driving your car again?
A Correct.
Q The silver or gray Hyundai Elantra?
A Yes, ma'am.
Q Do you go actually to the Cushman Apartments?
A Yes, ma'am.
Q When you get there, do you see Roderick Macmillan?
A They're outside.
Q And who is "they"?
A Roderick and Richard.

Q Is that Richard Carroll?

A Yes, ma'am.

Q Did they get in your car?

A Yes, ma'am.

Q Do you guys go in or do they just get in your car?

A They just get in.

Q Can you describe to us where everyone is sitting in the car when you picked them up?

A I'm in the passenger seat. Raven is in the driver's seat. Roderick is behind Raven so that's the back passenger -- I mean, the back driver's seat. And Richard is behind the passenger.

Q Behind you on the right side?

A Yes.

Q That night, August -- now it's early morning hours, August 2nd, 2019?

A Yes, ma'am.

Q Did you have a gun in that car?

A To my knowledge, I'm not for sure.

Q Did you have a gun?

A No, ma'am.

Q Okay. Did you see Raven Turner have a gun in that car?

A No, ma'am.

Q Did you see Richard Carroll have a gun in that car?

A No, ma'am.

Q And did you see Roderick McMillan have a gun in that car?
A No, ma'am.
Q Did anyone at any point, from when you picked them up until you take Roderick McMillan to the hospital, does anyone get rid of a gun from your car?
A No, ma'am.
Q After the four of you are in the car, what's the mood like in the car? What are you guys doing?
A We're just chilling and smoking a blunt.
Q Was anyone playing music?
A Yes, ma'am.
Q Anyone on their phone?
A Yes, ma'am.
Q Was anyone acting anxious or nervous or scared?
A No, ma'am.
Q And where are you heading now?
A Winfield.
Q I'm sorry?
A Winfield.
Q Winfield. And why are you going there?
A To get some money.
Q Who was it you were going to get?
A Money from their auntie, Chris. Chris aunt.
Q And whose auntie was Chris?
A Richard's.

Q Richard's.

Do you end up seeing Chris or going there?

A No, ma'am.

Q What happened?

A He didn't answer the phone when we got there.

Q So you actually end up going. Do you remember where it was you went?

A No, ma'am. I just know it was in Winfield Apartments.

Q So after you go there, now where are you heading?

A Back to Sage Creek.

Q Where you and Raven live in that neighborhood as well?

A Yes, ma'am.

Q Did Roderick live in that neighborhood as well?

A Yes, ma'am.

Q So you guys were heading home?

A Correct.

Q At some point when Raven was driving you guys home, does she travel north on Waterloo Street in your car?

A Correct.

Q Prior to getting on Waterloo Street, did you guys have any problems with anybody along the way?

A No, ma'am.

Q Was there any road rage or any fights or anything -- arguments with anybody during that night?

A No, ma'am.

Q When Raven pulls the car up to Waterloo Street where it intersects with Richland Avenue, do you remember if the light was red or green?
A Red.
Q And what happens?
A Ten seconds later after, a red car had pulled up, shots had went off.
Q Tell me where the red car comes from. Is it behind you? In front of you?
A It comes from behind and then pull up to the side of us.
Q And which side was that red car pulled up?
A The right side.
Q So it's closest to where you're sitting?
A Yes.
Q Do you notice them doing anything when you're sitting there that ten seconds?
A No.
Q Are they saying anything to anyone in your car?
A No.
Q Do you notice if the driver's side of their car, do you notice if the windows are up or down when they first pull up?
A No.
Q You don't know?
A No, ma'am.
Q Okay. At some point, do you see the people sitting in

that car?

A A glance.

Q And what is it that draws your attention to them?

A It wasn't nothing that drew my attention to them until after I heard shots go off.

Q At some point, do you notice them staring into your car?

A Yes, ma'am.

Q Was that before the gunshots?

A Yes, ma'am. But I thought it was just a regular stare.

Q Okay. You didn't know who they were at that point?

A No, ma'am.

Q Is anybody doing anything in your car towards the red car?

A No, ma'am. They was on their phone.

Q Okay. So after this ten seconds and they're sitting next to you, what happened?

A Shots went off.

Q Were the shots coming from that red car?

A Yes, ma'am.

Q What happens in your car?

A My windows break.

Q Is it the window next to you?

A My both back windows.

Q Both back windows?

A Yes, ma'am.

Q Were you hit?
A No, ma'am.
Q Do you know how many gunshots went off?
A I want to say maybe six or seven.
Q When they start going off, what do you physically do?
A Duck.
Q Were you able to see the people that were in the red car?
A I seen the glance, yes, ma'am.
Q Was there enough light that you could see their faces?
A Yes, ma'am.
Q Could you tell how many people were in the car?
A Two.
Q And were they black? White? Hispanic?
A Black.
Q Could you tell whether they were male or female?
A Male.
Q Did you actually see any gun in that car -- in the red car?
A No, ma'am.
Q Were you able to see who was shooting?
A Yes, ma'am.
Q Who was shooting?
A Oh, no, ma'am. No, ma'am.
Q Okay. So when the gunshots go and you duck, again, is anything being said between the two cars?

A No, ma'am.

Q Other than the fact that it was a red car, can you describe anything else about it?

A An Aiken Tech sticker and an Auto Credit sticker.

Q Was on the car?

A Yes, ma'am.

Q Could you tell what type of car it was?

A A Honda or a Hyundai, at the time.

Q Do you remember if it was two-door or four-door?

A Four.

Q Are either of the people that were in that car -- that red car, that Hyundai, four door, in the courtroom today?

A Correct.

Q Can you please describe -- point them out and describe the article of clothing that he's wearing?

A A white button-down shirt.

Q And can you just point to him?

A Right there. (Indicating).

MS. CHARBONNEAU: May the record reflect that the witness has identified Mr. Douse.

THE COURT: It does.

BY MS. CHARBONNEAU:

Q Can you tell us where was Whyzdom Douse sitting in the red car?

A Driver.

Q 100 percent sure?
A Yes, ma'am.
Q And the other person that was in the red car, where were they sitting?
A Passenger.
Q 100 percent sure?
A Yes, ma'am.
Q Had you seen the defendant, Whyzdom Douse, before?
A Yes, ma'am.
Q How did you know him?
A Through school.
Q He went to Midland Valley with you guys?
A Yes, ma'am.
Q At one time, was Roderick McMillan and Whyzdom Douse at least on friendly terms in school?
A I'm not for sure.
MS. STEINER: Objection.
THE COURT: He said he doesn't know.
BY MS. CHARBONNEAU:
Q And at one point do you know of them being -- there being a beef between them?
MS. STEINER: Objection.
THE COURT: And the basis for the objection?
MS. STEINER: Calls for speculation.
THE COURT: Response?

MS. CHARBONNEAU: Either he knows or he doesn't. He didn't announce that he doesn't know, Your Honor.

THE COURT: Pardon?

MS. CHARBONNEAU: Either he's gonna know or he doesn't know.

MS. STEINER: Your Honor, it calls for hearsay.

MS. CHARBONNEAU: I'm not asking him any statements.

THE COURT: I'll overrule the objection.

BY MS. CHARBONNEAU:

Q At one point is Roderick McMillan and Whyzdom Douse no longer -- did they have a beef or a falling out?

A To my knowledge, I'm not for sure.

Q And have you seen Howard Bates before?

A Correct.

Q And where had you seen him before?

A In Jackson.

Q Would you see him just like hanging out in that area?

A Yes, ma'am, when I used to hang out there.

Q Okay. So you have seen him on more than one occasion?

A Maybe twice.

Q After the multiple shots are fired, where do you guys go?

A To the hospital.

Q Is that Aiken Regional Medical Center?

A Yes, ma'am.

Q Do you see where the red Hyundai Elantra goes?

A No, ma'am.
Q Do they follow you to the hospital?
A No, ma'am.
Q Do they turn at that intersection?
A Yes, ma'am. We turned different ways.
Q Which way did you guys turn?
A Left.
Q And which way did the red car turn?
A Right.
Q Were there any other cars around when that happened?
A No, ma'am.
Q Were there any people outside mulling around when that happened?
A No, ma'am.
Q After the shots are fired, did you see any -- you said that you were not injured?
A No, ma'am.
Q Was Raven Turner injured?
A No, ma'am.
Q Was Richard Carroll injured?
A No, ma'am.
Q Was Roderick McMillan injured?
A Yes, ma'am.
Q What did you see on Roderick?
A I seen blood coming through his white shirt.

Q Could you tell -- just kind of point to your body where you saw it.

A Right here (indicating).

Q On the right side of his chest?

A Yes, ma'am.

Q Was Roderick McMillan able to speak on the way to the Aiken Regional Medical Center?

A He was able to speak a few words.

Q What did he say?

A The only thing he said was he think he got shot.

Q What were you doing -- Raven is driving to the hospital; right?

A Correct.

Q What are you doing?

A Applying pressure.

Q To?

A Roderick.

Q To his chest -- to the side of his chest?

A Correct.

Q Do all four of you make it to the hospital?

A Correct.

Q Make any stops between the shooting at Waterloo Street and the hospital?

A No, ma'am.

Q When you get to the hospital, what happens?

A She rushes in to tell them the basic information and they come out with the wheelchair.
Q And do you actually help Roderick get into the hospital?
A Correct.
Q Did you speak to the police that night at Aiken Regional Medical Center?
A Correct.
Q And do you also speak to the hospital staff?
A Correct.
Q Do you tell them what happened, who Roderick is, where this happened?
A Correct.
Q Do you give them a description of the car and the two black males in the car?
A Correct.
Q That night, still at the hospital while Roderick's inside, do you tell the police at the hospital that you thought you recognized the shooters?
A Correct.
Q Were you -- did you give them their actual names at that time?
A No, ma'am.
Q And why is that?
A Because I didn't know if it was actually them.
Q I'm sorry?

A I didn't know if it was actually them.

Q Okay. But you saw them and you thought you recognized both of them?

A Yes, ma'am.

Q Did the police speak to you a couple hours later at the police station?

A Correct.

Q Do you give them a statement at this station?

A Yes, ma'am.

Q And do you give them consent to search your car, the gray or silver Hyundai Elantra?

A Yes, ma'am.

Q And do you actually -- at that point, do you tell the police who the driver and the passenger of the red car was?

A No, ma'am.

Q At what point do you tell them that you know their names?

A When they came back to speak with me at the parents' house.

Q And you're talking about Roderick's parents?

A Yes.

Q So you give a third statement to the police at Roderick's house?

A That was my second statement.

Q Your second statement. Okay.

Is this also the same day, August 2nd, 2019?

A Yes, ma'am.
Q And what makes you realize that you know their names?
A After I identified them and I had somebody found out about the subject car.
MS. STEINER: I'm going to object to leading and at least hearsay.
THE COURT: Response?
MS. CHARBONNEAU: He's describing how he knows them. I don't think he's giving a statement to somebody else.
THE COURT: Restate the question.
BY MS. CHARBONNEAU:
Q At what point do you tell the police their actual names were Whyzdom Douse and Harold Bates?
A My second or third statement.
Q And, at that point, were you sure that you knew who they were?
A Correct.
Q Because you recognized them?
A Correct.
Q And then, at some point after that, does Detective Eagerton show you actual pictures of them?
A Correct.
Q I'm going to show you State's Exhibit 7 and 8. Do you recognize these exhibits?
A Yes, ma'am.

Q Are these the photos that the police showed you after you told them the names?

A Correct.

Q Okay. And is this actually your handwriting on 7 and 8?

A Yes, ma'am.

Q Did you write their names -- on 7, did you write "Whyzdom Douse" and the date and your initials?

A Correct.

Q And on Exhibit 8, did you write "Harold Bates," the date and your initials?

A Correct.

MS. CHARBONNEAU: At this time, I'd move State's Exhibit 7 and 8 into evidence.

MS. STEINER: No objection.

THE COURT: It's admitted without objection.

(State's Exhibit Nos. 7 and 8 were premarked for identification and received into evidence.)

BY MS. CHARBONNEAU:

Q Now, I'm going to show you State's Exhibit 5 and 6. Do you recognize these photographs?

A Yes, ma'am.

Q Are they a fair and accurate depiction of what your car and the red car looked like on August 2nd, 2019?

A Yes, ma'am.

Q Okay. And State's Exhibit 5, is that your car?

A Correct.
Q And is that when it was parked right at the hospital after you took Roderick in?
A Correct.
Q And State's Exhibit 6, is this the red car that you recognized on August 2nd, 2019, pulling up next to you?
A Yes, ma'am.
MS. CHARBONNEAU: At this time, I move State's Exhibit 5 and 6 into evidence.
MS. STEINER: No objection.
THE COURT: They're admitted.
(State's Exhibit Nos. 5 and 6 were premarked for identification and received into evidence.)
BY MS. CHARBONNEAU:
Q And can you just -- did you recognize the red car in State's Exhibit 6? Did you actually recognize whose car it was?
A At the time, no, ma'am.
Q When did you realize whose car it was?
A When I went home.
Q Okay. And whose car did you recognize it to be?
A Sonjai.
Q Sonjai Simpkins?
A Yes, ma'am.
Q Did you know her previously?

A Yes, ma'am.

Q How did you know her?

A Went to school with her.

Q And what is her relationship to Whyzdom Douse, the defendant?

A They have a child together.

Q And how did you recognize that it was her car?

A I had my friend ask her.

MS. STEINER: Objection.

BY MS. CHARBONNEAU:

Q Did you recognize anything on the car?

A The AC sticker and the Aiken Tech sticker.

Q In fact, when you spoke to the police, were you able to give Sonjai's phone number from inside your phone to the police?

A Yes, ma'am.

Q Keyshawn, were you given an opportunity to look at the Chandler Law Firm video from that night?

A Yes, ma'am.

Q And when you watched it, was it a fair and accurate depiction of what happened that night on the corner of Waterloo Street and Richland Avenue?

A Yes, ma'am.

Q Okay. I'm going to show you State's Exhibit 2. You watched the video last week in my office?

A Yes, ma'am.

Q Okay.

MS. CHARBONNEAU: Your Honor, at this time, I would move State's Exhibit 2 into evidence as a Court exhibit and State's Exhibit 3, which is redacted per stipulation of the parties, into evidence.

MS. STEINER: No objection.

THE COURT: They're admitted.

(State's Exhibit No. 2 was marked for identification and received into evidence as Court's Exhibit No. 1.)

(State's Exhibit No. 3 was marked for identification and received into evidence.)

MS. CHARBONNEAU: Your Honor, at this time, may I publish the exhibits?

THE COURT: Yes.

BY MS. CHARBONNEAU:

Q We'll start with Exhibit 5. Keyshawn, are you able to see the screen? Are you able to see it?

A Yes, ma'am.

Q Okay. State's Exhibit 5, is that your silver Elantra?

A Yes, ma'am.

Q State's Exhibit 6, please. Is that Sonjai's red Elantra?

A Yes, ma'am.

Q Number 7, please. Is that your handwriting and that's the picture of Whyzdom Douse you told the police?

A Yes, ma'am.

Q Was the driver -- were you 100 percent sure?

A Ma'am?

Q Were you 100 percent sure?

A Yes, ma'am.

Q Number 8, please. And is that Howard Bates that you told the police was the front passenger in the red Elantra?

A Yes, ma'am.

Q Were you 100 percent sure?

A Yes, ma'am.

Q And State's Exhibit 3.

(Video plays.)

MS. CHARBONNEAU: Can we have the lights turned off maybe? Or down?

THE COURT: Fine with me.

(Video plays.)

BY MS. CHARBONNEAU:

Q Keyshawn, is that Raven pulling up in your car?

A Correct.

(Video plays.)

BY MS. CHARBONNEAU:

Q Is this the red car that's pulled up behind you?

A Yes, ma'am.

(Video plays.)

MS. CHARBONNEAU: Are you able to fast forward to where

we start right at the indiscernible?

(Video plays.)

BY MS. CHARBONNEAU:

Q Keyshawn, have you seen the video from the Aiken Regional Medical Center when you guys arrived on August 2nd, 2019?

A Yes, ma'am.

Q I'm going to show you State's Exhibit 4. And you watched the video from the hospital?

A Yes, ma'am.

Q And it's time-stamped about 1:02 a.m. Does that sound right?

A Yes, ma'am.

Q And is it a fair and accurate depiction of what you and Roderick and Raven Turner were doing when you arrived at the hospital?

A Yes, ma'am.

MS. CHARBONNEAU: At this time, I'd like to move State's Exhibit 4 into evidence.

MS. STEINER: No objection.

THE COURT: It's admitted.

(State's Exhibit No. 4 was marked for identification and received into evidence.)

MS. CHARBONNEAU: And may I publish?

THE COURT: Yes.

BY MS. CHARBONNEAU:

Q Keyshawn, when we're watching the video and we see a female come around, who is that?

A Raven.

Q Raven Turner?

A Yes, ma'am.

Q And when we see an individual carrying somebody, coming into the hospital, who is that?

A Me.

Q And who are you carrying?

A Roderick.

Q Roderick McMillan?

A Yes, ma'am.

(Video plays.)

MS. CHARBONNEAU: Thank you, Keyshawn.

THE COURT: All right. Cross-examination.

CROSS-EXAMINATION

BY MS. STEINER:

Q Mr. Davis, are you all right to go ahead and answer some questions? I know that was kind of tough to watch.

A Yes, ma'am.

Q You previously testified that you did not know who the shooter was; correct?

A Correct.

Q And you previously testified that you didn't see a gun in the red car; correct?

A Correct.
Q And you also previously testified that Richard Carroll was in the silver car at the time of the shooting?
A Correct.
Q Just to illustrate where everyone was sitting, so this is the driver's seat. Raven was here.
A Yes, ma'am.
Q And you were in the passenger seat?
A Yes, ma'am.
Q And then Richard Carroll was right here?
A Yes, ma'am.
Q And then Roderick was over here?
A Yes, ma'am.
Q So he was on the driver's side?
A Yes, ma'am.
Q And Richard Carroll was in between the red car and Roderick.
A Correct.
Q You're aware that a magazine was found in your car; right?
A Correct.
Q A gun magazine?
A Yes, ma'am.
MS. STEINER: No further questions.
THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MS. CHARBONNEAU:

Q Keyshawn, does Raven Turner now live outside of South Carolina?

MS. STEINER: Objection. Your Honor, that wasn't in the scope of the cross.

THE COURT: The objection's sustained.

MS. CHARBONNEAU: Nothing further. Thank you.

THE COURT: You may step down.

(The witness exited the witness stand.)

THE COURT: Your next witness?

MR. HAMMACK: Your Honor, Sonjai Simpkins. She's on the way up right now.

(Pause in the proceedings.)

MR. HAMMACK: I'm sorry. It takes a little bit because of COVID restrictions. We have to space them out downstairs. Just takes a few moments to get up here.

THE COURT: Ladies and gentlemen, I'm going to have you go to the jury room for a short break. Please do not discuss the case.

(The jury exited the courtroom at 11:10 a.m.)

THE COURT: We'll have a short break.

(A brief recess was taken.)

THE COURT: Bring the jury in.

(The jury entered the courtroom at 11:27 a.m.)

THE COURT: All right. You may call your next witness.

MR. HAMMACK: The State will call Sonjai Simpkins.

(The witness entered the courtroom.)

THE CLERK: Come forward, ma'am. Place your left hand on the Bible and raise your right hand.

SONJAI SIMPKINS,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box. State your full name and spell your last for the Court, please.

MR. HAMMACK: You can go ahead and take your mask all the way off for me. Okay? And get close to that microphone. Ms. Sonjai speaks pretty softly, so if you can't hear, please indicate so we'll know.

But I'm going to ask you to speak up, okay, really loudly.

THE WITNESS: Okay.

DIRECT EXAMINATION

BY MR. HAMMACK:

Q Can you spell your name for the court reporter, first and last so she knows how to spell it?

A Sonjai, S-o-n-j-a-i. Simpkins, S-i-m-p-k-i-n-s.

Q You need to get a little close to that microphone and talk real loud, Ms. Sonjai, so everybody can hear you. Okay?

A Okay.

Q You used to live in Aiken County?

A Yes.

Q Where at?

A In Greenbriar Apartments.

THE COURT: Let's see, can you-all turn up the volume? Tell us your name again.

THE WITNESS: Sonjai Simpkins.

THE COURT: That's better.

MR. HAMMACK: That's definitely better.

BY MR. HAMMACK:

Q Okay, Ms. Sonjai. So you used to live in Aiken?

A Yes.

Q And were you living here back in August of 2019?

A Yes.

Q Where were you working?

A Aiken Regional.

Q Did you know Whyzdom Douse?

A Yes.

Q How do you know Mr. Douse?

A We have a child together.

Q Do you see him here in the courtroom today?

A Yes.

Q Which one is Mr. Douse? Can you point him out?

A Right there (indicating).

Q What's he wearing?

A A white shirt. A white button-up.
Q That's Mr. Douse over there?
A Yes.
Q How long have you known Mr. Douse?
A About six years.
Q Back on August 1st to August 2nd, 2019, what was your job? Where were you working?
A Where was I working?
Q Where were you working?
A Aiken Regional.
Q What did you do at Aiken Regional?
A A patient care team.
Q What does that mean?
A It's a student that's not graduated as a nurse yet so I work under the supervision of a nurse helping patients, like, take baths, get dressed, walking them around, and just comfort them.
Q How long did you work at Aiken Regional doing that?
A Roughly over a year. A little bit over a year.
Q Okay. Back in 2019, around that time, what kind of vehicle did you own?
A A 2013 Hyundai Elantra.
Q What color was it?
A It's red.
Q Okay. I'm going to show you what's been put into

evidence as State's Exhibit 6. It's going to be coming up on that screen in just a moment. Okay.

A Okay.

Q It just takes the computer just a second to get it up here for me.

Can you see that okay?

A Yes.

Q What is that?

A It's my car.

Q And you recognize it?

A Yes.

Q How do you recognize it?

A It's mine.

Q All right. Fair enough, fair enough.

Let's go back to that date again. Okay?

A Okay.

Q Back on, you know, August 1st, August 2nd of 2019, you were working at Aiken Regional; right?

A Yes.

Q What shift were you working?

A 7p to 7a.

Q So what does that mean?

A I went in at 7:00 at night and I got off at 7:00 in the morning.

Q On August 1st, were you working that night?

A Yes.
Q What time did you get in to work that night?
A I was pretty on time. I would say probably right at 7:00.
Q How did you get to work?
A I got dropped off in my car. I let Whyzdom have my car.
Q Who was driving?
A Whyzdom.
Q After you got dropped off, did you allow him to have your car?
A Yes.
Q What about the night between August 1st and the morning of August 2nd, were you in contact with Whyzdom?
A Off and on.
Q What you mean, off and on?
A We were texting and we called -- I called him a couple of times, but my messages stopped going through at some point. I don't know, you know. When you have an iPhone, if the message is delivered, they're blue, and when they don't deliver, they're green. That means the phone is off or it's dead.
Q I was just about to ask you about that, what that means when you brought up green and blue. Okay. That explains that.

At some point, did you get a phone call from Mr. Douse during the night?

A Yes.
Q What did he call you about?
A He said he felt like somebody was following him.
Q Did he say anything about somebody, Blue?
A Yes.
Q What did he tell you about that?
A He just said that he kind of got into it and he felt like somebody was following him around, telling him to go to his cousin's house.
Q And who is Blue?
A Roderick.
Q Roderick who?
A I don't know how to say -- McMillan.
Q Okay. Roderick McMillan. How do you know him?
A I went to school with him.
Q Where did y'all go to school together?
A We went to Midland Valley together.
Q Okay. Well, what time did you leave ARC and get off that morning?
A I clocked out at 7:08. Per policy, we can't leave before 7:08.
Q Okay. And where was your car then?
A When I got out?
Q When you got off work.
A It was in the parking lot.

Q Was anybody in it?
A Yes.
Q Who was in the car?
A Whyzdom.
Q So you left there about 7:08 and was back there about 7:00 the next morning?
A Yes.
Q Did he drive by and see you in the vehicle during the night?
A Yes.
Q Did you go to have a dinner with him or just have conversations? Tell me a little bit about that.
A He came back a couple of times. At Aiken Regional, we did -- we took turns buying food, and it was my turn that night, so we went to the Japanese place and I got food for the crew. And he came back and he brought me an energy drink. And I think he came back one more time, like later on when he parked the car for the last time, I think.
Q Well, when you got up Friday morning, August 2nd -- or Friday afternoon, I guess, it was August 2nd that you worked until 7:00 that morning, did you hear from Whyzdom Douse?
A Yes.
Q What happened? Tell me about that.
A Well, I got off at 7 a.m. and I do have a young child so I had to go pick her up. And when I was dropping him off and

I picked her up and when I got to my cousin's house, they took B.D., and I went to sleep. And when I woke up, I had a lot of different messages. People were calling me and --

MS. STEINER: Objection.

THE COURT: Objection's overruled.

Go ahead, ma'am.

A I just notice I had a lot of different messages, and one of them was from Whyzdom.

Q What was his message?

A It was a picture of a wanted poster with his picture.

Q What did you do when you saw that?

A I had never been in a situation, so I called his mom to make sure, you know, it wasn't like a prank or anything. And she told me to call the police. So I called the police and I asked someone to come out and just kind of speak with me. I didn't discuss why over the phone. I just asked for an officer.

Q Okay. And did you talk with the police?

A I did.

Q And do you know if there's any kind of -- well, let me ask you this: Did y'all go to school together?

A Yes.

Q You went to school with Roderick?

A Mm-hmm.

Q And Whyzdom?

A Mm-hmm.
Q And did you go to school with Keyshawn Davis?
A Yes.
Q Do you know him?
A Yes.
Q Raven Turner?
A Yes.
Q Were y'all friends? Did y'all know each other?
A I was dating Whyzdom. I knew of Roderick. He was kind of playful. Just speak to him in the hallways. I was close with Raven at one point. And me and Keyshawn, we shared a class together, so we often would text each other about tests and whatnot. So I pretty much knew all of them.
Q At some point, was there, like, a split between all y'all where y'all kind of quit talking?
A Kind of -- just kind of grew apart. Everybody just went their separate ways or -- I graduated early, so...
Q Let me ask you this: On August 3rd, 2019, did you get a call from Whyzdom Douse from jail?
A Yes.
Q Do you recall that?
A Yes.
Q And you had an opportunity to listen to that call; correct?
A Yes.

Q And listening to the call, is that you on the call?

A Yes.

Q And Mr. Douse is the male talking?

A Yes.

Q And you had an opportunity to listen to it?

A Yes.

Q It's a fair and accurate representation of what happened in that conversation; correct?

A Yes.

MR. HAMMACK: Your Honor, the State would move to introduce State's 16 as a Court exhibit. It's the unredacted jail call. We would move to introduce State's 17, the jail call, into evidence.

THE COURT: It's admitted.

(State's Exhibit No. 16 was marked for identification and received into evidence as Court's Exhibit No. 3.)

(State's Exhibit No. 17 was marked for identification and received into evidence.)

BY MR. HAMMACK:

Q If you can't hear it well, let me know. Make sure you can hear this. And tell me who is on this. Okay?

A Okay.

Q If you can't hear, let me know; I'll turn it up as loud as I can.

A Okay.

(Audio plays.)

THE COURT: That's not -- can any juror hear anything?

JUROR: A little bit.

(Pause in the proceedings.)

MR. HAMMACK: Let's try that (indiscernible).

THE COURT: Did y'all test it before?

MR. HAMMACK: Yes, sir. It's not -- for some reason it's not playing well other than the speakers in here.

THE COURT: But you tested it in here?

(Audio plays.)

BY MR. HAMMACK:

Q Are you able to hear that finally?

A Pretty much.

Q Okay. I'm sorry. It worked better the other day without people in here. It seemed to work.

Do you recognize that call?

A Yes.

Q And you recognize the people on it?

A Yes.

Q Who is the male voice?

A Whyzdom.

Q And who is the female voice?

A Mine.

MR. HAMMACK: Nothing further. Thank you.

THE COURT: Since the jurors said they couldn't hear what

anyone was saying, can you tell us who was saying what on the phone call?

THE WITNESS: Okay.

THE COURT: And raise your mic up just a little bit. Go ahead.

THE WITNESS: He called and I answered. And I was crying and he asked why I was crying and I said because it hurt my heart. And he said he know he messed up. And at the end, he said -- he said it was a great -- it was a mistake and -- sorry -- he said, "It was a mistake and a great retaliation." And I said, "I guess." And that's it.

THE COURT: Anything further by the State?

MR. HAMMACK: No, sir.

THE COURT: All right. Defense?

CROSS-EXAMINATION

BY MS. STEINER:

Q Good morning, Ms. Sonjai.

A Hi.

Q How long did you and Whyzdom date? Was it about six years?

A No. It was -- it was about four years. We had problems when I had my daughter, so we were just friends.

Q You never saw Whyzdom with a gun?

A No.

Q And you weren't in the car when the shooting happened?

A No.
Q And that jail phone call that you just heard, that was already after Whyzdom was arrested; right?
A Yes. It was the first call after.
Q The first call to you after?
A Yes.
MS. STEINER: No further questions.
THE COURT: Anything further?
MR. HAMMACK: Nothing further, Your Honor.
THE COURT: Thank you. You may step down.
THE WITNESS: Thank you.
THE COURT: Next witness?
MS. CHARBONNEAU: Richard Carroll.
THE CLERK: Place your left hand on the Bible and raise your right.

RICHARD CARROLL,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box, stating your full name and spelling your last for the Court, please.
THE WITNESS: Richard Carroll.

DIRECT EXAMINATION

BY MS. CHARBONNEAU:
Q Mr. Carroll, can you please spell your last name.
A C-a-r-r-o-l-l.

Q Are you refusing to testify today?

A Yes.

MS. CHARBONNEAU: Nothing further.

THE COURT: Anything further for this witness?

MR. HAMMACK: May we have just a moment, Your Honor?

THE COURT: Yes.

MS. STEINER: No questions.

THE COURT: Thank you for coming. You may leave.

Next witness?

MS. CHARBONNEAU: Nyasia Myers. She's on her way up.

(The witness entered the courtroom.)

THE CLERK: Place your left hand on the Bible and raise your right.

NYASIA MYERS,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box, stating your full name and spelling your last for the Court, please.

THE WITNESS: It's Nyasia Myers. M-y-e-r-s.

DIRECT EXAMINATION

BY MS. CHARBONNEAU:

Q Ms. Myers, go ahead and take your mask off. Thank you.

And how do you spell your first name?

A Nyasia, N-y-a-s-i-a.

Q Ms. Myers, how old are you?

A Twenty years old.
Q And back in August of 2019, did you know Sonjai Simpkins?
A Yes, ma'am.
Q How do you know her?
A I knew her through high school.
Q Did you know her boyfriend or the father of her child?
A Yes, ma'am.
Q And who was that?
A That was Whyzdom Douse.
Q Is he in the courtroom today?
A Yes, ma'am.
Q Can you please point him out and describe an article of clothing that he's wearing.
A In the middle with the white shirt on.

MS. CHARBONNEAU: May the record reflect she's identified Mr. Douse?

BY MS. CHARBONNEAU:

Q Back in August of 2019, besides knowing the defendant, Whyzdom, through Sonjai, you also worked with him?
A Yes, ma'am.
Q Where did you work back in August of 2019?
A It was at McDonald's.
Q Which one?
A The one on Georgia Avenue.
Q Is that in North Augusta?

A Yes, ma'am.

Q In the town of Aiken?

A Yes, ma'am.

Q Do you remember if you worked Friday, August 2nd, 2019?

A I did.

Q Do you remember what time you went in on that day?

A I know I was closing so I don't remember exactly what time.

Q Okay. Was Mr. Douse working that day?

A Yes, ma'am.

Q Did he show up?

A He did, late.

Q And at some point while you were there with the defendant, does he make a statement --

MS. STEINER: Objection. Your Honor, this is a matter of law.

THE COURT: All right. Ladies and gentlemen, I'll need to have you step out of the courtroom to the jury room for a few minutes. Please do not discuss the case.

(The jury exited the courtroom at 11:58 a.m.)

THE COURT: Yes, ma'am?

MS. STEINER: Your Honor, I have a good faith basis to believe that Ms. Myers -- what she's about to testify to is inadmissible as hearsay and not technically not relevant, it's prior statements. I would like for the State to proffer her

(indiscernible) which the courts have previously granted hearsay, which is altogether barred for admission in permanent trials until *State v. Doctor* and the adoption of a South Carolina Rule 11 to 1995.

(Indiscernible) the common law that tolerated civil cases and then told them that a parent was dead. 803(b) -- I mean, 804(b)(3) has to be stringently applied and it has to actually be a statement and if it's narrow restrictions as to how it can be allowed in.

At this point, I don't even know if it's a statement that would be allowed in because I'm not sure what her testimony (indiscernible) have to do, and that's why I think it might (indiscernible).

MS. CHARBONNEAU: Your Honor, 804 is a backup to the fact that, under 801(d)(2), it's not hearsay. It's a statement against interest. This witness will testify that Mr. Douse was standing by the fryer, five or six feet from her, and he said, "I killed someone." That's a statement against interest. That's not hearsay. Mr. Douse said it in her presence.

THE COURT: What did he say to you?

THE WITNESS: He said -- I don't remember exactly specifically what he said but I do remember him saying over, like, "Yeah, I killed somebody," and just going kept on and on, bragging about it, but that's all I really remember.

THE COURT: The objection is overruled.

MS. STEINER: Your Honor, based upon her answer, I'd have the objection based upon 401 or 403 because it's not particularly relevant.

THE COURT: It's not relevant that he said, "I just killed somebody?"

MS. STEINER: She didn't have the specifics. She said she didn't remember what he said, didn't have the specifics, and that it's more prejudicial than probative.

THE COURT: All right. Overruled. That's cross-examination.

MS. STEINER: Thank you, Your Honor.

THE COURT: Bring the jury in.

(The jury entered the courtroom at 12:05 p.m.)

THE COURT: The objection is overruled. You may proceed.

BY MS. CHARBONNEAU:

Q Ms. Myers, on Friday, August 2nd, 2019, while you were working at McDonald's with Whyzdom Douse and yourself, did the defendant make a statement concerning this case?

A Yes, ma'am.

Q What did he say?

A He said, "I killed somebody." It was over and over again.

THE COURT: Now, if you will move up and speak into the mic. You see how people are sitting way back there?

THE WITNESS: Mm-hmm.

THE COURT: They're trying to hear what you're saying, so....

A That night, he was saying that "I killed somebody." He just kept repeating it over and over again.

Q Thank you. Nothing further.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MS. STEINER:

Q Hi, Ms. Myers.

A Hi.

Q You used to know Sonjai and Whyzdom pretty well; right?

A Yes, ma'am.

Q Whyzdom's a pretty nice guy; right?

A Yes, ma'am.

MS. CHARBONNEAU: Objection. Relevance.

THE COURT: The objection is sustained.

BY MS. STEINER:

Q Whyzdom likes to brag a lot.

A Yes.

Q And he's pretty arrogant?

A Yeah.

Q And he likes to brag about stuff that he did do?

A Yes, ma'am.

Q You made a statement to the police; right?

A Yes, ma'am.

Q And do you remember about how long after the shooting that was?

A I do not.

Q Does about a month sound right?

A Yes, ma'am, I would say.

Q And do you remember not being sure which day Whyzdom was in the room making those statements?

A I don't remember what day.

Q So you didn't remember what day exactly it was?

A Mm-mmm.

Q And then when you spoke to police, you also -- or you told them that Whyzdom brags a lot; right?

A Yes, ma'am.

Q And when you spoke to the police, you told them that (indiscernible)?

A Yes, ma'am.

Q And you said that he lies about stuff that he didn't do and stuff that he did?

A Yes, that's definitely Whyzdom.

Q No further questions.

A Yes, ma'am.

MS. CHARBONNEAU: Nothing further.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Next witness?

MR. HAMMACK: Your Honor, our next witness is Jana Weaver from SLED. She is on the way up right now.

THE COURT: She's on the way?

MR. HAMMACK: Yes, sir. Just from --

THE COURT: Oh.

MR. HAMMACK: Your Honor, I have taken her out of order. She would have been later but she was subpoenaed in Spartanburg. I think that's where about but she's here now. If we can take her out of order slightly because we thought she had to be in Spartanburg this afternoon.

THE COURT: Okay.

(The witness entered the courtroom.)

THE CLERK: Place your left hand on the Bible and raise your right.

JANA WEAVER,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in our witness box, stating your full name and spelling your last for the Court, please.

DIRECT EXAMINATION

BY MR. HAMMACK:

Q You can take your mask off so everybody can hear you.

A My name is Jana Weaver, W-e-a-v-e-r.

Q If you can spell your first name too for the court

reporter. It's just that Jana is a little bit different.

A It is. J-a-n-a.

Q Thank you, Ms. Weaver.

Ms. Weaver, by whom are you employed?

A The South Carolina Law Enforcement Division, also known as SLED.

Q What do you do at SLED?

A I'm a firearms examiner in the forensic lab.

Q Okay. How long have you worked for SLED?

A Just over seven years.

Q And what exactly do you do?

A We examine firearms and firearm components, ammunition components. We do serial number restoration on firearms. I also do entry into the Integrated Ballistics Identification System, or the IBIS, as well as destruction of weapons cases.

Q Tell me a little bit about your education and training.

A I have a bachelors of science degree in criminal justice. I completed SLED's in-house forensic firearms examiner training course. That's about a three- or four-year course. It includes extensive training, reading, writing, hands-on practicals on practices. We do verbal and written examinations with each section that we complete. We do thousands of comparisons during the process of those few years.

We also work under court-qualified firearms examiners and

help them prep cases for them to observe us as well. At the end of it, we are given competency tests, which includes case work, multiple cases to work.

Q Have you had further training since then?

A I finished the Bureau of Alcohol, Tobacco, Firearms and Explosives with ATF's serial number restoration course. I have taken multiple GLOCK armorer's courses. We do that every few years to keep our certification up. We do training throughout the year if it's offered in our profession.

Q And do you like -- are you evaluated on your work or how does that work?

A We do. Each year, we have to take proficiency tests, and those are tests that we have to take to make sure that we are still qualified to do our job.

Q Have you testified in court before?

A Yes, sir.

Q How many times have you done that?

A Just three.

Q Just three?

MR. HAMMACK: Your Honor, at this point, we'd like to move Ms. Weaver into -- as an expert in the field of firearms identification.

MS. STEINER: No objection.

THE COURT: And she is so qualified.

Ladies and gentlemen, the person who -- by virtue of

their education, training, or experience has some specialized knowledge in the field can testify in that area and can give opinions where others cannot.

BY MR. HAMMACK:

Q Ms. Weaver, were you sent evidence on a case involving Whyzdom Douse and Harold Bates?

A Yes, sir.

Q Did you perform any type of analysis on them?

A I did.

Q Do you recall what you received from Agent (indiscernible)?

THE WITNESS: May I look at my notes, Your Honor?

A I received two bullets and four cartridge cases.

Q Do you remember how you received them?

A I received them from our evidence control department, who does all of the evidence intake.

Q When you got them, were they sealed?

A Yes.

Q Were they marked?

A Yes.

Q Was there a chain of custody?

A There is a chain of custody.

Q Tell me where the -- a firearm or bullet, how does that work?

A Like the firing, I guess?

Q When somebody shoots a gun, what happens?

A Okay. So, first, the ammunition has to be loaded into a firearm, and then depending on the type of firearm -- we'll say a semiautomatic pistol for reference. You put the ammunition in a magazine, put the magazine in your firearm, and you have to chamber a round. Most semiautomatic firearms, you pull the slide -- or we'll say a semiautomatic pistol in this case. You'll pull the slide back. When you release the slide, it will chamber a round into the chamber. At this point, the action resets. So when you pull the trigger, it will release the firing pin or, depending on the type of action and the type of firearm it is, push the firing pin forward, release it.

At some point, the firing pin hits the primer of the cartridge. That primer ignites and it sends that ignition through -- into the powder charge inside of the cartridge. That powder ignites, and it causes a combustion or pressure built up in the cartridge case. And, at that point, it expands. The bullet is pushed out through the muzzle of the barrel, which is the end of the barrel, and then the pressure pushes rearward on the slide. So when it does that, it will cycle the firearm, and, at that point, it will extract the cartridge case out of the chamber. It will eject it. And when the slide goes back forward, it resets the action in the firearm.

So then you would have to release the trigger and pull the trigger again in order for another shot to be fired.

Q So what is muzzle flash?

A Muzzle flash is kind of a light flash, so to say, you may see at the end of the muzzle, which is the barrel -- end of the barrel after the bullet comes out of the muzzle.

Q What does that indicate if you see muzzle flash? What does that mean?

A That's the extra gunpowder built up in the muzzle. Like I said, it ignites the gunpowder, so it's on fire basically. That flash is just that fire pushing out.

Q Okay. And, obviously, it's visible at night.

A Most of the time, yes.

Q Okay.

MR. HAMMACK: Your Honor, may I approach?

BY MR. HAMMACK:

Q These are items of evidence that you tested. You were actually -- scissors -- I forgot to -- or didn't want to have them open until you were actually here and had them in your hands, and I honestly -- we talked about bringing scissors and I forgot them. We'll get a pair right now. And if you will open those for me. They're still sealed; correct?

A Yes.

Q If you would open those for me, please.

A Keep opening?

Q Do you know what that is?
A It appears to be Items 5 and 6.
Q What's Items 5 and 6?
A See, my Items 5 and 6 were the two bullets described as being from the autopsy.
Q If you wouldn't mind opening the other two envelopes, please. Do you recognize those items?
A I'm looking for markings that we scribe on the items. We put our lab number, the item number, and our initials on them so we know that they were items that we had looked at during our examination. And these all appear to be items that I examined.
Q What are they?
A I have four fired 9 millimeter Luger caliber cartridge cases.
Q So you have had an opportunity to examine all the evidence that's sitting there with you?
A Yes.
Q As a result of your examination, did you reach any conclusions?
A I did.
Q What were they?
A On the cartridge cases, we noted that some similarities were found, but due to a lack of marks of value, that we concluded that the four fired cartridge cases were

inconclusive with each other, meaning we couldn't say if they were fired by one firearm or multiple firearms.

Q Were they all 9 millimeter?

A They were all 9 millimeter, yes.

Q Were they all the same brand or, I guess, for lack of a better term, the same brand of casing or same brand of cartridge?

A They were not all the same brand.

Q Do you recall how many different types there were?

A There were three. Three different types.

Q All right. Did you have an opportunity to examine the bullets that you opened earlier?

A I did, yes.

Q Did you come to a conclusion on those?

A Yes, I did. We found matching identification -- or identifying characteristics and concluded that they were fired by the same firearm.

Q And what caliber were they?

A They were most consistent with 9 millimeter Luger caliber.

Q So similar to the casings you just talked about?

A Correct. Same caliber.

Q Okay. Nothing further at this point. Thank you.

THE COURT: All right. From the defense?

CROSS-EXAMINATION

BY MS. STEINER:

Q Is it (indiscernible) to say Items 1, 2, 3, and 4, you weren't given those to review; right?

A Let me double-check. No.

Q Okay. And you don't know what Items 1, 2, 3, and 4 were?

A Not without the -- the chain of custody for those items that were submitted to the lab.

Q I just want to make sure that we -- so the only thing that you know about are those Items 5, 6, which are two bullets, and then 7, 8, 9, and 10, that are a portion of casings; right?

A Correct.

Q Are you aware of another ballistic testing that was done on the bullets or the shell casings?

A Not that I know of. They usually go through the rest of the lab before they get to us.

Q Let's say perhaps there was -- if there was fingerprinting done, would you see any fingerprinting dust residue on them or anything?

A Sometimes we will, yes. And, actually -- I'm sorry; I didn't mean to cut you off. I do have the chain of custody, and I don't believe -- it appears it did not go anywhere other than the firearms department.

Q So you're not aware of any fingerprinting done on the shell casings?

A Not that I'm aware of, no.

Q And you're not aware of any DNA testing on the shell casings?

A Correct.

Q And nobody collected DNA on the bullets?

A Let me check for those items. That is correct.

Q And for the shell casings, your testing was inconclusive; correct?

A Yes.

Q So there's nothing forensically that you did to tie the bullets or the shell casings to Whyzdom Douse; correct?

A That's correct.

MS. STEINER: No further questions.

MR. HAMMACK: Nothing from the State, Your Honor.

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

UNIDENTIFIED SPEAKER: Should we put these back in the records?

THE COURT: Your next witness?

MR. HAMMACK: Yes, sir, Your Honor. Is she here?

UNIDENTIFIED SPEAKER: She's checking in from downstairs.

MR. HAMMACK: Your Honor, the next witness for the State is Dawn Drasher. She should be coming up right now.

(Pause in the proceedings.)

UNIDENTIFIED SPEAKER: Your Honor, may Mr. Douse be allowed to use a restroom break?

THE COURT: All right.

UNIDENTIFIED SPEAKER: Thank you, sir.

(Pause in the proceedings.)

(The witness entered the courtroom.)

THE CLERK: Place your left hand on the Bible and raise your right.

KIMBERLY DAWN DRASHER,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box, stating your full name and spelling your last for the Court, please.

THE WITNESS: Kimberly Dawn Drasher. D-r-a-s-h-e-r.

DIRECT EXAMINATION

BY MR. HAMMACK:

Q Good afternoon.

A Hey.

Q Detective Drasher, who do you work for?

A Aiken Public Safety.

Q How long have you worked over there?

A Since 2013, so about eight years.

Q Back in August of 2019, were you working for the Public Safety?

A Yes.

Q Specifically August 2nd of 2019?

A Yes.

Q Did you get involved with a case with Whyzdom Douse and Roderick McMillan?

A Yes.

Q Do you recall going to the autopsy?

A Yes.

Q What did you do at the autopsy?

A Viewed the autopsy.

Q Did you receive any evidence at the autopsy?

A I did.

Q Do you recognize that?

A I do.

Q What is that?

A This is two bullets.

Q Do you recall where they came from?

A Yes.

Q Where did they come -- how did you get them?

A They were taken from the victim's body, from the doctor doing the autopsy.

Q What did you do with them when you got them?

A They were given to me, sealed, and then I took them from Newberry and placed them into our evidence.

Q Did you transport them to SLED?

A No, sir.

Q Okay. But you took them into evidence -- took them into evidence; right?

A Yes, sir.
Q Okay. Do you recall -- do you have those labeled? How do you label things on them?
A They're sealed in a bag already, and then I place them into an envelope and label the envelope and then place them into evidence.
Q Okay.

MR. HAMMACK: Your Honor, at this point, we'd just move this for identification, State's 15.

THE COURT: You move it for identification? Are you marking it for identification?

MR. HAMMACK: I mean, mark it for identification only, Your Honor, at this point.

THE COURT: Okay.

(State's Exhibit No. 15 was marked for identification.)

MR. HAMMACK: Nothing further.

THE COURT: And by the defense?

CROSS-EXAMINATION

BY MS. STEINER:

Q You don't know about who fired those bullets; right?
A No, ma'am.

MS. STEINER: No further questions.

THE COURT: All right. Well, thank you. You may step down.

THE WITNESS: Thank you.

MR. HAMMACK: Your Honor, may we approach?

THE COURT: Do you want a break or do you have (indiscernible)?

MR. HAMMACK: Your Honor, (indiscernible).

THE COURT: Take a break?

Ladies and gentlemen of the jury, we're going to break until 2:00. I know we have ordered your lunch. It's scheduled to get here at 1:00 or so.

It's not here yet, is it?

UNIDENTIFIED SPEAKER: We can find out.

THE COURT: So you're going to have to wait around for it or you're going to have to stay here while eating it. We're going to need you back in the jury room at 2:00. Let's find out whether the sheriff (indiscernible).

Remember during the entire breaks in the case, all of you are to stay away from anyone involved in the case and not to discuss the case with anyone or allow anyone to discuss it with you or in your presence.

So we'll excuse you now to the jury room, and then we'll see you back at 2:00.

(The jury exited the courtroom at 12:32 p.m.)

THE COURT: Anything else at this time?

MR. HAMMACK: Your Honor, just for scheduling purposes, I believe our forensic pathologist will be here at 2:00. I'm not sure exactly how long that will take. But I'm not sure if

Detective Eagerton may be -- may be a little bit long. I just wanted to give the Court an idea of where we're going.

THE COURT: Well, we're ready to roll. You know, this is -- get this case done. We didn't reserve the whole week for it, just enough time for y'all to present the evidence and have the jury deliberate and decide.

We don't know (indiscernible) inmates or detainee who came in here, what was the purpose of his being here?

MS. CHARBONNEAU: He was going to testify because he gave a statement to Detective Eagerton in detail.

THE COURT: Concerning what?

MS. CHARBONNEAU: He was in the car. So he was present when the --

THE COURT: He was in whose car?

MS. CHARBONNEAU: He was in the victim's car with Roderick, Keyshawn, and Raven.

THE COURT: Was any of that presented through testimony at this point? Did someone identify him as being in the car?

MS. CHARBONNEAU: Yes. Keyshawn did.

THE COURT: So when the person says who was in the car, they called his name?

MS. CHARBONNEAU: Yes.

THE COURT: And he doesn't want to testify.

MS. STEINER: Correct.

THE COURT: All right. There is just always a concern

when people are brought in to court solely for the purpose of taking the Fifth Amendment or oftentimes to sit outside the presence of the jury. I don't know the situation with this particular person.

MS. CHARBONNEAU: He actually is sentenced. He's serving a sentence. He wouldn't have the right to the Fifth Amendment as far as I'm --

THE COURT: He was sentenced on an unrelated case?

MS. CHARBONNEAU: Correct.

THE COURT: How much time is he doing?

MS. CHARBONNEAU: He's doing a YOA sentence.

THE COURT: With that attitude?

MS. CHARBONNEAU: That's the first time I saw that attitude.

THE COURT: Goodness. All right.

Well, I guess we're down, then, unless you have something else to talk about.

UNIDENTIFIED SPEAKER: I have a matter unrelated to the trial, Your Honor.

THE COURT: All right. Guilty pleas? Bond hearings? Sentences? If we haven't started, we can have --

UNIDENTIFIED SPEAKER: I'm just here observing.

THE COURT: That's fine. All right. Well, we'll see you-all at 2:00, and we're happy to do whatever else might be here to do.

(A lunch recess was taken from 12:36 p.m. to 2:16 p.m.)

THE COURT: All right. You ready to go?

MS. CHARBONNEAU: Yes, sir.

THE COURT: Okay. Let's bring in the jury.

(The jury entered the courtroom at 2:16 p.m.)

THE COURT: Okay. The jury is back. Your next witness?

MS. CHARBONNEAU: Dr. Kelly Rose.

(The witness entered the courtroom.)

THE CLERK: Place your left hand on the Bible and raise your right.

KELLY ROSE, M.D.,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box, stating your full name and spelling your last for the Court, please.

THE WITNESS: My full name is Kelly L. Rose. And that is spelled R-o-s-e.

DIRECT EXAMINATION

BY MS. CHARBONNEAU:

Q Dr. Rose, where do you work?

A Newberry Pathology Group in Newberry, South Carolina.

Q What is your job title?

A I'm a forensic pathologist.

Q What's your training and education to become a pathologist?

A I did four years of college. From there, I went to medical school where I did four years. From there, I went to residency in pathology -- general pathology, AP and CP -- we call it anatomic and clinical. Once you're finished with that, you take a big board test, a big test. And if you pass, you go on to a specialty -- a subspecialty, and my subspecialty is forensics.

Q And what does forensics mean?

A Basically, forensics is the diagnosis of why someone died. So we are responsible for determining cause and assisting coroners with manner of death.

Q Are you board certified?

A Yes, ma'am.

Q What is your work and research experience?

A Before coming to Newberry for the second time -- I was here earlier -- I was in Florida where I did hospital pathology, which includes looking at any piece of tissue that a doctor might take off your body, looking at blood, urine, diagnosing disease that way. I also did private autopsies there, so I stayed active with autopsies.

After that, I did straight cancer pathology where I only diagnosed cancer diseases.

And then, before that, I was in Newberry doing autopsies.

Q Are you licensed?

A Yes.

Q And is the license that you're a medical doctor, licensed forensic pathologist?

A I'm a licensed medical doctor, board-certified forensic pathologist.

Q Have you ever been published in any field?

A I have.

Q And how many years have you been a forensic pathologist altogether?

A I finished my training in 2010.

Q And can you tell us what an autopsy is?

A Yes. An autopsy is similar at first to a physical examination at your doctor's office. We'll note how the body comes in. We'll go from head to toe and look for any signs of disease, any signs of injuries on the outside of the body. And once we feel comfortable with that, we actually open the body and are able to look at the organs directly. We'll take -- I'll take a sample of each organ, and then I'll look at it under a microscope, if needed, to further diagnose disease or injury.

And at the conclusion of that, you put the whole picture together with investigative reports, historical information, and you determine the cause of death -- cause and manner.

Q Over your experience in your years of experience, how many autopsies have you performed approximately?

A Between two and three thousand.

MS. CHARBONNEAU: At this time, I would offer Dr. Rose as an expert in the field of forensic pathology.

THE COURT: She's so qualified.

BY MS. CHARBONNEAU:

Q Did you perform an autopsy on Roderick McMillan?

A I did.

Q And how do you identify him so you know who you're talking about?

A The body will come in a body bag. The body bags are sealed or secured with an identification tag. In this case, since he had been in the hospital, he came in a hospital body bag, was secured with the hospital identification tag. I'll look at the tag. I'll compare it to the name I was given. He also had a toe tag, what they call it, an identification tag on his toe that matched the information I was given and the tag on the bag.

Q Do you also put your own Newberry Pathology Group number or case number?

A Yes. And then I assign an autopsy number.

Q And what was the (indiscernible)?

A FA-19, so Forensic Autopsy, and 19 is the year, and then 528.

Q Would that mean he was their 528th for that year?

A Yes.

Q And what date did you perform the autopsy on Roderick

McMillan?
A It was August the 2nd, 2019.
Q Where did you do that?
A In Newberry County Hospital, in their morgue. That's where I practice, out of their morgue.
Q Who attended the autopsy?
A Coroner Ables. Darryl Ables, the coroner for Aiken. And Dawn Drasher. She's an investigator with Aiken Public Safety.
Q Were photographs taken?
A Yes.
Q Would they help you in describing any injuries that you found?
A Yes.
Q Based on your external examination, how tall was Roderick McMillan and how much did he weigh?
A We determine their length, because length and height don't necessarily correlate. If you stand up, you can be one height or measurement, but if you're laid down on a table, it can vary a bit. He was 70 inches in length.
Q And how much did he weigh?
A 170 pounds.
Q How old was Roderick?
A He was 17.
Q Can you tell us about the injuries you found in your examination?

A Yes. I found two total gunshot wounds. The first -- do you want me to just describe it now?

Q Yes, please.

A The first wound went into the -- kind of the backside of his right upper arm. It went through the soft tissue there, so it didn't hit a bone. It came out, went back into his right chest, and from there, it hit his lung and it hit a large -- the large vessels that run under your collarbone. Once it had done that, it traveled and was lodged in the tissue next to his spine.

Q Were you able to recover that projectile?

A Yes.

Q When you said a penetrating gunshot wound of the right arm with re-entry into the chest, what does "penetrating" mean?

A That means that I was able to recover a bullet, that it didn't go through the body.

Q And can you give us the bullet pathway or is that what you just did?

A Yes. If you want, I can describe it more in detail, but that was what I was describing.

Q How about the direction of the wound track?

A Okay. So with wound that comes in an arm and then go into the chest, it's a little different because you don't really know how their arm could have been. You don't really

know how their body could have been. But once it -- it obviously came from the right, traveling left. It went up and when it finally lodged back here, it was backward.

So right to left, upward and backward.

Q Can you tell us what you mean -- what the words "soot" and "stippling" mean?

A Yes. "Soot" is gunpowder that is entirely burned up. Kind of like soot from a fire. It's ashy. You can easily wipe it away. It's like a black powder. You -- I'll tell you what stippling is and then I'll tell you why they're significant.

Stippling looks kind of like little pieces of pepper on the skin surrounding the gunshot wound. Stippling is from gunpowder that is not -- has not burned up. Because not all of it burns up when a bullet is fired. So some of those gunpowder flakes fly out at a really high speed, land on the skin, and leave a mark. So that's stippling.

Q When you -- what range, I guess, is it that the gun would be from the body when you see soot and stippling?

A Soot is diagnostic of a close-range gunshot wound. And with new ammunition and new firearms, new guns, it can vary, but basically there's not going to be soot if the gun was further than one foot. Sometimes it's eight inches, but definitely if the gun was further away than one foot, you're not going to get soot.

Q And how about stippling?

A Stippling, what is hitting the body is a little bit bigger and heavier, and it can travel farther. It's not powder that would just, you know, evaporate. And stippling is diagnostic of what we call intermediate range. It's not close, it's not distant, it's in between. And that is generally 18 to 24 inches. Some reports all the way up to three to four feet, but that's very rare.

Q Did you find either soot or stippling on Roderick McMillan?

A I did not.

Q Does that indicate to you that the gun was at least 24 inches away?

A Yes. It doesn't say how much further away than that, but, yes.

Q Was -- and you said you recovered the projectile from that wound?

A I did.

Q And can you tell us anything about that projectile?

A If I'm remembering correctly, it was deformed, copper jacketed, medium caliber.

Q Was that wound fatal?

A Yes.

Q What does that mean to you?

A That the victim sustained such of an injury that he

cannot survive it. And in this case, that's what that was. The damage that it had done to, you know, the blood vessels in his body was so extensive that it was unsurvivable.

Q Tell us about the Gunshot Wound B, please.

A Okay. Gunshot Wound B -- and I'm going to look at my report really quick -- was on the left leg. It came in below or about at the level of your lower knee and traveled just through the soft tissue, the muscle and fat -- did not hit a bone -- and then lodged above the kneecap.

Q And the wound track of that --

A It was right to left and upward, but since it didn't go back into the tissue very much, I said minimal deviation forward or back. It just kind of slid right to left and up.

Q Any soot or stippling on that gunshot wound?

A No.

Q Was that a fatal wound?

A No.

Q And did you recover the projectile from that?

A I did.

Q And, again, do you remember any description of that one?

A It was similar to the one I recovered from the gunshot that he sustained up here.

Q Were they both turned over to Detective Drasher?

A Yes.

Q When you turned it over to law enforcement, was it

already sealed by you?

A Yes. Once we recover them, we will label them, we'll photograph them from different angles. We'll seal them and I'll sign my name across where we seal.

Q I'm going to show you State's Exhibit 15. Tell me if you recognize it.

A I recognize this evidence tape, but this was after ballistics looked at it, I believe. I'm going to open the package now.

Yes, this, I recognize. This is a form from the hospital that we generated during the autopsy that says what we're transferring down here. This is one large bag that I have sealed, and within it are the two bullets that I recovered. And they are individually sealed as well. And then I have signed across the top.

Q And you also assign or write on the bag the number that you have --

A Yes.

Q -- (indiscernible)?

A Yes.

MS. CHARBONNEAU: At this time, I move State's Exhibit 15 into evidence.

MS. STEINER: No objection.

THE COURT: Admitted.

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

(State's Exhibit Nos. 9 through 14 were premarked for identification.)

BY MS. CHARBONNEAU:

Q I'm going to show you what's been marked as State's Exhibit 9 through 14. If you wouldn't mind taking a look at that.

A Okay.

Q And do you recognize those photographs?

A I do.

Q Are they a fair and accurate depiction of the gunshot wounds and the bullets that were recovered from Roderick McMillan?

A They are photos of the gunshot wounds and the bullets.

MS. CHARBONNEAU: Your Honor, I'd enter State's Exhibit 9 through 14 into evidence.

MS. STEINER: No objection.

THE COURT: Admitted.

(State's Exhibit Nos. 9 through 14 were received into evidence.)

MS. CHARBONNEAU: Your Honor, may I publish?

THE COURT: Yes.

(Video plays.)

BY MS. CHARBONNEAU:

Q Can you pull up State's Exhibit 9? Can you see that from there?

A Mm-hmm, yes.

Q Can you describe to the jury what they're looking at?

A Okay. You're looking at the picture of the arm in this position. You see where the bullet went in near the elbow in the back. You see where it came out right here. So you have the entrance, the first, and then -- the first entrance and then the exit that went through just the soft tissue.

Q If we could look at State's Exhibit 10.

A I don't know if this is going to cooperate.

That is another picture, different angle, of the first entrance wound.

Q And that's Roderick's right arm?

A Yes.

Q State's Exhibit 11, please?

A I can't --

Q Can you see it? Do you want to step down if you can't see?

A Yeah. Can I just stand up through the last?

Q Yep. Absolutely.

A Okay. Now I see.

Q Okay.

A That's just another angle of the same wound with the arm like this (indicating).

Q And then what are we looking at on his chest?

A That is probably where they had a chest tube inserted to

drain blood or they were going to insert the chest tube.
Q Is that where the gunshot wound entered his chest?
A No. It entered -- actually, they had sutured through it. It re-entered his chest through an area where, when they opened him, they went straight through it and then they sutured back through it.
Q We can look at State's Exhibit 12, please.
A Okay. This is the other gunshot wound on the left leg. That's showing you the entrance on the inner aspect of his knee.
Q And what is the bump that we see in the middle of State's Exhibit 12?
A That is actually the projectile, the bullet.
Q That's where it came to rest?
A Yes.
Q State's Exhibit 13, please?
A And --
Q Go ahead.
A These are the photos of the bullets that I just had up here that I took during the autopsy.
Q In State's Exhibit 13, you have labeled it Bullet A. Does that mean it's the one that --
A Yes.
Q -- you recovered from the chest wound?
A Yes.

Q And State's Exhibit 14, please.

A And that is the bullet being the one recovered from the left leg.

Q From the left leg. Thank you.

Based on your examination, do you have an opinion, within a reasonable degree of medical certainty, what the cause of death was?

A I do.

Q And what was the cause of death?

A It was exsanguination due to penetrating -- due to perforation of the right subclavian artery due to penetrating gunshot of right arm with re-entry into the chest.

Q Can you tell us in layman's terms what that means?

A Yes. It means that he basically bled out. He hemorrhaged, and in this case, a lot of it was inside of his body. So he hemorrhaged inside and outside.

Q And that was due to the bullet --

A Yes, and that was due to some of the arteries that the -- due to the main artery that the bullet went through from this gunshot wound.

Q Within a reasonable degree of medical certainty, what was the manner of death?

A Homicide.

Q Thank you. Nothing further.

CROSS-EXAMINATION

BY MS. STEINER:

Q You don't know who shot Roderick McMillan, do you?

A No, I don't.

MS. STEINER: No further questions.

THE COURT: Anything further?

MS. CHARBONNEAU: No, sir.

THE COURT: All right. Thank you.

THE WITNESS: Thank you.

THE COURT: Next witness?

MS. CHARBONNEAU: Detective Jon Eagerton.

(The witness entered the courtroom.)

THE CLERK: Place your left hand on the Bible and raise your right.

DET. JONATHAN EAGERTON,

the witness, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last for the Court, please.

THE WITNESS: Jonathan Eagerton. E-a-g-e-r-t-o-n.

DIRECT EXAMINATION

BY MS. CHARBONNEAU:

Q Detective, where do you work?

A Aiken Department of Public Safety.

Q What is your job title?

A Investigator.

Q What is your education?

A I have a two-year degree.

Q From college?

A Yes.

Q How long have you been in law enforcement all total?

A Over 22 years.

Q Were you working for Aiken Department of Public Safety back on August 2nd in 2019?

A Yes, ma'am.

Q And how did you get involved in a case of the State of South Carolina versus Whyzdom Douse and Harold Bates?

A I was the on-call investigator during the nighttime for that night.

Q Are you what's called a lead investigator?

A Yes, for this case.

Q What does that mean?

A It just means that I, along with other investigators and police officers, investigate all leads in this case, and then I'm the main one that heads up all the information at the end.

Q Did you end up going out to the crime scene?

A I did.

Q Now, are we talking about Waterloo Street and Richland Avenue?

A Yes, Richland and Waterloo.

Q Is that within the jurisdiction of Aiken Department of

Public Safety -- within their jurisdiction?

A Yes, ma'am.

Q Is it in the county of Aiken?

A Yes.

Q Do you remember when you arrived at the scene?

A Approximately 1:30 a.m.

Q When you got there, who was there?

A Travis Rice -- Officer Rice.

Q Was the scene secure?

A Yes.

Q What does that mean?

A It means that no one can access -- they don't have access. Since this was in the roadway, they didn't have access by vehicle or foot.

Q Were you able to collect any items from the scene?

A Yes, a couple different items. Once we respond to a scene, we take photographs. Photograph everything in place. And then I was able to collect one spent shell casing, and then there was a Sonic cup 75 yards down the street.

Q Now, did you have any indication that the Sonic cup was (indiscernible)?

A No, it did not appear to be. It was dry and just empty, blowing in the wind.

Q But you picked it up anyway?

A I picked it up.

(State's Exhibit No. 21 was premarked for identification.)

BY MS. CHARBONNEAU:

Q I'm going to show you what's been marked as State's Exhibit 21. Do you recognize that?

A Yes.

Q And how do you recognize it?

A I packaged this when I collected it, the item from the street.

Q Do you mark it with this particular case number or your initials? How do you recognize that that belongs to this case?

A That's my handwriting. That's the case number. And then that's the Item 1 from this scene. It has this incident's case number on it.

Q Okay.

MS. CHARBONNEAU: At this time, I'd move State's Exhibit 21 into evidence.

MS. STEINER: No objection.

THE COURT: Admitted.

(State's Exhibit No. 21 was received into evidence.)

BY MS. CHARBONNEAU:

Q Would you mind opening this just in case the jury wants to look at it later?

A Sure.

Q And were you able to tell what caliber that shell casing was?
A Yes. It was a 9 millimeter casing.
Q Did you pick up anything else at the scene other than taking the photographs?
A The photograph, the spent shell casing, and then the cup. That's it.
Q And I'm going to show you State's Exhibit 25 through 31.

(State's Exhibit 25 through 31 were premarked for identification.)

BY MS. CHARBONNEAU:
Q If you would, take a look at 25 through 31 and tell me if you recognize it.
A Yes, I do.
Q Okay. And were those photographs taken at the scene of Waterloo Street and Richland Avenue on August 2nd, 2019?
A Yes, ma'am.
Q Are they a fair and accurate depiction of what the scene looked like on that night?
A Yes, ma'am.

MS. CHARBONNEAU: At this time, I'd move State's Exhibits 25 through 31 into evidence.

MS. STEINER: No objection.

THE COURT: They're admitted.

(State's Exhibit Nos. 25 through 31 were received into

evidence.)

MS. CHARBONNEAU: Your Honor, may I publish?

THE COURT: Yes.

BY MS. CHARBONNEAU:

Q Can you see the (indiscernible) from there?

A Stand up.

Q That's fine.

A What was the question?

Q Can you see it?

A Yes, I can see.

Q Okay. That's State's Exhibit 25. Would you explain to us what we're looking at?

A This is a photograph where I would have -- or where I did take a photograph of the street signs and then have a building, a tree, something of that sort that's going to be there permanently, so it's a permanent building. And it shows the intersection of Richland and Waterloo. That was my first photo.

Q And what is the building that we're looking at in the picture?

A That is The Medicine Mart, some sort of pharmacy.

Q And what side of the road is that on?

A That is the southeast corner of the intersection.

Q Okay. State's Exhibit 26, please. Can you describe to us the view that we're looking at here.

A This is the view from the -- close to the same position I was in before, but I have turned to the right now. So this shows the road that you see, the street lines are -- that is Waterloo Street headed south.

Q And the building that's in the background where we can see to the right, it looks like four squares of light almost, what building is that?

A That is correct. That is a law firm building.

Q Is that the Chandler Law Firm?

A Yes, ma'am.

Q Do you ultimately collect surveillance video from there?

A Yes.

Q State's Exhibit 27, please. If you could tell us the view we're looking at there.

A This would be directly down Waterloo Street. I'm standing pretty much on Richland Avenue or right at where they meet, but I'm looking south, down Waterloo Street.

Q State's Exhibit 28, please. Can you tell us what we're looking at in 28?

A Yes. That is the lights -- the one at the very top of the photo, the top thick line is the actual stop line where you're supposed to stop at a red light. The two smaller white lines is the -- where you would -- pedestrians cross an intersection. Right in the center, I'm trying to highlight there's some glass right in the center of the walkway there.

Q Are you indicating here?

A Yes, yes.

Q 29, please.

A All right. This photo depicts -- I'm on Waterloo Street kind of where the stop -- the thick white line where you would stop the vehicle on Waterloo, approaching Richland Avenue. In the background, you can see the silver traffic box. They run the traffic lights. The intersection signs that I took in the first photo, you can see those in the background as well. Down kind of to the bottom right is a yellow circle. That is where the one spent shell casing that I located, that's -- it's right there underneath that yellow circle.

Q Is that a marker cone in the place there?

A Yes.

Q And can you indicate where the broken glass is in this photo?

A It would be up and to the left just a little bit. I can't see it from here, but knowing the pictures, it's up to the left a little bit.

Q Okay. State's Exhibit 30, please.

A This photo is of the yellow circle, the reflector. It has the number one on it and then I put down a piece of measuring tape. And then in between the yellow circle and the white measuring tape is the one spent casing on the ground.

Q And 31, please?

A And this is of the -- what they call the head of the spent shell casing. I'm just depicting where it -- where I'm -- I took a photo of where it displays the 9 millimeter on the back of it.

Q Thank you.

Once you documented the crime scene at Waterloo Street, do you end up going to Aiken Regional Medical Center?

A Yes, I do.

Q Who did you speak to there?

A Among officers, I ended up being a part of kind of an impromptu interview with Keyshawn Davis.

Q Was Raven Turner still there as well?

A Yes.

Q Were you able to take statements -- or you or the other officers able to take statements from both Keyshawn Davis and Raven Turner at that time?

A Yes.

Q When you first speak to Keyshawn Davis at the hospital, does he indicate that he thought he knew who the shooters were?

A Yes.

Q And did Keyshawn Davis give you a description of the two people in a car and what happened?

A Excuse me. Yes, he -- he stated that he wanted to say -- that's the way he speaks -- he said, "I want to say that I

have seen them before." He described them as two black males, he said around his age, 18 to 20. I'd have to look back but I don't recall clothing.

Q And did he tell you about the car?

A Yes. He said that the car that pulled up next to them was a red Hyundai or a Honda.

Q Later on, do you take at least two more statements of Keyshawn Davis?

A Yes.

Q At some point, does he give you the actual full names of the two people in the red car?

A He does.

Q At what point do you show him those photos that are in evidence of Whyzdom Douse and Keyshawn Davis?

A It was the same day, several hours after that.

Q In fact, all the statements that were taken of Keyshawn Davis are actually all on August 2nd?

A Yes, they were all the same day.

Q Does he give you the names before you show him those photographs?

A Yes. Several -- it's a couple of hours.

Q Okay. Does Keyshawn Davis give you consent to search his silver Elantra?

A Yes.

Q And do you actually do that?

A Yes.
Q Do you document the search of his car with photographs?
A Yes.
Q Do you collect items out of Keyshawn's silver Elantra?
A Yes.
Q Can you tell us what items of evidence you collected other than photographs?
A Other than the photographs -- let me double-check -- we took -- let me look just to make sure I'm right.

All right. We took a bullet jacket, two bullet fragments, and a 9 millimeter magazine from the silver car.
Q Okay. Where were the bullet -- where was the bullet jacket found?
A It was in the door. Actually in the plastic of the door.
Q And the fragments, where were those found?
A They went through the plastic and went behind the plastic and went all the way to the bottom inside the metal of the door.
Q Was the windows in the back of Keyshawn Davis's car, were they both -- was the glass broken out?
A Yes, both sides in the back.
Q Was there glass inside his car?
A Yes.
Q Was it consistent with the glass that you found at Waterloo Street?

A Yes.

Q I'm showing you Exhibits 22, 23, and 24.

(State's Exhibits 22, 23, and 24 were premarked for identification.)

BY MS. CHARBONNEAU:

Q Are those the three projectile jackets and fragments that you recovered from Keyshawn Davis's car?

A Yes.

Q And are they properly sealed from when you took them into evidence?

A Yes.

MS. CHARBONNEAU: At this time, I move State's Exhibits 22, 23, and 24 into evidence.

MS. STEINER: No objection.

THE COURT: Admitted.

(State's Exhibit Nos. 23, 23, and 24 were received into evidence.)

BY MS. CHARBONNEAU:

Q Do you want to just clip them open, if the jury wants to look at them?

The magazine that you were talking about, where did you find that in the car?

A It was in the rear left side of the door, where you would put, like, a drink inside the door. Down in the little cubbyhole.

Q And were there live bullets in that magazine?
A Yes. I believe there are four live bullets, which means they're still able to be fired.
Q Did you find any evidence in Keyshawn Davis's car of spent casings or that bullets had been fired from their car?
A Not from their car. Not from the silver car.
(State's Exhibit No. 62 was marked for identification.)
BY MS. CHARBONNEAU:
Q Let me show you State's Exhibit 61. Is this documenting where you found that magazine?
A Yes.
Q And is that a fair and accurate depiction of where it was when you searched the car on August 2, 2019?
A Yes, ma'am.
MS. CHARBONNEAU: At this time, I'd move State's Exhibit 61 into evidence.
MS. STEINER: No objection.
THE COURT: Admitted.
(State's Exhibit No. 62 was received into evidence.)
MS. CHARBONNEAU: I'm sorry, Judge. I gave you the wrong number. It's actually State's Exhibit 62, if I can correct that, please.
THE COURT: Okay. 62.
MS. CHARBONNEAU: Thank you.
BY MS. CHARBONNEAU:

Q Did you attempt to get the prints off that magazine?

A Off the magazine? Yes, ma'am.

Q Were you able to get any prints of evidentiary value?

A No, ma'am.

Q Any prints at all?

A None.

Q Do you -- after you leave Aiken Regional Medical Center, do you do, like, formal interviews with Keyshawn Davis and Raven Turner at headquarters?

A Yes.

Q Did they give you statements?

A Yes.

Q Is it your understanding that Raven Turner no longer lives in South Carolina?

A Yes, ma'am.

Q Did you meet with the family of Roderick McMillan that same day?

A Yes, ma'am, later on that morning, about 7 a.m.

Q At what point do you learn that Roderick McMillan has passed?

A Shortly after the incident. Maybe 3:00 in the morning, maybe a little later. Around 3:00.

Q When Keyshawn Davis later tells you the name -- the names of Whyzdom Douse and Harold Bates, does he also tell you who owns the red Elantra?

A Yes.
Q Was he able to give you her name?
A Yes.
Q Who was that?
A Sonjai Simpkins.
Q Did he, in fact, have her phone number in his phone to give to you?
A Yes.
Q And then the photos that we have into evidence of Whyzdom Douse and Harold Bates, are you the one who actually shows those to Keyshawn Davis?
A Yes, ma'am.
Q And that was after he gave you their names?
A Yes.
Q At some point, does Sonjai Simpkins contact the police?
A She did.
Q And was she cooperative as far as giving a statement to your agency?
A Yes, ma'am.
Q Who actually interviewed her?
A Detective Griffin.
Q Did she give consent to search her car?
A Yes, ma'am.
Q And that was the red Elantra?
A Yes.

Q What was her relationship to Whyzdom Douse at the time?

A They had a relationship and a child together. I don't know at that time.

Q After speaking to Sonjai Simpkins, do you interview a Nyasia Myers?

A Yes.

Q And does she give you a recorded statement?

A She did.

Q Can you tell us what you found in Sonjai Simpkins' red Elantra car, the items that you found?

A Yes. On the -- or in the -- hold on just one minute. I found, on top of the hood, right at the windshield and the hood where they come together where your windshield wipers are, there were three spent 9 millimeter casings.

Q And you document that with photographs?

A Yes. We photographed it.

Q And took them into evidence as well?

A Yes.

(State's Exhibit Nos. 18, 19, and 20 were marked for identification.)

BY MS. CHARBONNEAU:

Q I'm going to show you State's Exhibits 18, 19, and 20. Do you recognize them?

A I do.

Q And are they in substantially the same condition as when

you sealed them on August 2nd, 2019?
A They're actually not. The package is the same, but there is -- I believe that's the SLED analyst who has gone into it and then resealed it.
Q Okay. So the original packaging inside, you would have sealed it on that night?
A Yes, ma'am.
Q And you put the case number and document it with your initials?
A My last name. That's my handwriting.
Q Okay. After that, it gets sent to SLED for testing?
A That's correct.
Q And that was done in this case with those three items?
A Yes.
MS. CHARBONNEAU: At this time, I'd move State's Exhibits 18, 19, and 20 into evidence.
MS. STEINER: No objection.
THE COURT: Admitted.
(State's Exhibit Nos. 18, 19, and 20 were received into evidence.)
BY MS. CHARBONNEAU:
Q If you just wouldn't mind opening those for the jury. And those are the three 9 millimeter spent shell casings on Sonjai's red Elantra?
A Yes, ma'am.

Q Did you attempt DNA -- taking DNA swabs in this case?

A I did.

Q Were you able to get anything of evidentiary value?

A No, ma'am.

Q Did you attempt lift prints in this case?

A I did.

Q Were you able to get anything of evidentiary value?

A No, ma'am.

Q When you have a situation where the defendant is the boyfriend or has access to the red Elantra on numerous occasions, would fingerprints or DNA help you anyway?

A No, not if he's a known person to be in the vehicle already.

Q When was Whyzdom Douse arrested?

A August 3rd at around 9 a.m.

Q And is the person who was arrested on August 3rd, is he in the courtroom today?

A He is today.

Q Can you please describe him? Point him out and describe an article of clothing that he's wearing.

A Mr. Douse in the white long-sleeve shirt.

MS. CHARBONNEAU: May the record reflect he's identified Whyzdom Douse.

THE COURT: It does.

BY MS. CHARBONNEAU:

Q Does your investigation continue after someone is arrested?

A Yes.

Q Do you have detectives or officers that you can kind of direct as far as canvassing the neighborhood, looking for surveillance video, things like that so that you personally don't have to do every step?

A We do.

Q And is that how -- did someone track down that Chandler Law Firm surveillance video?

A Yes. Detective Moore located and observed the video, and then I went back later and retrieved it.

Q Did you also obtain surveillance video from Aiken Regional Medical Center?

A I did.

Q Was that the video that we saw earlier -- played when Keyshawn was on the stand?

A Yes, ma'am.

Q Did you interview Richard Carroll?

A I did.

Q Did he give you a statement?

A Yes.

Q As part of your investigation, do you also obtain jail calls placed by Whyzdom Douse?

A I did.

Q When a person is in the jail and they want to place a call, how is it that you can determine which calls he has placed?

A Law enforcement has access to all jail phone calls. The inmate is assigned an account number, and then they also have to use a PIN number, and then also it tracks their voice in the system. We don't have control over the system, but we are able to cue it, go in and pull up phone numbers and things like that, so yes.

Q The jail call that's placed -- that was played earlier for the jury when Sonjai Simpkins was on the stand, did you obtain that jail call?

A Yes, ma'am.

Q And was that placed August 3rd, 2019, at 1704?

A Yes, ma'am.

Q What time is that 1704? What does that mean?

A That's military time. It would be 5:00 -- just four minutes after 5 o'clock that day.

Q In your investigation, did you determine what Roderick McMillan's nickname was?

A Little Blue or Lil Blue.

(State's Exhibit Nos. 32 through 55 were premarked for identification.)

BY MS. CHARBONNEAU:

Q At this time, I'm going to show you State's Exhibits 32

through 55. If you would take a look at these exhibits and tell me if you recognize them.

A Yes, ma'am, I do.

Q And is it a fair and accurate depiction of what Keyshawn Davis's silver Elantra looked like on that night and Sonjai Simpkins' red Elantra looked like on August 2nd, 2019?

A Yes, ma'am.

MS. CHARBONNEAU: At this time, I move State's Exhibit 32 through 55 into evidence.

MS. STEINER: Your Honor, there's no actual objection except for the fact that I believe that the red Elantra, those were not taken on August 2nd. I think Ms. Charbonneau said that they were.

THE COURT: When were those taken?

THE WITNESS: I'm looking real quick, Your Honor.

BY MS. CHARBONNEAU:

Q Were they taken either August 2nd or August 3rd of 2019?

A They were actually taken before the -- before the interview with Mr. Douse.

Q So that would be the early morning hours of August 3, 2019?

A Yes. Around 2 a.m. that morning.

THE COURT: They're admitted.

MS. CHARBONNEAU: Thank you.

(State's Exhibit Nos. 32 through 55 were received into

evidence.)

MS. CHARBONNEAU: If we could publish starting with 32.

BY MS. CHARBONNEAU:

Q If you can tell us -- feel free to stand up to see the view. This is 32. Can you tell us what that is?

A That is the vehicle that the victim was riding in. If you look in the back door, you see a little imprint right in the center. That is where the bullet that was located in the door. It struck the inside of the door but didn't penetrate and come through, so it went to the bottom of the door.

Q So it's actually protruding. And you recovered that bullet?

A Yes.

Q And is that picture taken at Aiken Regional Medical Center?

A Yes. All these next photos are from Aiken Regional in the parking lot.

Q State's Exhibit 33, what is that showing us?

A This is a side view of the silver vehicle that the victim was riding in. If you notice the back windshield or the back door is -- or the back win- -- I apologize. The back window was busted out.

Q State's Exhibit 34?

A This is a photo from standing outside of the vehicle, looking in, where the victim would have been sitting, the

closest seat in the back.
Q State's Exhibit 35?
A This is the same photo as before. We just put up the white measuring tape up next to the protruding damage from the bullet.
Q 36?
A This is a photo. I was standing on the passenger side, the right side of the vehicle looking in the same direction as the bullets would have come into the vehicle, and you can see the holes on the other side of the vehicle and the door. There's damage, holes.
Q Is this part of a bullet strike or a hole where a bullet went in?
A Yes.
Q And are those strike marks as well?
A I can't see them from here.
Q Okay. I think there's a close-up.
37?
A This would be the door where the victim was sitting, which is the opened-up door. I have some tape on one of the holes.
Q 38?
A I just had more tape up where the holes are. This would have been on that -- where the victim is sitting, the door next to him. That's the impact from the bullet.

Q In the middle of the picture underneath the tape, is that where you actually recovered a projectile?

A I believe that is the photo. I can't see it from here. Yes, ma'am, it is.

Q 39?

A We had relocated to our old headquarters. It's a fire bay where we have a little more freedom inside. This is the photo from the -- obviously, the passenger side of the vehicle. If you notice, there's a bullet hole with the white tape in the rear door.

Q 40?

A This is the inside -- the right side rear of the vehicle. There's a hole right in the middle. This would just be -- from the previous photo, this was the projectile coming in the vehicle and then exiting out the same door. It's just the backside of the door.

Q And this is the door on the right side?

A Yes, ma'am.

Q 41?

A Obviously, that's the front passenger seat, and it shows where a bullet did go through the rear of that seat. That photo shows the entry point and then the exit point. They're both marked by a white measuring tape.

Q 42?

A This photo shows just a straight rod. It's a yellow rod.

We put it in one side of the seat and then poked it out the other hole on the other side just to kind of show the trajectory of the bullet.

Q And is this going from the right side of the vehicle to the left?

A Yes.

Q 43?

A This is back to that one center bullet hole in the right rear door. We just have a trajectory rod in it.

Q And, again, is this going from the right side of the vehicle outside into the left side of the vehicle?

A Yes.

Q 44?

A That is the copper jacket of the bullet that went into the bottom of the backseat left side of the vehicle where the victim was sitting. That's just a copper jacket kind of stuck in the plastic.

Q 45?

A And that is that copper outside. We got it out of the door.

Q 46?

A This is the -- we pulled off the -- where the victim was sitting, the back left in the backseat, the left door, we pulled off some of the plastic door, the door handle part, and this is the bottom of the glass that's trapped at the bottom

of the inside of the door where the metal is holding it in, if you look close at the bullet projectile down at the bottom mixed in the glass.

Q So somewhere in here?

A Yes.

Q And switching to 32. 47, I'm sorry. This is State's Exhibit 47. We have now switched to Sonjai Simpkins' red Elantra.

A Yes, ma'am.

Q And where do you search that car?

A Well, we start out first and did photographs, and while taking photographs on the outside of the vehicle, we noticed up by the windshield, where the windshield wipers are, that there were three -- three casings -- three spent casings.

Q Did you find any bullet holes in Sonjai's car?

A No, ma'am.

Q 48?

A This is just a frontal view of the same -- the same vehicle.

Q 49?

A Side view of the same vehicle.

Q Right side?

A Yes.

Q State's Exhibit 50?

A At this photo, I put blue painter's tape where the

casings were located. They haven't been moved yet, but that's just depicting, on the other side of the blue painter's tape, that's where the three casings are.

Q 51?

A All right. This is a different view of the same. You see the painter's tape, and right on the other side of that are the casings at each spot: 1, 2, and 3.

Q 52?

A Same photo, just white measuring tape, and you can actually see the casings on top of the car.

Q 53?

A That is of the third spent casing.

Q 54?

A This is just a general overview of the backseat driver's side of Ms. Simpkins' car.

Q And 55?

A That's just an overview of a purse that we found inside the car, ID and some cash.

Q And that's Sonjai Simpkins' ID?

A Yes, ma'am.

Q Thank you.

MS. CHARBONNEAU: Your Honor, we have a bathroom break request. This might be a good time.

THE COURT: All right. We'll make it for ten minutes. Please go to the jury room.

(The jury exited the courtroom at 3:24 p.m.)

THE COURT: Okay. Take ten minutes. Please do not discuss your testimony during the break.

(A brief recess was taken from 3:25 p.m. to 3:45 p.m.)

THE COURT: Are you ready for them? Bring them in.

(The jury entered the courtroom at 3:45 p.m.)

THE COURT: You may proceed.

BY MS. CHARBONNEAU:

Q Detective Eagerton, I think we stopped off where after Whyzdom Douse was arrested. Did you have an opportunity to speak to Whyzdom Douse?

A Yes, ma'am.

Q And where did that conversation take place?

A In our headquarters on Beaufort Street.

Q Was he under arrest at that time?

A Yes.

Q Was he made aware that he was under arrest for murder?

A Yes.

Q When you had the conversation with Whyzdom Douse, tell us the story on it. Physically, what's it look like?

A We're in a room about 10 by 10. There's a table, couple chairs.

Q And that's all videotaped?

A Yes.

Q The whole thing from start to finish?

A Yes, ma'am.
Q Who else was in there with you?
A Detective Griffin was with me, and then, at the end, another officer -- transport officer.
Q And that was after the conversation?
A Yes, that was after.
Q During the interview, did you read him his constitutional rights, known as his Miranda rights?
A Yes, I did.
Q And did you go over each and every right with him?
A I did.
Q Was he promised anything, coerced, or threatened in any way to give a statement?
A No, ma'am.
Q Did Whyzdom Douse seem to understand the questions that were being asked and he answered in a coherent manner?
A Yes.
Q Did he appear under the influence of any drugs or alcohol that would impair his ability to understand?
A Not at all.
Q Is English his primary language?
A It appeared to be.
Q If he had questions, did you or Detective Griffin attempt to answer his questions as fully as possible?
A Yes.

(State's Exhibit Nos. 56, 57, and 60 were premarked for identification.)

BY MS. CHARBONNEAU:

Q I'm going to show you State's Exhibit 56, 57, and 60. State's 56. Do you recognize that?

A Yes.

Q Have you reviewed the videotaped statement of Whyzdom Douse?

A Yes, ma'am.

Q Was that taken on August 3rd, 2019?

A Yes.

Q Is it a fair and accurate depiction of the statement that was taken of Whyzdom Douse?

A Yes, ma'am.

Q Was he sleep deprived?

A No.

Q If he wanted something to eat or drink, was that provided to him?

A Yes.

Q In fact, did you allow him to smoke cigarettes?

A Yes, we did.

Q Did you allow him to call his mother?

A Yes.

Q Did you allow him to hug his mother?

A Yes.

Q Is that unusual?
A Yes.
Q Why is that?
A I had an opportunity to speak with his mother before he got transported, and so we allowed them to speak.
Q At any time, did Whyzdom Douse say, "Forget it, I'm not talking to you. I want my right to remain silent. I want an attorney"? Anything along those lines?
A Not at all.
Q And 57 is just a redacted version of 56.

MS. CHARBONNEAU: Your Honor, at this time, I'd move State's Exhibit 56 into evidence as a Court exhibit and 57, the redacted version, per stipulation.

MS. STEINER: No objection.

THE COURT: Admitted without objection.

(State's Exhibit No. 56 was received into evidence as Court's Exhibit 3.)

(State's Exhibit No. 57 was received into evidence.)

BY MS. CHARBONNEAU:

Q And if you would, take a look at State's Exhibit 60.
A Yes, ma'am.
Q And do you recognize that?
A I do. It's an Aiken Department of Public Safety Miranda rights form.
Q Is that the exact form that you went over with Whyzdom

Douse on August 3rd of 2019?
A Yes, ma'am.
Q And is that his signature and his initials beside each one of his rights?
A That's correct.
Q Do you also read him a waiver of his Miranda rights?
A Yes, ma'am, we do.
Q And did you go over that with him?
A We did.
Q And did he understand everything -- did he appear to understand everything as it was stated to him?
A Yes.

MS. CHARBONNEAU: At this time, I move State's Exhibit 60 into evidence.

MS. STEINER: No objection.

THE COURT: It's admitted without objection.

(State's Exhibit No. 60 was received into evidence.)

BY MS. CARVER:
Q Can you please read to the jury the Miranda rights that you read to Whyzdom Douse just like you read them that day?
A Yes. "Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you

during questioning. If you cannot afford a lawyer, the court will appoint one to represent you without cost if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You will also have the right to stop answering at any time until you talk to a lawyer. I have read this statement of my rights and I understand what my rights are."

Q And he agreed to speak to you?

A Yes.

Q Did anybody put a gun to his head?

A No, ma'am.

Q And we are about to see that on video everything that was said to Whyzdom Douse is on that video?

A Yes, ma'am.

MS. CHARBONNEAU: At this time, the State would like to publish State's Exhibit 57.

THE COURT: You may.

MS. CHARBONNEAU: Your Honor, can we just ask the jury if they can all see it, now that we have moved at least?

(Video plays.)

BY MS. CHARBONNEAU:

Q Detective Eagerton, did the defendant or the co-defendant, Harold Bates, ever call 9-1-1 anonymously or with any --

A No, ma'am.

Q And the (indiscernible) lineup that we saw during the defendant's statement that he was shown, it says that he picked out No. 5 immediately. Was that Harold Bates, the co-defendant in this case?

A Yes, ma'am. Harold Bates.

Q So not a Louis Bates?

A Correct.

Q After the defendant gave you several versions of what happened that day, did you do any follow-up to determine whether he was telling the truth or not?

A Yes.

Q Did you go to Hahn Village and collect any surveillance video?

A Yes. I went to Hahn Village and recorded -- I think it was up to three hours' worth of video to see if the red car went into Hahn Village before dark.

Q And was the defendant seen driving the red car in Hahn Village at all?

A No, ma'am.

Q Did you go to the Aiken Regional Medical Center and review the video of their parking lot for hours on August 1st into August 2nd, 2019?

A I did.

Q And were you able to actually find Sonjai Simpkins' red Elantra going in and out at different times?

A Yes.
Q And at any point was that car being followed as the defendant claimed he was?
A Not that I saw.
Q Were there any bullet holes in Sonjai's car that the defendant was driving when he said two guys shot at him?
A No, ma'am.
MS. CHARBONNEAU: Thank you. Nothing further.
THE COURT: Cross-examination?
MS. STEINER: Your Honor, at this time, can we take a brief bathroom break?
THE COURT: All right. Let's take a few minutes, and then we're going to proceed further today. If you'll go to the jury room. Please do not discuss the case.
(The jury exited the courtroom at 5:45 p.m.)
(A brief recess was taken from 5:45 p.m. to 5:58 p.m.)
THE COURT: Thank you. Are you ready for the jury?
MS. STEINER: Yes, Your Honor.
THE COURT: Okay. Bring them out.
Do we have another witness after this witness?
MS. CHARBONNEAU: No, Judge.
THE COURT: All right.
MS. CHARBONNEAU: Other than putting the disc and the photos in by stipulation, we'll be resting.
THE COURT: Any objection to the photos by stipulation?

MS. STEINER: No, Your Honor.

THE COURT: They're all admitted.

MS. CHARBONNEAU: It's State's Exhibit 58, all the trial photos.

THE COURT: All right.

(State's Exhibit No. 58 was premarked for identification and received into evidence by stipulation.)

(The jury entered the courtroom at 5:58 p.m.)

CROSS-EXAMINATION

BY MS. STEINER:

Q I'm going to try to be brief on cross.

Detective Eagerton, Whyzdom never told you that he fired a gun into the silver Elantra; right?

A That he never fired the gun...

Q Into the silver Elantra.

A No, ma'am.

Q There's another person who has been arrested for the murder of Roderick McMillan; correct?

A Yes.

Q And that's Harold Bates?

A Correct.

Q Where is Harold Bates?

A He is in jail.

Q Did he ever make a statement to you?

A No.

Q And Whyzdom picked up -- picked out Harold Bates from a lineup; correct?
A Yes.
Q And Keyshawn also identified Harold Bates --
A Yes.
Q -- as being the passenger?
A Yes, ma'am.
Q Now, you sat down and you talked at length on August 2nd with Keyshawn Davis; is that correct?
A Which -- which time? The first time, I was not involved.
Q But there were multiple times that you spoke to Keyshawn Davis?
A Yes, ma'am.
Q And you talked to him for some time?
A Yes.
Q And, on August 2nd, you also talked to Raven Turner?
A Yes.
Q And then, on August 8th, you spoke with Whyzdom; is that correct?
A Spoke to who?
Q Whyzdom.
A August 8th?
Q I'm sorry. On the 3rd.
A The 3rd. 3rd. Yes, ma'am.
Q August 3rd is when you interrogated him?

A Mm-hmm.

Q And then, on August 8th, you attempted to talk to Harold Bates?

A I'd have to check my log.

That was -- I have in my notes August 7th. He was arrested --

Q So the 7th or the 8th, a few days later?

A Yes, ma'am, yeah.

Q When did you speak with Richard Carroll?

A Bear with me just one minute. Let me find it.

I don't have the date written down. It was recently, within the past month or two.

Q And that was the only time you spoke with him?

A Yes. Just the once.

Q You initially believed that Keyshawn was driving the silver Elantra; correct?

A Yes.

Q The magazine that you found in the silver Elantra, there was room for more bullets in it; correct?

A I don't know what size it is but there were only four in there. Generally speaking, there are room for more.

Q And you previously testified that there were no forensics that came from that magazine?

A Correct.

Q And there were also no forensics that came from the

bullets that were found in Roderick McMillan?
A Correct.
Q And there are no forensics that came from the shell casings?
A Correct.
Q Was that even tested for gunshot residue?
A No, ma'am.
Q Hahn Village is a different area than Cushman (ph) Road or not the same thing; correct?
A Correct.
Q Now, for your interrogation with Whyzdom on August 3rd, it's fair to say that he told some lies and he told some truths; right?
A He definitely told some lies. The truth is yet to be determined.
Q It's fair to say, though, that he never wavered as to who shot into the silver Elantra?
A Correct. He never admitted to doing that.
Q He probably said that at least three times; correct?
A Multiple times, yes, ma'am.
Q And it's fair to say that he never wavered in telling you that Bates was the one who shot? There was never anyone else --
A Right. Once he brought Bates into the equation, like, towards the end, yes, he said he did it.

Q Okay. And it's also fair to say that he told you, on multiple occasions, that Bates shot out the window?

A Yes, after they turned right, he said he shot once and the gun jammed.

Q But he definitely shot out the window?

A That was his statement, yes, ma'am.

Q And Whyzdom also told you that probably about five times or so?

A At least once. I don't recall more than that.

Q You reviewed the video of the interrogation prior to today; correct?

A Yes, ma'am.

Q And you also watched it along with everyone else in the courtroom?

A Yes.

Q While Whyzdom was alone in the interrogation room for a little bit, as he was kind of crying, do you remember what he said?

A He made reference to his child a couple of times.

Q Would it help if I showed you the transcript?

A Sure. Which part?

Q Right -- that's where he's....

A Okay. Yes, ma'am.

Q So he said that he made one mistake; right?

A That's part of it, mm-hmm.

Q And he also said, "I let the wrong person in Mommy's car"; is that correct?
A That's what's written on there, yes, ma'am.
Q The interrogation, that went on after the video stopped; right? Or you talking to him after you went on the video? That wasn't the end of the recording?
A Right. There's -- there's lots more video outside where he spoke to his mother.
Q And there's a little bit more from inside the interrogation room; right?
A There was more. I don't know if it was an interrogation, as you say. It was just more of us talking, waiting on his mother to come.
Q All right. And while you were talking, do you remember saying some stuff that "you probably don't give a shit about my opinion" and then kind of went off from there? Do you remember any of that?
A I don't recall.
Q Would it help if I showed you --
A Absolutely.
Q -- that part right there.
A Okay. Sure. Yes, ma'am.
Q So while the interview was still going, while the cameras were still rolling, you said that, "I know you probably don't give a shit about my opinion, but you can tell there's a

decent guy here."

A Mm-hmm.

Q And you also said, "I believe this to my core: There's good people that make mistakes and there's bad people that make mistakes every day, and soon, they're not mistakes anymore. That's just how they live. Good people make mistakes. Some are big, some are small mistakes, but they're still mistakes." Correct?

A Yes, ma'am.

Q While you do interrogations or interviews, there's other people that are watching and listening; correct?

A The majority of the time, in certain cases, yes, ma'am.

Q Was anyone else watching and listening to the interview with Whyzdom?

A Because there were two people in the interview room, I don't recall. This was on a Saturday morning. If there was, it would have been another patrol officer.

Q Okay.

A Nobody really in touch with the case, just as a security person.

Q Okay. And then, just for clarity, Whyzdom did say about five times that Harold shot out over the car; correct?

A That is correct. He said that he shot several times in front of his face and then, once they turned right and started driving, that he shot -- he climbed out of the car and shot

once and then the gun jammed.

Q No further questions.

A Yes, ma'am.

MS. CHARBONNEAU: No redirect.

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

Call your next witness.

MS. CHARBONNEAU: Your Honor, the State rests.

STATE RESTS

THE COURT: All right. Ladies and gentlemen, that is the State's case, which means that's it for today. Thank you very much for your cooperation and all. We're going to need you back tomorrow at 11 o'clock instead of 10 o'clock. We'll have you come back at 11 o'clock.

Mr. Peterson? Mr. Peterson, I'm going to appoint you to serve as the foreperson of the jury -- foreman of the jury. As foreman of the jury, it will be your responsibility to serve as a spokesperson for the jury from this point on and to preside over the jury deliberations and to complete the verdict form representing the unanimous verdict of the jury. Understand?

JUROR NO. 148: Yes, sir.

THE COURT: All right. So that's it for today. When you come in, the foreperson takes the front seat in the middle there closest to the aisle.

We'll see y'all tomorrow morning. Please do not discuss

STATE OF SOUTH CAROLINA

GENERAL SESSIONS

COUNTY OF AIKEN

----------x

STATE OF SOUTH CAROLINA,)
)
vs.) Transcript of Record
) 2019-GS-02-01999
) 2019-GS-02-02000
WHYZDOM ANTONIO LEE DOUSE,)
)
Defendant.)
----------x

May 26, 2021

TRIAL - DAY 3

B E F O R E:

The Honorable Clifton Newman, Presiding Judge; and a jury

A P P E A R A N C E S:

Jacqui Charbonneau, Esq.
Jack Hammack, Esq.
Attorney for the State

Brianne Steiner, Esq.
Nick McCarley, Esq.
Attorney for the Defendant

Transcribed by Bobbi Fisher, RPR, for DCRP, Digital Courtroom Project

MS. CHARBONNEAU: No, sir.

MS. STEINER: No, Your Honor.

THE COURT: Let's bring them on.

(The jury entered the courtroom at 11:40 a.m.)

THE COURT: All right. Welcome back, ladies and gentlemen. Day No. 3.

Ms. Teresa Reese? All right. Ms. Teresa, you're now -- you start out as an alternate. Mr. Peterson is no longer on the jury, so you're now a member of the jury panel. Remember, all 13 of you are the jury panel but you're -- however, you're on the first 12 panel.

You have heard the State's case. It's now time for the defense.

You may proceed.

MR. McCARLEY: Thank you, Your Honor. The defense calls Whyzdom Douse, Your Honor. Take the stand. Actually, you'll need to go to the Bible first.

THE CLERK: Place your left hand on the Bible and raise your right.

WHYZDOM DOUSE,

the defendant, after having been duly sworn, was examined and testified to as follows:

THE CLERK: Have a seat in the witness box, stating your full name and spelling your last for the Court, please.

THE DEFENDANT: My name is Whyzdom Douse. Last name,

D-o-u-s-e.

DIRECT EXAMINATION

BY MR. McCARLEY:

Q And how is your last name pronounced again?

A "Dou-s."

Q We're going to immediately go back to August of 2019. Okay, Whyzdom?

A Yes, sir.

Q How old were you at that time?

A Nineteen.

Q What's your birth date?

A [redacted].

Q Did you have a diploma at that time?

A Yes, sir.

Q Okay. Where from?

A South Carolina Youth Challenge Academy.

Q Okay. Did you have a job in August of 2019?

A Yes, sir.

Q Where were you working?

A McDonald's.

Q Okay. Where were you living?

A North Augusta.

Q With whom?

A My mom.

Q What else were you trying to do with your life at that

time?
A Go into the Army.
Q Were you going to try to go into the Army?
A I had -- I've actually had a recruiter, Sergeant Brown, from the recruiting office over here on the south side of Aiken.
Q Okay.
A And I was meeting with him on a regular.
Q You watched that interview yesterday?
A Yes, sir.
Q And you referenced something called ASVAB.
A Yes, sir.
Q What's that?
A It's a certain test that you have to take to see -- to see what AIT that they will send you to, what type of job that you would get to see how you do on the ASVAB, to see what branch of the Army would accept you into its branch.
Q Okay. Do you have a child?
A Yes, sir.
Q Okay. Boy or a girl?
A A girl.
Q How old is she?
A She's two.
Q What's her name?
A B.D. .

Q Whyzdom, what's the biggest mistake you have ever made in your life?

A Going to pick up Harold that night.

Q What night are you talking about?

A The night of August 1st.

Q Why was it the biggest mistake of your life?

A Because now I'm in a situation where my life is on the line and I ain't did nothing wrong.

Q When you picked him up that night, did you see a gun with him?

A No, sir.

Q At any time that you were with him that night, did you see a gun with him?

A No, sir.

Q Y'all made some stops.

A Yes, sir.

Q At any of those stops, did you see a gun with him?

A No, sir.

Q Did you see a gun in your car?

A No, sir.

Q Do you have a gun in your car?

A No, sir.

Q This shooting took place; correct?

A Yes, sir.

Q And you were present?

A Yes, sir.
Q Did you help Harold Bates?
A No, sir.
Q Did you plan this?
A No, sir.
Q Did you assist him?
A No, sir.
Q Did you encourage him?
A No, sir.
Q Did you have a gun?
A No, sir.
Q Did you shoot anyone?
A No, sir.
Q Do you know what the word "malice" means, Whyzdom?
A Yes, sir.
Q What does it mean?
A Ill will.
Q Do you have any malice towards Raven Turner?
A None.
Q Do you have any malice towards Keyshawn Davis?
A None.
Q Do you have any malice towards Richard Carroll?
A None.
Q Do you have any malice towards Roderick McMillan?
A None.

Q Did you ever, Whyzdom?

A No -- no, sir.

Q How do you know Harold Bates?

A I met him through my brother. I knew him -- yeah, I met him through my brother.

Q Okay. How long had you known him?

A Between six to eight months.

Q Okay. We'll go back talking specifically about the night of August 1st and then we'll circle back to more about Harold Bates. Okay?

A Yes, sir.

Q What time did you take Sonjai to work on August 1st?

A 6:45, 7 o'clock.

Q And just to make sure we're all clear, who is Sonjai?

A That's my child's mother.

Q What's her full name?

A Sonjai Simpkins.

Q Okay. And how long -- I guess how long did y'all date or were y'all together?

A We were together four years and a couple of months.

Q In August of 2019, were y'all still together or just friends at that point?

A We were just friends.

Q Were y'all co-parenting?

A Yes, sir.

Q Okay. After you dropped Sonjai off at work -- well, where did she work?
A She worked at Aiken Regional Medical Center.
Q Okay. And you dropped her off there?
A Yes, sir.
Q And where did you go then?
A To the Lucky 7 gas station.
Q Where did you go after that?
A Cushman Apartments.
Q And after that?
A Paces Run (ph.)
Q And after that?
A (Indiscernible)wood Village.
Q And after that?
A Advance Auto Parts.
Q Advance Auto Parts?
A Yes, sir.
Q What did you do there?
A I got -- the adapter in the car had broke, so I had to go get a new adapter so I could listen to music and stuff.
Q An adapter for your cellphone?
A Yeah, just like -- yeah.
Q Where did you go after you went to Advance Auto Parts?
A I want to say I went back to Paces Run (ph).
Q Okay. What were you doing at Paces?

A Playing dice, chilling.

Q Okay. Where did you go after Paces?

A I think Sonjai called me to bring her something to eat from -- she told me to come get her so she can get her co-workers something to eat.

Q Okay. So, from Paces, you drove back to Aiken Regional Medical Center?

A Yes, sir.

Q And you said Sonjai called you?

A Mm-hmm.

Q What did you do when you got to the hospital?

A She got in the car. We went to a Japanese restaurant in the plaza across from the BP on Richland Avenue.

Q Okay. What did you do then?

A We went in and bought food.

Q How much food?

A She bought about six -- you know, about six to seven meals.

Q Why did she buy six or seven meals?

A It was her turn to buy food for her co-workers that night.

Q Then what did you do after you-all bought all the food?

A I dropped her back off at her job.

Q Okay. And then where did you go?

A I went to New Ellenton.

Q Why did you go to New Ellenton?
A Harold had been texting me all day about coming to get him. So, I mean, I needed -- you know, I needed pills from him anyway, so I went down there and got them.
Q Okay. You said you needed pills from him. Was that (indiscernible)?
A I mean, at the time, I was, you know, taking pills, so I went and got a couple from him and he got in the car.
Q Where did you pick him up?
A The Exxon on Whiskey Road in New Ellenton.
Q Okay. Do you know what time that was?
A It had to be around 10 o'clock.
Q And was it dark outside?
A Yes, sir.
Q You got him in your car at the Exxon in New Ellenton?
A Yes, sir.
Q Is it well-lit there?
A Yes.
Q Did you get out of the car?
A No.
Q He got in the car?
A Yes, sir.
Q Did you see a gun on him?
A No.
Q Did he have a backpack with him?

A No.

Q Did he have a duffel bag? Any kind of bag with him?

A No.

Q Okay. Where did you go from there?

A McDonald's on the south side of Aiken.

Q And from there?

A Hahn Village Apartments.

Q And then where?

A Paces Run.

Q And then where?

A I went to take Sonjai -- I went to the BP on Richland Avenue.

Q Why did you go to the BP on Richland Avenue?

A Sonjai called me. She wanted me to bring her some 5-Hour Energy drinks and a couple of Black & Milds, so I went and got them.

Q Okay. And Harold Bates is still with you?

A Yes, sir.

Q He got back in the car with you at McDonald's, Hahn Village, and Paces; right?

A Yes, sir.

Q Tell me if I'm wrong.

A Oh, no, he never got out the car.

Q Okay. So at the BP on Richland and the Parkway, you get a 5-Hour Energy drink and some Black & Milds?

A Yes, sir.
Q Because that's what Sonjai asked for?
A Mm-hmm. I got two 5-Hour Energy drinks.
Q Did you get yourself one too?
A No.
Q She wanted two of them?
A Yeah.
Q Okay. Where did you go from there?
A To the hospital.
Q When you say "to the hospital," do you mean --
A Aiken Regional.
Q Okay. And what happened when you got there?
A I called her and told her I was out there in the front. She came out. We talked, and she told me, she's like, "Are you going back to the house?"

I was like, "Yeah, I think I'm going to get Brook and go home."

She was like, "All right. Call me when you get to the house."

I got in the car, left Aiken Regional. I made a left on University Parkway. I got to the light. I seen the car pull up behind me. Well, the car was following me. It had been, you know. It was tailing me all night, so...

I really confirmed my suspicion when I seen the car come out the hospital and made a right and backed up and got behind

me to make a left. So I made a left on Richland Avenue. Driving down Richland Avenue. I park in the CVS Pharmacy parking lot. I parked in the pharmacy parking lot. Rolled up some weed. I sat there. I got on -- went back on the road. We started smoking while we was riding.

Q And you say "we started smoking when we were riding."

A Yes, sir.

Q Is that cigarettes?

A No. I had rolled up some weed when I stopped at the CVS Pharmacy.

Q Okay. So you get back on Richland Avenue?

A Yes, sir.

Q Then what's the next turn you make?

A I bear off on Hanes Street.

Q Why did you bear off on Hanes Street?

A Because I was going to take Harold back to his house so I could go pick up B.D. .

Q Okay. What's the next turn you took?

A I made a left on Waterloo.

Q Why did you make -- why did you change -- why did you change your mind, change directions and took a left on Waterloo instead of going straight to New Ellenton to take Harold Bates home?

A Because I was, like, scared of being out at night. I might as well go ahead and get some more weed while I'm in

Aiken, drop him off and then...

Q So you take a left on Waterloo. Then what happens?

A Pull up to a car. I didn't know it was the car that was tailing me because I had never been behind the vehicle. So I pull even with the car. Just out of habit, I looked in the vehicle. I looked in the vehicle. Looked back straight. He's like, "Watch out, that's Blue and them in there." He started shooting.

Q Let me back up a couple of seconds. When you take a left on Waterloo and you're driving up to that light, do you recognize the car --

A No, sir.

Q -- that's sitting at the light?

Does Harold Bates say anything --

A No, sir.

Q -- about that car?

Did he say, "That's them"?

A No, he never said nothing.

Q Did he say, "Let's get them"?

A No, he never said nothing.

Q Did he say, "I'm going to get them"?

A No.

Q Did he say, "I'm going to shoot them"?

A No.

Q Did you see him pull out a gun?

A No.

Q Okay. So you pull up and you just said it but we need to clarify. Okay? A lot's been said about it. You pull up at the light. You look to your left out of habit because you're sitting next to a car. Right?

A Yes, sir.

Q And then what happens?

A Look to the left. Just staring back at the light, smoke -- he said, "Watch out. That's Blue and them." And he started shooting in the car.

Q Slow down, slow down, Whyzdom. He said what?

A He told me, "Watch out. That's Blue and them." Lil Blue. That was his known name on Facebook.

Q That's whose known name on Facebook?

A Roderick McMillan.

Q Okay.

A He starts shooting in the vehicle.

Q Where was the gun when he shot?

A The gun -- he shot across my face.

Q Okay. Was it loud?

A Yeah.

Q Were your ears -- do you remember your ears ringing afterwards?

A Yes, sir.

Q Okay. What do you do after he shoots in front of your

face?
A I was scared and I pulled off before they can try to shoot at my car.
Q When you say "pull off," which direction did you go?
A I made a right on Richland Avenue going to downtown.
Q Now, as you're making a right, what is Harold Bates doing?
A He leaned out the window and shot over the car.
Q Leaned out which window?
A The passenger side window.
Q Okay. When you say "leaned out the window," all right, you're taking a right.
A Uh-huh.
Q And you see him. What part of him do you see when you turn and you're taking a right?
A His backside. I can see his whole back.
Q Okay. And then you go down Richland.
A Yes, sir.
Q And that's the last thing you said?
A That's the last thing I said?
Q I'm asking you, did you go down Richland? That's where we stopped when I took you back. Right?
A Yes, sir.
Q Okay. What was the next turn you take?
A A right on Lauren Street.

Q Okay. You said in your interview that played in court yesterday that you pulled up on public safety.

A Yeah. When I made the right on Lauren Street and we got to the light, the light was red. Public safety was sitting at the light.

Q When you say "public safety was sitting at the light," you mean a police car?

A Yeah, a police car was sitting at the light.

Q It can be confusing to mean that you're parked next to the public safety building, but you're on the street and there's a police car next to you.

A Uh-huh.

Q Okay. What happened when that police car was next to you?

A He was going to jump out and run. I said, "Man, are you tripping, brother? Let me take you home." Officer looked into our car, "How are you doing tonight?" I said, "I'm doing fine." I kept driving.

Q Okay. Why didn't you tell that police officer what happened?

A Out of fear.

Q What were you scared of?

A Something might happen to me or, you know, my family.

Q Had you gotten threats about this case?

A Yes, sir.

Q When did you start receiving threats about this case, Whyzdom?

A The next morning when I went and got Sonjai from work, she got in the car, and I was getting a bunch of calls, a bunch of texts. It was just people saying, you know --

MS. CHARBONNEAU: Objection. Calls for hearsay.

THE COURT: Objection overruled.

A A bunch of people kept calling me, texting me saying they was going to kill me, they was going to do something to my child or do something to her mother, so...

BY MR. McCARLEY:

Q Have you been threatened about this case since you have been arrested?

A Yes, sir.

Q Where have you been since you have been arrested?

A Aiken County Detention Center.

Q Since the date you gave that interview on August 3rd, you have been where?

A Aiken County Detention Center.

Q Been living there this whole time?

A Yes, sir.

Q Okay. For a crime you didn't commit?

A Yes, sir.

Q Okay. So now we're on Lauren Street. Where do you go from there?

A I went straight down Lauren Street. You have no choice but to make a left and go up toward downtown. I made a right on Whiskey. Straight shot to New Ellenton.

Q Okay. That's a long ride.

A Yeah.

Q About a 40-minute ride. What's going on in the car?

A Nothing. I'm nervous. I don't know what to say, so I ain't say nothing at all.

Q What's Harold Bates doing?

A Nothing.

Q Okay. Where did you drop him off?

A It was near the Hot Spot. I can't remember the exact location because I'm not familiar with where his people live.

Q Okay. Give me just a second. Okay, Whyzdom?

Let's talk a little bit about some statements, okay, that the jury heard yesterday that the State alleges indicate you knew more than you're telling us you did. Okay? Evidence came out yesterday that you told Sonjai, the mother of your child, something about you and Lil Blue getting into it. Do you remember talking to Sonjai about this after it happened?

A I talked to her afterwards but I never said nothing about me and Lil Blue getting into it.

Q What did you say?

A I can't remember. I mean, I really don't recall what I said about the situation, but I know I wasn't referring to me.

Q Okay. When did you learn that it was Lil Blue in the car -- in the other car?
A When he said, "Watch out, that's Blue and them."
Q And how do you know Lil Blue?
A Social media.
Q Okay. When did you learn his real name?
A When I was going up for murder.
Q Do you talk to Sonjai about almost everything?
A Yeah.
Q Well, I shouldn't say almost. Do you talk to Sonjai about everything?
A Yes, sir.
Q Okay. I'm going to take you to work. You went to work the next day; correct?
A Yes, sir, I did.
Q You worked at McDonald's?
A Yes, sir.
Q Okay. And a lady took the stand and she said that you said repeatedly that you had killed someone. Okay? Did you say that you had killed anybody?
A No, sir. I never stated I killed nobody.
Q Tell me what happened when you went to work the next day.
A Went to work. I had to be to work at 3:00. I was closing that night. I went to work at 3 o'clock.
Q Slow down. All right? What happened when you went to

work?

A I got to work. She -- she walked back there to the fryer where I was.

Q Who is "she," Whyzdom?

A Nyasia Myers.

Q Okay.

A She walked to the fryer where I was and said, "Man, I heard y'all killed somebody last night."

I said, "Who? I mean, I ain't killed nobody." I said, "I heard my partner did, but I ain't killed nobody."

Q You said, "I heard my partner did."

A Yeah.

Q Okay. What do you mean by -- what does "partner" mean to you, Whyzdom?

A Somebody who was just with you at the moment.

Q It doesn't mean your friend? Doesn't mean your best friend?

A No, sir.

Q Okay. Just a term for somebody you're with.

A Mm-hmm.

Q Okay. So you told -- when Nyasia Myers questioned you about the situation, you said what?

A "I heard my partner did but I ain't killed nobody."

Q Okay. Did you ever say to anybody at work or anywhere that you had killed someone?

A No, sir.
Q Let's talk a little bit about the phone call that we heard the recording of that you made from jail to Sonjai the day you were arrested. Right?
A Yes, sir.
Q And you referred to a mistake. Okay. What mistake were you referring to?
A Picking Harold Bates up.
Q Was that the same mistake you were referring to when you were alone in the interview room, crying?
A Yes, sir.
Q Do you remember being alone in the interview room, crying?
A Yes, sir.
Q What did you say when you were alone in the interview room?
A I was really, like, speaking to my child through God, and I was like, "Daddy made one mistake. You know, he let the wrong person in Mommy's car."
Q Okay. And you also said on that -- going back to the phone call, not when you're alone in the interview room, "and a great retaliation." Okay. What's the retaliation for the mistake you made?
A Me fighting for my life.
Q What do you mean by fighting for your life?

A I'm locked up for something that I didn't do.
Q Is the charge that you're being tried for carry life?
A Yes, sir.
Q You can be put in prison for life for this?
A Yes, sir.
Q Let's talk about you being interviewed by police. Okay.
A Mm-hmm.
Q Do you remember that?
A Yes, sir.
Q Do you remember being arrested?
A Yes, sir.
Q Okay. When you say there was a warrant for your arrest, what did you do?
A I showed my mom immediately.
Q Okay. When you were arrested, you went straight to the public safety building?
A Yes, sir.
Q Were you in handcuffs?
A Yes, sir.
Q Who were the -- who did you talk to there?
A John Eagerton.
Q Okay. Anybody else?
A And Detective Griffin.
Q How long did you talk to them?
A A little over two hours.

Q Before you were arrested, did you take any drugs?
A Yes, sir.
Q What drugs did you take, Whyzdom?
A I still had the pills that I had received the night before. Well, the night of August 1st.
Q Did you smoke some marijuana?
A Yes, sir.
Q The morning you were arrested?
A Yeah, I was smoking the morning I was arrested and I was on pills.
Q How long before you talked to the police had you taken pills and smoked marijuana?
A As soon as I put (indiscernible), I had to pop pills, but we had to (indiscernible) all the way from Augusta.
Q Okay. How long did you talk with the police that night; do you remember?
A Talking about in the interview room? Interrogation?
Q Yes, sir.
A It was a little over two hours.
Q Do you remember telling the officer, quote, "I smoke a lot of weed and I'm tripping"?
A Yes, sir.
Q Whyzdom, why did you lie to the police to begin with in that interview?
A Out of fear.

Q Fear of what?

A My life. I mean, I never been in this situation before so I felt like they just wanted to know something, so I just told them anything.

Q When you say in fear of your life, because of the charge?

A Yes, sir.

Q Because of what you had read on your phone? Threats?

A All the (indiscernible).

Q Do you remember the police, when you were doing your rights waiver form, do you remember them asking if you had been threatened?

A Yes, sir.

Q And what was your response? And you're going to have to cuss in front of your mother. What was your response?

A I'm sorry, Mom, but I said, "Shit."

Q And why did you say that?

A Because I had been threatened, but he made the term "by police" and I hadn't been threatened by police.

Q Did you have an altercation at the jail last night?

MS. CHARBONNEAU: Objection. Relevance.

THE COURT: What's the relevance?

MR. McCARLEY: Your Honor, the relevance is that he was threatened just last night about this case at the jail. He was asked on his waiver form if he was threatened, and he told law enforcement he felt threatened. That is the --

THE COURT: In relation to --
MR. McCARLEY: In relation to --
THE COURT: -- police? You said --
MR. McCARLEY: In relation to why he was not initially honest and forthcoming with the police.
MS. CHARBONNEAU: What happened last night has nothing to do with what he said on August 1st.
THE COURT: I sustain the objection.
MR. McCARLEY: Thank you, Your Honor.
BY MR. McCARLEY:
Q In that interview with police --
MR. McCARLEY: I apologize, Your Honor, may I proceed?
THE COURT: Yes, sir.
BY MR. McCARLEY:
Q In your interview that night with police, did you ask for your mother?
A Yes, sir.
Q When they read you your Miranda rights waiver form, okay, did you understand the rights that were being read to you?
A No, sir.
Q If you didn't understand them, why did you sign the bottom of the page?
A I was -- I felt like I was doing what they wanted me to do. I thought I was going to be able to get myself out of trouble.

Q Did you want the lawyer there with you?

A Yes, sir.

Q Did you want your mom there with you?

A Yes, sir.

Q In that interview with the police, did you ever tell the truth?

A At one point.

Q Okay. What's the truth?

A That I didn't shoot no gun at nobody.

Q Who did shoot?

A Harold.

(Defendant's Exhibit No. 1 was premarked for identification.)

BY MR. McCARLEY:

Q Whyzdom, I'm going to hand you what's been premarked for identification as Defendant's Exhibit No. 1. Would you look at that, please, sir? Do you recognize that, Whyzdom?

A Yes, sir.

Q Will you flip the page and make sure you recognize the second page then.

A Yes, sir, I recognize it.

Q Has anything been changed on that since you signed it on August 3rd?

A Nothing.

Q Of 2019, I should say.

A Nothing's been changed.
Q Has anything been added?
A Nothing.
Q Has anything been deleted?
A Nothing.
Q Okay. Is that an accurate copy of what you signed on August 3rd?
A Yes, sir, it is.
MR. McCARLEY: Your Honor, Defense moves to enter Defense Exhibit No. 1.
MS. CHARBONNEAU: No objection.
THE COURT: It's admitted.
(Defendant's Exhibit No. 1 was received into evidence.)
BY MR. McCARLEY:
Q All right. What is that, Whyzdom?
A It's a photo lineup.
Q Okay. Was that the -- and that's the photo lineup you were presented on August 3rd?
A Yes, sir.
Q While you were being interrogated?
A Yes, sir.
Q Okay. Are your initials on that sheet?
A Yes, sir.
Q Okay. Next to what number?
A Five.

Q And who is in Picture No. 5?

A Harold.

Q Harold who?

A Bates.

Q And why did you circle him?

A That's who the shooter was.

Q Okay. I'm going to turn your attention to the second page. I'm going to ask you to read where that check-mark is, Whyzdom. Read that sentence.

A It states, "I have 100 percent positively identified No. 5 to be the person I saw commit the crime."

Q I'm going to call your attention to the bottom second-to-last line of the page. Is that your signature?

A Yes, sir.

Q What does it say underneath your signature?

A "Victim/witness signature."

Q Just to be a hundred percent sure, the same person you picked out of that photo lineup is the same person you picked up in New Ellenton?

A Yes, sir.

Q And the same person that shot the gun in front of your face?

A Yes, sir.

Q And the same person that shot the gun out the passenger side of your car?

A Yes, sir.

MR. McCARLEY: Your Honor, may I have the moment?

THE COURT: Yes.

(Pause in the proceedings.)

BY MR. McCARLEY:

Q I want to be a little bit more specific about something right after the shooting occurs. Okay, Whyzdom? Pay attention to me for a little while.

A Mm-hmm.

Q Okay. You have said that Harold Bates is shooting out the passenger side of the car.

A Yes, sir.

Q What did you do while he's shooting out the passenger side of the car?

A Tried to pull him back in the car, told him he was tripping.

Q Okay. You testified in your -- in your interview, you told law enforcement that you broke your thumb.

A Mm-hmm.

Q Okay. Why did you break your thumb?

A Due to threats that were being made.

Q When did you break your thumb?

A On August 2nd.

Q Okay. Did you think you could talk your way out of the charge when you were in there with law enforcement?

A I did.

Q You were in there for two hours with those police officers?

A Yes, sir.

Q What made you think you could talk your way out of this charge with two detectives and cameras and a murder (indiscernible)?

A Because I didn't -- I mean, I know, when I asked him questions, he told me about a warrant for my arrest, but I still didn't understand, like, okay, am I actually being arrested for this murder and am I being questioned for this murder. So I felt like, you know, I'm just going to tell them whatever they want to hear so I can go home.

Q Have you been 100 percent truthful today?

A Yes, sir.

Q Whyzdom, specific question: Did you have any intent to kill Roderick McMillan?

A No, sir.

Q Did you shoot a gun?

A No, sir.

Q Did you have any intent to kill Raven Turner?

A No, sir.

Q What about Keyshawn?

A No, sir.

Q What about Richard Carroll?

A No, sir.

MR. McCARLEY: Your Honor, no further questions at this point.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MS. CHARBONNEAU:

Q Mr. Douse, you told Detective Eagerton and Detective Griffin that you were shooting earlier in the day in the woods. Is that true or is that a lie?

A That was a lie.

Q And you said that you picked up Harold Bates because you claimed you no longer had a gun on you and you knew that he would have a gun. Was that the truth or was that a lie?

A That was also a lie.

Q You knew Lil Blue before August 2nd, 2019; right? You knew what he looked like?

A Nearly.

Q You knew Keyshawn Davis?

A Yeah.

Q You guys, at one time, all went to school together?

A No, sir [verbatim]. I left Midland Valley and went to Silver Bluff. Stayed at Silver Bluff for about two months. Then I went to Youth Challenge. I never went to school with Lil Blue or Roderick.

Q But you knew of him, what he looked like?

A Social media, after I came home from Youth Challenge.

Q You knew what Lil Blue looked like, Roderick McMillan, before August 2nd, 2019; right?

A Yes, sir [verbatim].

Q And you knew Raven Turner before then?

A Yes, sir [verbatim].

Q And you knew Keyshawn Davis?

A Yes, sir [verbatim].

Q The whole story -- the first story that you give Detective Eagerton in the interview about how you were followed by two guys, they took shots at you, that happened in Hahn Village, that was all a lie?

A Yes, sir [verbatim]. I mean, yes, ma'am. I apologize.

Q And you're telling us that when you -- after the shooting, when you turned on Richland Avenue and then you turned right to Lauren Street, there's a police car sitting right there and you waved to him?

A He waved at me.

Q And you waved back?

A He asked me how my night was. I said, "I'm doing all right, Officer."

Q You were driving Sonjai Simpkins (indiscernible) August 2nd, 2019; right?

A Yes, ma'am.

Q And you --

A No, not August 2nd.
Q August 1st into August 2nd, 2019.
A Yes, ma'am.
Q You were driving Sonjai's red Elantra when the shooting happened; correct?
A Yes, ma'am.
Q You went and picked up Harold Bates and put him -- and he got in Sonjai's red car with you; correct?
A Correct.
Q It was just the two of you in that car; correct?
A Correct.
Q You broke your thumb after the shooting; correct?
A Correct.
Q After the shooting, you drive away and you make a right on Richland Avenue; correct?
A Correct.
Q After you make that right, that's when Harold Bates gets -- started leaning out the window and shoots once over the car?
A I can't recall if he shot once. My ears were ringing from the previous gunshots that were in my face. I can't recall how many times he shot over the car, but yes, he did shoot over the vehicle.
Q And his gun jammed; correct?
A I mean, I assume so.

Q Well, you said so in your interview. Did his gun jam or not?

A I mean, I'm -- I assume so. I wasn't shooting the gun. I wouldn't know.

Q You told the police in your interview, August 3rd, 2019, that Harold shot three times in front of your face inside the car, you make a right, and then he shoots once over the car and then his gun jammed. Is that the truth or the lie?

A That was based off assumption, the second part when you're saying that he shot one time, because I tried to pull him back into the vehicle, so I wouldn't know how many times he shot.

Q How long have you known Keyshawn Davis prior to August 1st and August 2nd, 2019?

A About six, seven years.

Q And Mr. McCarley said that, when you were arrested, you went straight to Aiken Department of Public Safety. But you didn't surrender. The police officers had to come and find you --

MR. McCARLEY: Objection, Your Honor.

BY MS. CHARBONNEAU:

Q -- at Palmetto Apartments; correct?

THE COURT: Pardon?

MR. McCARLEY: Your Honor, with relevance of manner and place where he was arrested, first of all, I made no -- I made

no inference about the circumstances of his arrest, and that the circumstances of his arrest aren't relevant to whether or not he committed any crime.

THE COURT: Response?

MS. CHARBONNEAU: Mr. McCarley misled the jury by indicating that the defendant surrendered himself when he knew he was under arrest -- he was going to be arrested for murder and that he went straight to the department. And he did not.

MR. McCARLEY: Your Honor, that is a -- I believe that to be a mischaracterization of what I said. I said he went to Public Safety and that would be with police after his arrest.

THE COURT: The objection is overruled.

BY MS. CHARBONNEAU:

Q Officers came to Palmetto Apartments to arrest you; correct?

A Correct.

Q You did not surrender yourself, even though you knew there was a warrant for your arrest; correct?

A Explain "surrender." Do you mean --

Q Did you voluntarily walk or drive to the police department and say, "Here I am"?

A Oh, no. No, ma'am.

Q Mr. McCarley was asking you about all these threats that you got. You threatened Raven Turner not to show up for trial, didn't you?

MR. McCARLEY: Objection, Your Honor.

A No.

THE COURT: Basis for the objection?

MR. McCARLEY: Speculation.

MS. CHARBONNEAU: It's not speculation, Judge. It's a legitimate question based on information.

MR. McCARLEY: Based on no information -- I'm sorry, Your Honor. You looked at me. Based on no information that's been before this Court and this jury.

THE COURT: Objection is sustained.

BY MS. CHARBONNEAU:

Q Mr. McCarley asked you if you ever told the truth in the interview, and you said "at one point." In fact, during that interview, on at least eight occasions, you even told Detective Eagerton "I'm lying"; is that right? Eight different times.

A I don't recall how many times I said it but -- that I remember saying I'm lying.

Q Because you did a lot of lying that day.

A Yes, ma'am.

Q At one point, you tell Detective Eagerton "Every man for himself." Do you remember saying that?

A Yes.

Q And when you were in that interview, you actually were telling Detective Eagerton about what a murder charge carries

and that you were facing 15 or 20 years, even life. Do you remember saying that?

A Yes, I do.

Q And you don't want to go to prison for any amount of years, do you?

A No, ma'am.

MS. CHARBONNEAU: Nothing further.

THE COURT: Redirect?

MR. McCARLEY: Nothing on redirect, Your Honor.

THE COURT: You may step down.

Your next witness?

MS. STEINER: The defense rests.

DEFENSE RESTS

THE COURT: All right. Ladies and gentlemen, that is the defense's case.

Any reply by the State?

MS. CHARBONNEAU: No, sir.

THE COURT: All right. Ladies and gentlemen, you have heard all of the testimony in this case, you have received all of the evidence in this case. What remains is the closing arguments of the lawyers and the deliberation by the jury and also the appointment of a foreperson of the jury.

So we're going to give you-all a break until -- well, first, I have to figure out a new foreperson. So, ladies and gentlemen, we're going to have you go and come back at

THE COURT: Bring the jury in.

(The jury entered the courtroom at 2:20 p.m.)

THE COURT: Okay. Mr. Hightower? Okay. You're now a part of the regular jury panel as well. All right. Thank you.

And Michelle Burns? I'm appointing you to serve as the foreperson of the jury. Go ahead and take the closest seat here. And as foreperson, it will be your responsibility to preside over the jury deliberations, serve as a spokesperson for the jury from here on out, and to complete the verdict form, representing the unanimous verdict in the jury. Do you understand?

JUROR NO. 30: I do.

THE COURT: All right. Very good. Thank you.

Ladies and gentlemen, you have heard all the evidence, all the testimony, received all the evidence. It is now time for closing arguments from the State.

MS. CHARBONNEAU: Thank you, Your Honor.

CLOSING ARGUMENT ON BEHALF OF THE STATE

MS. CHARBONNEAU: "It was a big mistake and a great retaliation." Those are the words out of Mr. Douse's mouth (indiscernible), even though girlfriend was crying on that jail call. And you heard about -- you have heard all the evidence -- you have heard all the testimony, you have seen all the evidence. When you go back in the jury room, all the

evidence will go with you, and you'll be able to actually touch it, see it, play it as much as you want, but there are some things I want to bring to your attention so that you know what to look out for.

First of all, the judge will instruct you on the law. Let's go over that again. Murder. It is my burden to prove beyond a reasonable doubt, number one, that the defendant killed Roderick McMillan with malice -- with malice aforethought. Malice aforethought, ill will, hostility towards another person, intentional doing of a wrongful act without just cause or excuse and with the intent to inflict an injury or under the circumstances that the law infer an evil intent. Malice may be inferred by the conduct shown in total disregard for human life.

Again, the hand of one is a jury instruction that you must apply -- and the judge will tell you; he's going to read the law to you. Whether you think it's right or wrong, you have sworn as jurors to follow the law and you must find him guilty if I have proven it to you under the law beyond a reasonable doubt.

Hand of one. If a crime is committed by two or more people who are acting together in committing a crime, the act of one is the act of all. A person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person which happens as a

probable or natural consequence of the acts done in carrying out the common plan and purpose. If two or more people are together, acting together, assisting each other in committing the offense, the act of one is the act of all or as it is sometimes said, the hand of one is the hand of all.

A principal in a crime is one who either actually commits the crime or who is present aiding, abetting, or assisting in committing the crime. When a person doesn't act, whether in the presence of and with the assistance of another, the act is done by both, the intent being shown by acts and conduct of the defendant or other circumstances from which you may naturally and reasonably infer intent.

Lastly, reasonable doubt. The judge is going to instruct you on it. We touched on it in opening statement. Reasonable doubt is proof beyond a reasonable doubt. It can also be described as proof that leaves you firmly convinced of the guilt of the defendant. There are very few things in this world that we know as absolute certainty, and in criminal cases, the law does not require proof that oversees every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the charge against him, you must find him guilty.

And, lastly, the judge is going to tell you that you, as the jury, are determining the credibility of the witnesses. You decide whether they had the opportunity to see what they

said they saw, heard what they saw, did they have any bias, did they have an interest in the outcome of the case, did you feel that they were telling the truth. And most importantly, is what they tell you on the stand, was it corroborated? Did it match the physical evidence that went before you?

And you will see that Keyshawn Davis, he told the judge -- I'm sorry, he told the detectives and he told you and I that Whyzdom Douse, in State's 7, and Harold Bates, in State's 8, were the shooters in that red car. All of the physical evidence matched what he told you.

Not only that, the defendant told you that he was driving that red Elantra car. Sonjai Simpkins told you, "Yes, Whyzdom Douse had my car." That's undisputed.

Let's go to the video. And you guys will be able to play just a few things that (indiscernible) State's Exhibit 3, and there's some things I want you to kind of train your eye to because you saw it, it's not the clearest.

(Video plays.)

Your Honor, may we have the lights dimmed again?

THE COURT: Yes.

MS. CHARBONNEAU: Thank you.

Okay. When you have it in the back, see this time? Right, (indiscernible) told you it's an hour off. So it's really almost 1 o'clock a.m. on August 2nd, 2019. But how you find it is look for 23:52 and then 20 seconds is when Raven

Turner is going to pull up in Keyshawn Davis's car.

Can you zoom in?

UNIDENTIFIED SPEAKER: Do you want me to take it in more?

MS. CHARBONNEAU: No, that's good. Okay.

And what you're going to concentrate on when we get to 23:52:20, when you see the car pull up, you're going to see Raven Turner pull up, you're going to see Whyzdom Douse pull up right behind, and I want to point out a few things to you so that you know that the five different stories that Whyzdom Douse has told us is not true.

Can we go up to 23:52? And concentrate in this area.

Remember, Waterloo Street, that's heading north. This is Richland Avenue. Waterloo Street is a one lane heading north, one lane heading south. There's no turn lane there.

Here come the headlights. Raven Turner is going to be coming across the top. Notice that her wheels are ahead of the lines on the street.

And here comes Mr. Douse. I want you to notice that he does not pull up behind on the one lane. He goes right to the side of that vehicle. I want you to notice also, he does not go quite in line with it. He is lining up his shot with the backseat. He was (indiscernible) that car.

Keyshawn Davis told you they sat there for seven to ten seconds, that they were staring into his car, and that's what's going on right now.

Ask yourselves: If he was there to make a right-hand turn -- there's no traffic coming -- pull up, make your turn. But he didn't because he didn't tell you the truth.

He was there because he followed Keyshawn Davis. He told you he knew him six to seven years, and of course he knew his car. They all knew each other.

Can you go back to right when Mr. Douse pulled up?

Now, this has been slowed down.

And hold on for one second after he pulls up.

So one lane heading north, one lane heading south, no turn lane. Whyzdom Douse, I submit to you, followed or saw Keyshawn Davis's car. What did he tell you? He told Detective Eagerton that he didn't have his guns anymore but when he was shooting in the woods earlier, so he picked up his homeboy, to use his words, because he knew he would have a gun. So, now, he's (indiscernible) but he picks up Harold Bates in the get-away car. He brings Harold Bates with him because he's out looking for Roderick McMillan, and he knows and he's looking for Keyshawn's car. And how do you know all that --

Can you hold it right there? Okay.

How do you know all that is because this is not a random coincidence stop. If it is, he could have pulled up behind him. It's one lane. He would have pulled up behind that car and waited for the light to turn green. You want to think for

a second maybe he didn't want to wait, he wanted to make his right turn right away? Well, then, why didn't he pull up as far as Raven and make the right-hand turn? Because there's no traffic. This is 1 a.m. in the morning. There's no traffic coming. He would clearly have made the right if that's, in fact, what he wanted to do, if it was coincidence.

It's not a coincidence. He knows Keyshawn. He knows that Roderick was in that car. He's hunting for Roderick McMillan. And he's armed and ready for Roderick McMillan. We know there's a beef and we don't know why.

And here's another point: Under the law, motive, why someone does something, is not an element of the crime. When we watch movies on TV, it's the motive that makes it interesting because we, as human beings, are very curious people. We want to know why people do what they do. But the reality is this is life, and sometimes we don't know why. We know there was a riff or a beef between the victims and Whyzdom Douse. We don't know why.

But what we do know, despite all his actions and by Harold Bates's actions, is that they were looking for Roderick McMillan, they targeted Roderick McMillan, and they got Roderick McMillan.

So while you might want to know why, motive, I do not have to prove it to you, and we don't always know it. It is not an element of the crime.

So we know he's not there coincidentally. We know he's not there to make a right because he's sitting there for ten seconds with no traffic coming.

Notice how -- okay, in order to capture the muzzle flashes that Jana Weaver told you about, when the gun explodes, when there's a shot, you're going to see a muzzle flash. You're going to look in this area -- and I'm pointing on State's Exhibit 3 -- between the eight and the zero. You're going to look in this area and try to see -- you guys can play it as much as you want in the jury room -- and you will see the four shots.

And then after he makes the right turn, when Whyzdom Douse is driving the get-away car away from the scene, a little bit higher up in this area, above his (indiscernible), in this area, you will actually see the white shirt of Harold Bates as he leans out the passenger window. And you will see one more muzzle shot.

Go ahead, please.

Look in this area. See the flashes? That's muzzle shot. Wait for the turn. See the light? One more shot. One more muzzle shot. Thank you.

Like I said, it's hard to see. If you haven't seen it a few times, play it as much as you want.

You can turn the lights on, please. Thank you.

So in determining the credibility of the witnesses that

came before you -- Keyshawn Davis; Sonjai Simpkins; Nyasia Myers; Jana Weaver, the firearms expert; Dr. Rose -- all the witnesses -- Sergeant Rice -- when you look at them, did they appear to know what they were talking about? Did they appear to be able to see what they were talking about today? Did they have any interest in the outcome of this case? Are they facing 15 to 20 years or life? Was their testimony corroborated by the evidence?

You have the shell casings in evidence. What did we find? Detective Eagerton goes out there, Sergeant Rice immediately goes out there after (indiscernible) the statement from the hospital, and they know now the shooting is at Waterloo and Richland. You'll have this also in the back with you, State's Exhibit 25.

You can see the lighting out there, and you will see that Sergeant Rice was out there, and he finds a 9 millimeter shell casing. What happens when Detective Eagerton talks to Sonjai Simpkins? She gives consent to search her car. They take in her car. She tells them Whyzdom sent me the picture of his mug shot and she called the police. She let them have their car. And what did they find? Three 9 millimeter shell casings on the windshield of the hood of her car.

So what does that tell you about the numerous stories that the defendant told you that cannot match to the physical evidence? Okay.

The defendant -- Sonjai -- they find the three -- the three shell casings. Now, there were four 9 millimeter shell casings.

Dr. Rose told you that the two projectiles that she recovered out of Roderick McMillan's body came from the same gun: 9 millimeter. All right.

So now we have the defendant tells numerous stories. He admits that he's a liar. He says it eight times in his statement, "I'm a liar. I'm lying to you. I left stuff out. I'm lying to you." You heard five different versions, including today's, of what happened out there.

So each time that he tells a story and he gets caught in the lies and he can't keep them straight, because, as you know, using your common sense, can he tell the truth? The story will stay consistent if you tell the truth. We know what it is. When you're lying, you can't keep up with them.

So Mr. Douse tells the story first. Two guys are chasing them. They shot at him in Hahn Village. Detective Eagerton goes out to Hahn Village, grabs the surveillance video. It's lies. Didn't happen.

Second story. A little chick was following me in a gray car all day. That's what he's saying. The two guys weren't out there, and he admits Lil Blue wasn't out there, which is Roderick McMillan, but some chick has been following him all day. In fact, when he took Sonjai Simpkins to ARCE to go to

work at 6:30, 7 p.m., that they followed him in there.

Detective Eagerton goes to Aiken Regional Medical Center, watches hours and hours of video, seeing Sonjai's car coming in and out. Nobody is following him. Lies.

The next story. Let me make sure I keep up with them. The defendant said that he was chilling with Sonjai earlier and then she went to work. He admits that Lil Blue was not out there that day. He said it twice. It wasn't him. Then he's saying that the chick following him all day -- so, let me ask you something: If a female is driving around, following him all day, why is Roderick McMillan the target? Not reasonable. Right?

If it's a female, which would be Raven Turner that he is insinuating is following him, which is not even possible because Keyshawn told you he was working all day at Subway, so she didn't get into his car until late that evening when they went to Piney Heights to a friend's house.

But assume for a second that it's even remotely possible. If it's Raven that's following him and that he's so upset about, then why is Roderick McMillan the target? Roderick McMillan is the target because he has a beef with him. Harold Bates doesn't have a beef with him. Whyzdom Douse has a beef with him.

And how come no one else in the car was shot? There's four people in that car. Because Roderick McMillan was the

target. That's who they hunted. That's who they got.

Then the third story was, uh, okay, he knows now. The police are telling him, We have got evidence, we have taken DNA, we have taken fingerprints, we have video from the scene. They tell Whyzdom Douse that: We have video. We're going to find out. So then he says, Yo -- all along he's saying I was in that car by himself. I was in that car by himself. Well, now, he's going, uh-oh, something is going to show up on video. All right. I wasn't by myself. I was with Louis Bates. Comes up with Louis Bates. (Indiscernible) a lot. Then it turns out to, Okay, I was with Harold Bates but he's not -- I didn't shoot him.

So the defendant's story is that Harold Bates is the passenger. Whyzdom Douse is driving (indiscernible) of the car. Whyzdom Douse is the one who has a beef with Roderick McMillan. And Whyzdom Douse is the one who picks up Harold Bates, strapped with a gun, because he's saying he doesn't have a gun but we know differently now because of all the shell casings, and that he has Harold Bates because he's out there and he's in fear for his life.

Well, if he's in fear for his life, why is he pulling up next to the car with his so-called enemy? So he gets there and the defendant says numerous times, "Harold Bates shot across my face, inside the car." He says left hand and then he says right hand, he says left hand, because he can't keep

it straight because it's a lie, because he's not sure what the evidence is going to show yet. He doesn't know. He knows that the detectives know stuff, but he doesn't know exactly what he knows.

So here's the problem with that story: Physically, it's not possible. If the defendant is sitting in the driver's seat and Harold Bates is sitting next to him and he is pointing left hand, right hand, whatever you want to say it, across to shoot at Roderick McMillan, which he has lined up to the back passenger door, so there's a straight shot in -- Whyzdom Douse admits his window was open and that they were staring into that car, and he saw it was Lil Blue. He admits that much.

If it's Harold Bates who's shooting, Harold Bates's ejected shell casings would be inside the car. Whatever they eject, they're going to be inside the car. They are not going to be on the outside, on the hood of the car. How is it going to be outside on the hood of the car? When you are Whyzdom Douse, in the driver's side, and now you have put your arm out the window to shoot directly at your target: Roderick McMillan.

And how do you know that?

Will you please pull up State's Exhibit 42 and 43?

Here's the rod that the police put in the bullet holes. Straight back to Roderick McMillan. Richard Carroll doesn't

get back here. Keyshawn is sitting here and he's not hit. Raven's not hit. They're going for Roderick, and that's exactly who they got. That's all they're after. That's all they got. And that is a straight shot. That is from the driver's seat, who has pulled up to line himself up with that back passenger window. And it's a straight shot out.

If you're Harold Bates and you're sitting next to him, you're shooting over him, as the defendant wants you to believe, then that shot is going to be slightly to the back. It's going to come in this way (indicating), not straight across.

And let's look at State's 43, please. Straight to Roderick McMillan. That's your kill shot. That's what killed Roderick McMillan, that shot right there. Right through the door, straight into Roderick McMillan. That came from an arm outside of the door. That's Whyzdom Douse shooting. And his -- his shell casings are being expelled to the right onto the hood of the car.

And as I said, you'll have the evidence back there with you. State's Exhibit 50, 51, 52 shows you exactly where those shell casings were, on the hood of Sonjai's car.

What else do we know from the physical evidence? We know that the defendant is driving around in Sonjai, his -- the mother-of-his-child's car, and he tells the detectives, when he first gets in there, he wants -- there's many phases to

Whyzdom Douse. And the first phase he wants you and the detective to believe is that somehow he is a family man, that he cares about Sonjai Simpkins and her opinions and he cares about his daughter. So he appeals to that, but he's telling the detectives, "Sonjai doesn't want me to have anyone in the car when I have it, so I have to respect her wishes. I don't let anyone in the car." And "I care about my daughter and, you know, I'm not going to let anyone in the car," because that was his first worry, that he was in there alone. And then, of course, we know that none of that is true.

And, also, when you look at State's 54, you can't have more of a reminder as a father than to commit murder with your child's car seat in the backseat of the car. There's nothing more greater than the fact that he doesn't care about anyone but himself. He's using his baby mama's car with his baby's car seat in the backseat when he's murdering Roderick McMillan.

What else does Whyzdom Douse slip in his interview with Detective Eagerton that has now come out on him? On his fourth version of the story, when he tells us that Harold Bates is the shooter, he shot three times in the car -- that's really Whyzdom Douse shooting -- and that now he makes a right and he's driving away from the scene and Harold Bates crawls out of the window and shoots one more time and then he was like, "Get in, man. What are you, crazy? Get in." Well,

what he tells the detectives that made a big slip for him is the detectives are saying, you know, "What was in the car?" And he said, "There wasn't anything in the car. There wasn't anything in the car." He said, "In fact, when I got to Georgia" -- he tells them now that he drove to -- made a right on Laurens and he's down by the courthouse and he tells Harold Bates, "Get the fuck out of the car," and then he drives straight down to -- and heads to Augusta.

And what does he tell the detectives? He says that "I pulled into the Knight's Inn hotel parking lot and I searched that car." And he says, "I didn't find anything at first." But then what does he say? He slips and he says, "I found a .45 caliber under the seat." If he found a .45 caliber under the seat, then that makes Whyzdom Douse the actual murderer of Roderick McMillan, not an accomplice. Not hand of one. The actual murderer. Because if Harold Bates had the .45, there's only two people in that car. The 9 millimeter is in the defendant's hand.

(Indiscernible) gun (indiscernible) don't have to have it. We don't need it to convict on murder.

What's the other ways that he messed up? Let's step back for a moment and say, Okay, maybe he's not the actual murderer. Maybe he doesn't have the actual 9 millimeter. How else is he guilty? Every single story that the defendant told makes him guilty of murder under the law. Every single one.

Every single lying story that he told. He did his best to distance himself from the evidence and from the fact that he is guilty of murder. He tried his best but he didn't get there, because under the hand of one law, if you participate, aid, abet, help, however you want to say it, under that law, he is guilty.

So even if you say, Jacqui, I don't think you have hooked me that he's kill shot, that's okay. Let's step back. How else do we know? It's the defendant driving the get-away car. That makes him guilty. It's the defendant who takes -- who picks up Harold Bates and then pulls up next to Keyshawn Davis's car and (indiscernible) Roderick McMillan. He admits to you that he saw him there and he admits that he's there as the shooter. That makes him guilty.

Then he makes a right-hand turn. He is driving away the supposed shooter, even if he (indiscernible) shooter, he's driving away with the shooter. That makes him guilty. He's helping Harold Bates get away. That makes him guilty under the law.

What else do we know? The defendant tells us the fifth story today, and he tells us that, no, he didn't let Harold Bates out at the courthouse (ph), like he told the detectives. Two years later, he has come up with that he pulled up to -- he made the same Lauren Street turn, and there's a police car sitting there. "Hey, man, how you doing?" He's waving to the

police. Cool as a cucumber. And he's such in fear of Harold Bates -- what did he tell us today? Harold Bates wanted to get out of the car, and he said, "No, I'm going to drive you all the way home." And he told us today he drove Harold Bates all the way back to New Ellenton. That's makes him guilty. All that.

He's not just there for the ride. He's just not there by accident or coincidence and he happens to see a murder. He's not a witness. He is a defendant. And his actions and his lying stories basically every scenario he tried to give you, he is still guilty under the hand of one law.

All of the evidence corroborates -- all of the physical evidence corroborates what the testimony was, and I know that you paid attention and you heard all that testimony. Keyshawn Davis told you the shots came out of that red car. There were multiple shots. We know that from the shell casings that we found. We know that from the projectiles Dr. Rose told you about the two gunshot wounds -- or the two projectiles and the actual (indiscernible) that Roderick McMillan suffered. Jana Weaver told you it was a 9 millimeter. It all matches.

The camera video, as grainy as it is, watch it as much as you want. It shows multiple muzzle flashes, you will see. And when you look at it closely, you will see muzzle flashes, and they are not over the car; they are coming from the red car. That's Whyzdom Douse shooting.

The one that's over the car is after the right turn. When you see that white shirt coming up out of the window, there is one more muzzle flash. That's clearly Harold Bates, coming from the passenger side. They were both shooting that night. And it doesn't matter who actually killed Roderick McMillan. It doesn't matter. All that matters is that they were acting in unison and that the defendant helped him get away, drove him away, drove him there, found him, partied with him. They got who they wanted. It all matches.

The defendant got on the stand today and wants you to believe that the mother of his child -- think about that for a second, how difficult it must have been for her to come in here and testify, how awful that is for her, that she has to testify against the father of her child. And she came in and told you that "he called me that night while I was at work and told me he just got into it with Lil Blue." And Lil Blue is Roderick McMillan. And they all went to school together. And they all used to be friends at one time, and there was (indiscernible). That's what she told you.

And what was even worse? She told you that, on the day that he was arrested, August 3rd, 2019, Roderick's already gone. She tells you that he calls her at 5:00 p.m. from the jail and says, it was a big -- "it was a stupid mistake but a great retaliation." You can try to muddy the waters all you want, but that's a crystal clear statement. That's a brag:

"A great retaliation." He said that the moment after he was arrested for the murder of Roderick McMillan. You know what he was talking about. There's no question what he was talking about.

But he got on the stand today and said, no, that's not what he meant. Another lie. Admitted liar. Another lie to the pack.

Also, when he took the stand today and he told you that Nyasia Myers got it wrong, he didn't say, "I killed somebody" over and over again (indiscernible) at McDonald's, the day that he did it. This is how cold and calculated this man is. He had gone to work like it's no big deal. He picked up Sonjai Simpkins at work at 7 a.m. after he murdered Roderick at 1 a.m. No big deal. He's just going to do what he's supposed to do.

So he goes to McDonald's, and, today, he tells you that Nyasia Myers got it wrong. Sonjai's got it wrong, Nyasia's got it wrong. Everybody's got it wrong except the admitted, confirmed liar. And is that reasonable? Absolutely not.

And when the judge instructs you on reasonable doubt, sometimes that concept is difficult to grasp, so I want to give you an example. If you think of an actor or an actress that we all might know, like Denzel Washington or Jennifer Lopez, okay, is it possible -- possible -- that Denzel Washington finds out that this trial is going on today and

he's decided to come to Aiken and he's going to walk in through those doors and he's going to come and watch the trial? Well, sure, that's possible. He's a real person. He's alive. We know he travels. He goes all over the world. It's possible that he could come here. And just like him, "I'm going to go watch that trial."

Is it reasonable to believe that Denzel Washington is coming here to watch the trial? No, because we have no evidence that Denzel Washington knows anything about this trial or that he's coming here for any reason or even knows where Aiken is on the map. If we had evidence, might be a different story. No evidence. Denzel Washington is not coming.

Whyzdom Douse is guilty. You, as the jury, it's your job to make the decision whether Whyzdom Douse is guilty. And when you do that, you also look at co-defendant Harold Bates' actions. Now, you are not the jury for Harold Bates. He will have his own jury on his own day in court. But, at the same time, under the hand of one, you look at what he did as well and you take all of that into consideration, and then you decide: Under the hand of one, is Whyzdom Douse guilty of murder? That's all you decide.

If the judge wants to go -- the judge does the sentencing. And if you feel, "Well, I'm not sure" or "I'm not sure that I want him to get life as he claims that he might

get or 15 years or whatever," that's not your decision. And let me give you an example of hand of one and how the decision of sentencing is (indiscernible).

Three guys decide that they're going to rob a bank. And they each have a position. One is going to be the get-away driver; one is going to stand outside the bank, and he's going to whistle if he sees the police coming; and the third is going to go in and he's going to have a gun and he's going to go ahead and rob the bank. And then they're all going to take off in the get-away car.

All three of those, under that scenario, are guilty under the law of armed robbery of a bank. That's your job. That's what you would decide. If the judge wants to go more lenient on the whistler outside as opposed to the guy carrying the gun, that's his job. That's not your job. That's not your burden to carry. You just decide did he do it.

Whyzdom Douse, in that interview, as I said, the many faces of him, he wants you to believe that he's a family man and he wants you to feel bad for him. He said he cares about Sonjai and he cares about his daughter. That has absolutely nothing to do with whether he committed this crime or not.

And I want to point something out to you. When the defendant was murdering Roderick McMillan, along with Harold Bates, he was not crying. When the defendant called Sonjai and said, "I just got into a beef with Lil Blue," he was not

crying. When the defendant went to work after he did this and he bragged over and over to Nyasia Myers that he killed somebody -- not "Harold Bates killed somebody," not "we killed somebody," "I killed somebody" was his words, is what she said -- he was not crying. He was not crying at all. He wasn't thinking about Sonjai or his daughter at the time.

When he picked up Sonjai Simpkins at 7 a.m. in the morning, he was not crying at that time. Roderick was dead but a few hours. He wasn't crying.

The only time he's crying is when he knows now he's arrested, he's in a police station, and they have arrested him for murder, and now he is now just crying. He is crying for himself, and that's all that he cares about. And he's certainly not crying, on the same day that we see him crying in the interview at 11:00 in the morning, by 5:00 that night, when he calls Sonjai from the jail and says, "It was a stupid mistake but a great retaliation," he wasn't crying.

Don't feel sorry for him. You look at the facts and the evidence, and you will have no reasonable doubt, and I'm asking that you return a verdict of guilty. Thank you.

THE COURT: By the defense.

MS. STEINER: Your Honor, may we just have a brief restroom break?

THE COURT: All right. Ladies and gentlemen, we'll have you go to the jury room for a few minutes. Please do not

discuss the case. Just be a few minutes.

(The jury exited the courtroom at 3:03 p.m.)

(A brief recess was taken.)

THE COURT: Okay. Let's bring them back. Who are we missing? Do we have everyone?

(The jury entered the courtroom at 3:15 p.m.)

THE COURT: Ms. Steiner?

MS. STEINER: Thank you.

CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

MS. STEINER: Those are the facts: He's not guilty. Keep in mind, as I told you before in my opening, that what Ms. Charbonneau says, while passionate, is not evidence. The only evidence that you heard is what you saw with your own eyes, heard with your own ears from what's happened on the witness stand and all of the information that's going to go back with you.

Whyzdom is not guilty of murder. Not guilty of murder. He is merely present. That's it. He was just another witness.

When you look at all the evidence that goes back with you, you'll notice that State's Exhibit 59 doesn't exist. You know why? Because that's our exhibit. He's just another witness.

It's an absolute tragedy that Roderick McMillan was murdered. Don't let there be another tragedy.

Whyzdom is not guilty of murder. You know who is guilty of murder? Harold Bates. But he's not on trial today.

Keyshawn told you that he did not know who shot. Keyshawn and Whyzdom are the only people who were at the incident location, at the shooting that testified. No one else that testified was there. No one. Keyshawn did not know who the shooter was.

When Ms. Charbonneau showed you the video, she makes a big deal about pointing out the position of the vehicles. When you go and watch the video, look at right before the shooting happens, right at the 48-second mark. You'll see something that I find very interesting. Raven pulls up slightly. That helps the alignment.

Keyshawn told you there were about six gunshots. That's in line with what Whyzdom told you. Three in front of his face and three over the -- three out the passenger side window, over his hood with the three shell casings between the windshield and the hood. No one testified that Whyzdom pulled the trigger. Whyzdom testified that Harold Bates did. There's no other evidence to consider. That's it.

This is not a hand of one, hand of all case. What this is is mere presence, and mere presence is not (indiscernible). Mere presence at the time -- at the scene of a crime is not sufficient to prove someone guilty of a crime. Just being there does not make him guilty. Whyzdom Douse was just there.

Further, I don't think (indiscernible) the State has to (indiscernible). Well, they pleaded their case. They sent the bowling ball down the alley. There's three pins left. That's a 7/10 split. That's not a strike. There's three pins left. Let's talk about those pins for a little bit. But keep in mind that only one pin is needed for reasonable doubt. One pin remaining is not guilty.

The first one is (indiscernible). In order for this to be a hand of one, hand of all case, there has to be a finding of prior arranged plan or (indiscernible). What does that mean? There has to be something before the incident happens. We don't have phone calls. We don't have text messages. We don't have Snapchats. We don't have WhatsApps. We don't have Twitter. We don't have Facebook messenger. There's nothing to show that this was planned by Whyzdom and Harold. Nothing. There's no testimony that the two of them were in cahoots to plan this. They didn't, same time, days before, make calls (indiscernible). There's no testimony about that. None. There's absolutely no evidence that's presented, no testimony that the two of them planned this together.

Now, don't be misled. Don't be misled by statements that happened after the fact. That's not what this is. There has to be something to show that there was a common plan or scheme. But there's no common plan or scheme (indiscernible).

The second point is intent. No intent. There's no

intent that was present to you in evidence. What does intent mean? Intent means intending the results that actually occurs. Did Whyzdom want him dead? No. Whyzdom told you that he didn't have any ill will, any malice, any reason to want Roderick dead. None. There was no intent.

Keyshawn told you he didn't know what the beef was. There was no beef. Where's the beef?

Sonjai told you that everyone was friendly up until they grew up, just like teenagers do. There's not any secret beef here. There's not some motive. Ms. Charbonneau told you, you don't need a motive. There is no motive. There is no intent.

Ms. Charbonneau also made a big deal about how (indiscernible) weren't exchanged between the cars. There's no intent. No intent means not guilty.

The third thing involves aiding and abetting. Now, aiding and abetting basically means assistance, helping (indiscernible). What aiding and abetting requires is some overt act. So the third thing is no overt act. No overt act of Whyzdom. Not guilty.

When Whyzdom was being interrogated, they talk about the scenario of shoplifting at Walmart. In fact, (indiscernible) said, at the end, listen, if me and him go to Walmart and he picks up something and puts it in his pants and I'm standing there looking around for a Walmart employee and we go walking out of the store together, I'm not carrying anything but I'm

part of it. I'm a part of it. Obviously, murder and shoplifting are two different things.

The overt act in that was being a lookout. Whyzdom wasn't a lookout. He was merely present.

No one testified about anything that Whyzdom did to assist, to help, to aid, to encourage Harold Bates. In fact, Whyzdom told you he didn't do any of those. What did Whyzdom tell you, though? That he drove all over to pick up Harold, he witnessed something terrible, he got rid of Harold, and then acted like a teenager.

Whyzdom turned right to get away from the situation. He went the opposite direction from the other vehicle. He pulled Harold back in the car. He tried to diffuse the situation.

Whyzdom's not charged with accessory after the fact. He's charged with murder. Keep that in mind (indiscernible) Ms. Charbonneau said. He's not charged with accessory after the fact.

Also, not knowing something, that's not an overt act, to aid or assist or help or encourage. Whyzdom is not guilty but he did do an overt act, but what Ms. Charbonneau (indiscernible) to believe does that make -- not make a 9-1-1 call? That makes him guilty. That doesn't make him guilty. Not surrender? That doesn't make him guilty. None of those are an overt act to aid, assist, help, encourage.

In fact, Whyzdom told you on the stand and in his

interrogation why he was so scared (indiscernible). He said, "You're not even in a position -- you're not in a position I'm in, bro. You're not in my situation. I'm already going through hell on the streets." He was being threatened almost immediately. Keyshawn told you about how, in the early morning right after the shooting, contacted the police and told him that Whyzdom Douse and Harold Bates did it. But he was right there with all these people around right at Roderick McMillan's family's house. (Indiscernible). Everyone knew that Whyzdom Douse and Harold Bates were being accused of murder. The threats came pouring in, and Whyzdom didn't know how to deal with that because he's a teenager. He didn't act. He didn't surrender. None of that had anything to do with why he's being charged with murder or if that makes him guilty of murder.

Whyzdom only did what he thought was best for his family and for him. He kept quiet because he didn't want anything to happen to him. Absolutely no evidence that's presented by the State to show an overt act that Whyzdom did aid, assist, help, encourage this murder.

Now, let's talk about some other evidence, some other testimony that we heard from. Just like Keyshawn, Carroll told you that he didn't know there was a gun in the car. Whyzdom and Keyshawn were the only people that were actually there that testified. Everyone else wasn't there. Keyshawn

told you he had an open shot. He told you there were six to seven shots. Exactly what (indiscernible) Whyzdom said.

Now, Richard Carroll. He was that (indiscernible) interview (indiscernible) prison. He was allegedly in the silver car behind the passenger so right in front or next to Roderick, who passed away. But Richard Carroll? He wasn't at the hospital. He wasn't interviewed there. He wasn't interviewed the next day. He was interviewed a couple of months ago. All he did, when he showed up, was he interviewed everyone at except for Roderick's family. I don't know if you saw (indiscernible). You heard about it (indiscernible).

Now, I don't know about y'all, but if I loved their family and I knew something about his murder and who did it, I sure as heck would testify.

Same thing goes for Raven. If she cared about Roderick enough to run him to the emergency room and try to save his life, I sure would be here to testify.

The whole stuff about the threatening and potential threats, that is all baseless accusations and assumptions made by the State and the police. And that's exactly why you, as the jury, are here.

Once again, what Ms. Charbonneau says is not evidence.

Now, Ms. Nyasia, she spoke to the police about a month later. She wasn't very sure about what happened. (Indiscernible) was up. She (indiscernible). And then

(indiscernible) was. The police interrogated her a little bit (indiscernible). But he also testified that Whyzdom likes to brag a lot (indiscernible) and he says things that he did that he actually didn't do. It could have been a misunderstanding. It could have been misremembered. But it doesn't really matter because that does not show anything that made her object or to have a common scheme or plan. All this was said after the fact.

Now, don't be overly impressed by some of the SLED's analysis. The only thing that the SLED analysis showed you is that Roderick was killed with a 9 millimeter gun. Everything else is inconclusive. (Indiscernible) this case.

Now, let's talk a little bit about (indiscernible). (Indiscernible) you can see exactly how long it lasted when you look at the Miranda rights form. But you've got to remember, it's not about what the State or the police think. It's about what they can prove beyond a reasonable doubt.

Whyzdom was trying to do the same thing, trying (indiscernible). But that's a lot of pressure for a 19-year-old. He loves his daughter. He's trying to (indiscernible), and he made one really, really bad mistake: He let Harold Bates in B.D. 's Mommy's car.

And what happened after that? He got death threats. He was threatened. Sonjai was threatened. B.D. was threatened. He went in, after he was arrested, and tried to

talk (indiscernible).

Now, (indiscernible) that would be able to outsmart the detective, that has more experience than what he was (indiscernible) at that point. Those detectives knew what they were doing. They interrogated him. They didn't believe the stuff that he was trying to say, (indiscernible) these fallacies to try to get out of trouble. They understood from his (indiscernible) directly so. But Whyzdom was scared. Whyzdom did what any 19-year-old would do when anyone is being interrogated by police for the first time would do is he tried to just tell them what they wanted (indiscernible). But at some point, he broke down, told them the truth. He decided that it wasn't worth not (indiscernible) on Harold. And he said every man for himself. He decided that (indiscernible) wasn't a problem anymore, and he knew that (indiscernible).

He was young, dumb, and merely present. That doesn't mean he's guilty of murder, and it doesn't make him assist in a murder either.

Whyzdom ended up showing the detectives (indiscernible). He (indiscernible). The detectives made him promises that (indiscernible). They didn't (indiscernible) try to see what was going on. He can't see who's doing the shooting. The detectives told lies. Whyzdom told lies. They were doing what they were they supposed to be doing in interrogating.

But of course Whyzdom was (indiscernible). He was wise

enough to (indiscernible) overcome (indiscernible). And he knew that he was already convicted on the streets.

Going back to what Ms. Charbonneau was saying about a .45 caliber (indiscernible). That's nonsense. If Harold Bates had a .45 and was shooting it, where are the shell casings? That makes no sense. No sense at all. There's just a 9 millimeter. That was the only one that was shot.

Now, remember, mere presence, that's not guilty. No prior arranged plan or common scheme? That makes Whyzdom not guilty. No intent? Not guilty. No overt act to assist? Not guilty.

Let's talk about what else you should or should not consider. You shouldn't consider that you saw Whyzdom laughing, crying, responding, doing anything in response to the testimony. You can't draw conclusions or inferences from that. You also can't (indiscernible) conclusion of anything that I do or Mr. McCarley does or the State does. None of that's testimony. None of that's evidence. The only evidence is what you heard and saw with your own eyes.

What you should consider is confirmation bias. Confirmation bias is a tendency to interpret new evidence as confirmation of one's existing beliefs or theories. The police thought that Whyzdom did it so they did everything with confirmation bias to show that he did. (Indiscernible) five times that they shot out a car window, over the car.

(Indiscernible). They were accused of (indiscernible). But that's the only (indiscernible).

Never once did Whyzdom tell them anything about common scheme or plan or helping Harold Bates. He drove away to diffuse the situation, and, boom, they tackle him in the car. The police already made up their mind that Whyzdom was guilty. Whyzdom knew that the (indiscernible). The police already made up their mind Whyzdom was guilty. Whyzdom actually gave them some evidence that (indiscernible). Whyzdom told them that Raven was driving the car. They didn't hear that before Whyzdom told them that. They thought that Keyshawn was driving the car.

Whyzdom said himself in the interview, "How much more consistent can I be?" The Solicitor's Office already made up their mind that Whyzdom was guilty. And that's how it happened. That's why I asked you to keep an open mind. That's why I asked you to pay attention to everything that happened.

Whyzdom gave up a whole bunch of his constitutional rights when he allowed that interrogation to happen, when he told his story. But he did not give up his most important constitutional right, and that's the right to have a jury trial in front of you, his 12 peers, who have to make a unanimous decision on whether or not he's guilty or not guilty. You have to go by exactly what Judge Newman tells you

and pay attention to the jury charges.

Whyzdom has been a victim here. He needs you. He needs you to examine all the evidence with your own eyes and ears and to look at everything. Watch the videos as many times as you need, look through your notes, talk about what the witnesses said. Take as much time as you need. Make sure you thoroughly deliberate.

And while you deliberate, think back on how many times Whyzdom told the police he didn't pull the trigger, how many times he told the police that Bates shot over the hood of the car, outside the passenger side window. In fact, how many times Whyzdom said he pulled Bates back inside the car. They're all (indiscernible). The ones that (indiscernible) around the car and one jail call that had happened after being interrogated for hours while he admitted that he made the biggest mistake of his life. That phone call was him alone crying -- I apologize. He made that phone call after he was already alone in that interrogation room, crying, praying to God and his baby for help. He made one mistake: He let Harold Bates in the car.

Mere presence. He's not guilty. No prior arrangement, no common schemes. He's not guilty. No intent. He's not guilty. No overt act to assist. He's not guilty.

Please take your time, deliberate, and find Whyzdom Douse not guilty. Thank you.

THE COURT: Take your board down as well.

MS. STEINER: Yes, sir.

THE COURT: The State?

MS. CHARBONNEAU: Thank you, Your Honor.

FINAL CLOSING ARGUMENT ON BEHALF OF THE STATE

MS. CHARBONNEAU: I just wanted to address a few points. You will get a copy of the jury instructions. You read the hand of one jury instruction, mere presence has nothing to do with this case.

Look at all the overt acts that Whyzdom Douse did. The fact that he is driving the get-away car alone is enough to convict him of murder. Add to that he breaks his phone. He admitted to that after he finds out that law enforcement is looking for him for murder. Why did he break his phone? Consciousness of guilt. Getting rid of evidence. That's enough alone to convict him of murder.

What other overt act do we have? He chases down Roderick McMillan in the back of Keyshawn Davis's car. You see in the video that he pulled right up on a one-lane road, he pulls right up. You'll see in the pictures. He had to be up on the curb or the grass in order to get there. He lines up his shot and he takes the shots.

What else does he do? He drives away from the scene. That alone would convict him of murder. What else does he do? All of these acts -- all of these are overt acts. Mere

presence is nothing to do with this case.

What else does he do? When he pulls up next to the police, he's so afraid of Harold Bates? Harold Bates wants to get out and he tells the police first that he met him at a party and then that's not true. (Indiscernible) he drove all the way to New Ellenton. And then Harold Bates wanted to get out of the car, but he didn't let him.

Helping the accomplice get away, your co-defendant get away is an overt act. That by itself will convict you of murder.

What else does he do? He finds a .45 caliber shell casing in the car, and he throws it away. He disposes of evidence. That alone will convict him of a murder charge.

Ms. Steiner asked you where is the -- where are the .45 shell casings? Well, they have to -- we can't find out because Whyzdom Douse threw them out in the Knight's Inn parking lot, at the hotel in Georgia.

All of those are overt acts. Ms. Steiner says to you that, because he made statements after the fact, that that has nothing to do with the crime. 100 percent wrong. If you admit or you admit that your guilt or somehow (indiscernible) without it or telling somebody about it, that always matters. Always.

You can -- at any time, you can finally tell the truth about what happened. He told Nyasia Myers that day. He was

bragging, she said, over and over, "I killed somebody." Not "we," not Harold, not "Oh, my gosh, I saw a murder." That's not what he said. She told you: "I killed somebody." Over and over.

He doesn't call 9-1-1. He doesn't ask the police for help when he's so terrified, supposedly, of Harold Bates when he pulls up next to him.

Ms. Steiner said that everyone knew the defendant and co-defendant were being accused of murder. Well, now we all know that they are guilty of murder. Not accused. Guilty now.

Ms. Steiner said, if she was Richard Carroll, she would have testified if it was him. Well, what Ms. Steiner would do has no basis on anything. You saw Richard Carroll. He already gave us -- to testify. We saw his behavior. I can't hit him over the head and make him testify.

Ms. Steiner talked about all the threats that were going on around -- on the street, that Sonjai was threatened and that the defendant was threatened, Raven Turner was threatened. That's what (indiscernible). Threats go in all directions.

Sonjai was threatened. Well, what did she do? She tells the police the truth, and she told you the truth. And she came here and she testified.

Ms. Steiner says that (indiscernible) the interrogation,

that you'll see that it's a negative thing. You saw that video. Those detectives could not have been nicer and more easygoing with Whyzdom Douse. They did everything to make him comfortable. And, yes, was it their job to get to the truth? Absolutely. That is their job. Plus convict to get to the truth. And that's why, after this statement, Detective Eagerton still continued on after he was arrested. And he still continued on to see whether he could prove by the four statements that he had given by that point were true or not true. That's why Detective Eagerton went to Hahn Village to look at the video. That's why he went to Aiken Regional Medical Center and watched hours and hours of video, to see what was the truth, even after the defendant was arrested.

Ms. Steiner wants you to feel bad because Whyzdom Douse was young. Well, guess what? Roderick McMillan is 17 forever. He will never have an 18th birthday, get married, have his own children. He will never meet those milestones in his life because Whyzdom Douse and Harold Bates murdered him. That's who it matters how old he was. Seventeen.

Confirmation rights? Detective Eagerton -- there's nothing further from the truth. Detective Eagerton went 100 percent and then went with another 100 percent to prove or disprove everything that Whyzdom Douse told him. Everywhere the evidence led him, he went to. He tried everything in this case. No stone was left unturned.

Ms. Steiner said that, because of (indiscernible), that Whyzdom Douse did it, and that somehow they were confirming it. No. The evidence shows it. That's how you know that he did it. No combination bias. The evidence proves it. The physical evidence proves it. The testimony you heard proves it. The videos prove it. The jail call proves it. The bragging to Nyasia proves it. The fact that the (indiscernible) are here in evidence proves it. The fact that the defendant broke his phone when he knew the police were looking for him, those all prove it. He's guilty of murder. There is no reasonable doubt. Please return a verdict of guilty. Thank you.

CHARGE TO THE JURY

THE COURT: Madame Forelady and members of the jury, you have heard the testimony, you have seen all the evidence, and you have heard the arguments. I will now explain the law that applies to this case.

Under the Constitution and laws of South Carolina, you are the finders of the facts. I do not have the right to pass upon the facts or to express any opinion that I might have as to them because this is a matter solely for you, the jury, to determine.

As jurors, then, it is your duty to determine the effect, the value, the weight, and the truth of the evidence presented during this trial. As the trial judge, it is my

responsibility to preside over the trial and to rule upon the admissibility of the evidence offered. You are to consider only the testimony which has been presented, together with any exhibits which have been made a part of the record. I have the additional duty to charge you on the law applicable to this case. As presiding judge, I am the sole judge of the law. It is your duty as jurors to accept as correct and apply the law as I now state it to you and then deliberate and reach a verdict. Finally, a charge in this regard that you should not be concerned with what you think the law ought to be but rather what I charge you that the law is.

You are also the judges, the sole judges of the credibility, that is, the believability of the witnesses who have testified and of the evidence which has been presented during this trial.

In evaluating credibility, you may take into consideration many things such as the demeanor or manner of testifying, whether the witness had reason to be biased or prejudiced or whether the testimony of a witness was contradicted on the one hand or supported and corroborated on the other hand. It becomes your duty as jurors to analyze and evaluate the evidence and determine that evidence which convinces you of its truth.

There are two types of evidence which are generally presented during a trial: Direct evidence and circumstantial

evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight of the evidence that is either direct or circumstantial evidence; however, to the extent the State relies on circumstantial evidence, the circumstances must be consistent with each other and, when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt.

If these circumstances merely portray the behavior of the defendant's suspicions, the proof has failed. The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests upon staying with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or a combination of the two.

The rules of evidence ordinarily do not permit a witness to testify to opinions or conclusions. An exception to the rule exists for witnesses we call expert witnesses. A witness who, by education and experience, has become an expert in some art, science, profession or calling may state an opinion as to relevant and material matter in which the witness claims to be an expert, and they also state the reasons for these opinions. You should consider any expert opinion received in evidence in this case and, like any other evidence, give it the weight you

think it deserves. If you decide that the opinion of an expert is not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion are not sound or that the opinion is outweighed by other evidence, you may disregard the opinion entirely.

An expert witness is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion even though it is not contradicted.

Now, the fact that the defendant, Whyzdom Antonio Reed Douse, is charged and indicted is not evidence and cannot be considered as evidence of guilt nor does it create any presumption or inference of guilt. The indictment is simply the formal written instrument that contains the charge made against the defendant. The indictment is a formal document by which this case is brought into court.

The defendant has pled not guilty to the charge alleged against him. The burden is on the State to prove the defendant guilty. The person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of the law that the defendant, in a criminal trial, no matter the seriousness of the charge, will always be presumed to be innocent of the crime of which the indictment was issued unless guilt has been proven by evidence satisfying you of

that guilt beyond a reasonable doubt. This presumption of innocence does not end where you begin your deliberations but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant, which remains with the defendant until that has been stripped -- until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It's not just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

The defendant, Whyzdom Antonio Reed Douse, is charged with murder. The State must prove beyond a reasonable doubt that the defendant killed Roderick Alexander McMillan with malice aforethought.

Malice is hatred, ill will, or hostility towards another. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under the circumstances that involve or infer an evil intent.

Malice aforethought does not require that the malice

exists for any particular time before the act is committed but malice must exist in the mind of the defendant just before and at the time the act is committed. Therefore, there must be a combination of a previous evil intent and the act.

Malice aforethought may be expressed or inferred. These terms "expressed" and "inferred" do not mean different kinds of malice but merely the method in which malice would be shown to exist, that is either by direct evidence or by inference from the facts and circumstances which are proved.

Expressed malice is shown when a person speaks words which contain hatred or ill will for another or when a person who appeared beforehand to do the act which was later accomplished. For example, lying in wait for a person or any other act of preparation going to show that the deed was in the mind of the defendant would be expressed malice. Malice may be inferred from conduct showing a total disregard for human right -- human life.

The State must prove the defendant guilty beyond a reasonable doubt. So what is a reasonable doubt under the law? A reasonable doubt is a doubt which causes an honest, sincere, conscientious juror to hesitate to act. Proof beyond a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs.

Proof beyond a reasonable doubt can also be described as proof that leaves you firmly convinced of the guilt of the defendant. Now, there are very few things in this world that we know with absolute certainty, and in criminal cases, the law does not require proof that overcomes every possible doubt. Based on your consideration of the evidence, if you are firmly convinced that the defendant is guilty of the charge against him, you must find him guilty. If, on the other hand, you think there's a real possibility that he's not guilty, you must then give him the benefit of the doubt and find him not guilty.

Mere presence at the scene of a crime is not sufficient to prove someone guilty of a crime. The presence of the defendant where a crime was committed does not automatically mean the defendant is guilty of committing the crime. The burden is on the State to prove every element of the crime charged. If you find, after reviewing all the evidence that the State has proven that the defendant was only present at the scene of the crime but have not proven beyond a reasonable doubt any other participation of the defendant in the crime, then you must find the defendant not guilty. The law is that proof of mere presence of the defendant at the scene of the crime is not sufficient to find someone guilty.

If a crime is committed by two or more people who are acting together in committing a crime, the act of one is the

act of all. The person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person, which happens as a probable or natural consequence of the acts done in carrying out the common plan and purpose.

If two or more people are together, acting together, assisting each other in committing the offense, the act of one is the act of all or, as it is sometimes said, the hand of one is the hand of all.

Prior knowledge of the crime is going to be committed without more is not sufficient to make a person guilty of that crime. The mere knowledge of another person is going to commit a crime, even if the defendant is present when the crime is committed, is not sufficient to convict the defendant as a principal.

Guilt as a principal is shown by actual or constructive presence at the scene as a result of prior arrangement. Therefore, a finding of prior arranged plan or common scheme is necessary for a finding of guilt as a principal. The State must prove beyond a reasonable doubt by competent evidence the theory of the hand of one is the hand of all.

The principal in a crime is one who either actually commits the crime or who is present, aiding, abetting, or assisting in committing the crime. When a person does an act in the presence of and with the assistance of another, the act

is done by both. Where two or more people acting with a common plan or intent are present at the commission of a crime, it does not matter who actually commits the crime. All are guilty. The hand of one is the hand of all.

Presence at the commission of the crime means to be sufficiently there to aid, abet, and assist in the commission of the crime; however, mere presence at the scene of the crime is not sufficient to convict one as a principal under the theory of aiding and abetting.

Intent is also a necessary element. There must have been a common design or intent to commit the crime, and the crime must have been committed pursuant thereto when the person aiding and abetting by some overt act. Intent means intending the result which actually occurs, not accidentally or involuntary. Intent may be shown by acts and conduct of the defendant and other circumstances which you may naturally and reasonably infer intent. The State must prove these elements beyond a reasonable doubt.

A statement alleged to have been made by the defendant has been admitted into evidence in this case. While the Court has determined that this statement is admissible, I instruct you that you make the ultimate decision on whether or not the defendant made the statement. If the defendant did make the statement, you must determine whether the statement was made by the defendant voluntarily and of his own free will. This

means that the statement was not caused by pressure, force, fear, threats, coercion, or intimidation or by hope or a promise of leniency or a reward of any kind. In determining whether the statement was voluntary, you should consider both the characters of the defendant and the details of the questioning.

Some of the factors you must consider are the age of the defendant, the education or lack of education of the defendant, the mental ability or capacity of the defendant, the IQ or intelligence of the defendant, the background and environment of the defendant, the place and method of detention, the nature of the questioning, and the advice or lack thereof to the defendant of his constitutional rights, including, but not limited to, the right to remain silent, that any statement could be used against him in a court of law, the right to have a lawyer present, that if he cannot afford a lawyer, a lawyer would be appointed to represent him without any cost and that he could stop making a statement at any time. You must carefully consider all circumstances surrounding -- the surrounding circumstances before you give any weight to an alleged statement.

The State has the burden of proving beyond a reasonable doubt that the alleged statement was involuntary. If you determine that it was, you may give the statement any further consideration that you deem proper. You must decide what

weight, if any, should be given to the alleged statement. If you determine the alleged statement was not the free and voluntarily statement of the defendant, you should not consider the statement at all.

Now, while arguments of counsel are a beneficial part of every trial, you should remember that the statements made by counsel are not evidence. In presenting their arguments, counsel often refer to the evidence; however, you should base your verdict on the evidence as you remember this. If there are any conflicts between the recollection of counsel about the evidence and your own recollection, you should rely on your own understanding of the evidence.

Madam Forelady and members of the jury, I am required to charge you the law as I have done through these instructions now being given to help guide you to a just and lawful verdict. Whether some of these instructions apply will depend upon whether you find -- will depend upon what you find to be the facts. The fact that I have instructed you on various subjects must not be considered as indicating an opinion of this Court as to what you should find to be the facts nor what your verdict should be.

Now, you have been chosen and sworn to give the parties a fair and impartial trial. When you have done so, you will have complied with your oath, and no one will have a right to criticize your verdict. You must not be influenced by

opinions or expressions of opinions you may have heard outside this courtroom, but, rather, you should base your verdict solely on the testimony of the sworn witnesses who took the stand, the exhibits received into evidence, and the law which I have stated. You should not be swayed by caprice, passion, prejudice, or improper sympathy for or against anyone. Remember, you have no friends to reward or enemies to punish, and all parties are entitled to a fair and impartial trial.

It is your duties as jurors to consult with one another and to deliberate in an effort to reach an agreement. Each of you must decide this case for yourself but only after impartial consideration of all of the evidence with your fellow jurors.

In the course of your deliberations, do not hesitate to re-examine your own views and change your opinion if you become convinced that it is erroneous. However, do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors or for the mere purpose of returning the verdict.

As I stated earlier, you are the judges, judges of the facts. Your verdict must represent the considered judgment of each juror. In other words, your verdict must be unanimous.

Now, you may have noticed that I have read these instructions. I do so to give you the law as accurately as possible. I will give you a copy of these instructions to

have in the jury room. You may refer to these instructions to assist you in your deliberations. You must consider the instructions as a whole and may not follow some and ignore others.

And, Madam Forelady, as stated, it will be your duty to preside over the deliberations of the jury. If, during your deliberations, you should desire to communicate with the Court, please reduce your message or question to writing, signed by your forelady -- and the forelady only -- and pass the note to the bailiff, who will bring it to my attention. I will then respond as promptly as possible either in writing or by having you return to the courtroom.

I caution you, however, with regard to any message or question you might send that you should never state or specify your numerical division at the time.

Now, you have heard the evidence and you have heard the law. Whatever your verdict, Madam Forelady, you will indicate it on the back of the indictment and then sign and date the verdict. And the indictment says, "Verdict," and it's either guilt or not guilty. And there's no significance of the order I state them, simply one must be stated first. But you write "not guilty" or "guilty," sign and date the verdict form, Madam Forelady.

Remember that, although the forelady who is the only juror who writes the verdict, it is not hers alone. The

verdict has to be unanimous. And, Madam Forelady, you are not authorized to write the verdict until all of you have agreed on the verdict.

So now, ladies and gentlemen, I will send you to your jury room, but do not begin discussing the case until you have received a copy of this jury charge, the indictment, and the exhibits. Once you receive these things, that will be your signal to begin your deliberations.

Once you begin deliberations, you will deliberate until you have reached a verdict. We will monitor the clock for time, and it becomes time that -- to send you food, water, drinks, whatever, we'll do that. Once you begin deliberations, you will deliberate until you have reached a verdict, at which time you will knock on the door, advise the bailiff, and we will bring you out to receive your verdict. So please go to the jury room.

(The jury exited the courtroom at 4:16 p.m.)

THE COURT: Any additions or exceptions?

MS. CHARBONNEAU: No, sir.

MS. STEINER: No, Your Honor.

THE COURT: All right. If you all confer on the exhibits and please take the charge and put it at the top of --

MS. CHARBONNEAU: Judge, the indictment, was it switched to Richmond County?

THE CLERK: Yes.

MS. CHARBONNEAU: Thank you.

THE COURT: (Indiscernible), are you? Did you ask me?

MS. CHARBONNEAU: Yes.

THE COURT: Oh, I thought I heard someone else answer you. All right.

I handwrote on there that the victim did die in Richmond County, Georgia. Richmond County, Georgia. I wrote "GA", additional note.

MS. CHARBONNEAU: Thank you.

THE COURT: Preliminarily, I actually wrote "Georgia," but it's now stricken.

We got all the papers for them, Madam Reporter?

COURT MONITOR: Yes, sir.

THE COURT: How many boxes are there?

UNIDENTIFIED SPEAKER: Just one stack.

THE COURT: Oh, just one stack. Okay. Good. We'll take it to them.

(A brief recess was taken at 4:21 p.m.)

MS. CHARBONNEAU: I just want to put on the record that we have agreed to send back the computer that we have been using. It's a clean computer. It does not have access to the internet. It's our court computer. There's nothing loaded on it other than the software.

THE COURT: All right.

MS. STEINER: I have no objection, Your Honor.

THE COURT: Okay. Very good.

MS. CHARBONNEAU: Thank you.

THE COURT: So ordered. There have been other instances where the solicitor's office only had one or two computers and had other DUI cases on the disc and -- or they had a debate over whether it was clean or not and --

MS. STEINER: (Indiscernible), Your Honor.

THE COURT: And I believe in jurors deliberating in the jury room, not in the courtroom while watching video and everybody looking at them and trying to read what their expressions are. That's not deliberations.

MS. CHARBONNEAU: Right.

THE COURT: Do you agree with me, Madam Monitor?

COURT MONITOR: I do.

THE COURT: And they told me not to set it up and we can talk all day but one of the issues the judges were raising just why they don't like monitors, and they indicate that, in many places, there are court reporters who are not assigned but monitors are assigned and court reporters are at home and they raised question similar to this. Of course one person said, Well, they don't know to handle the exhibits. But I said my court reporter handled those exhibits perfectly. That's the general concern that all judges...

(A brief recess was taken while the jury deliberates from 4:28 p.m. to 5:52 p.m.)

JURY QUESTION

THE COURT: All right, Madam Forelady and members of the jury, I received a question: "Can I get the transcript from the witness, Sonjai and Whyzdom?"

In court, there is never an instant transcript. Our court system has moved away, to some degree, from using court reporters to using court monitors, and this week, we have a court monitor who records everything that's being said, and if a transcript is needed, it's sent off to some place and transcribed later in life or not instantly. But -- and that's the situations in all cases. The jurors may think they get an instant transcript of something, but it doesn't happen that way.

But court proceedings are always recorded. Court proceedings are always recorded, and so if there is any -- if you have any testimony that you would like to hear, the testimony would be played back -- a recording could be played back here in court if you want to hear something played back.

And so I'd ask you to go back to the jury room. If you have any other questions, put it in writing and submit it to me. If you want to hear a playback of testimony, that can be arranged. Of course the role of the jurors -- and I sometimes tell jurors that this is for you to sit and listen so that you will remember and be able to deliberate. That's why we have 12 minds up there. But whatever you'd like, let me know.

Okay?

Just don't deliberate in front of --

MADAM FORELADY: Right. We want to know if she can play back the transcript.

THE COURT: Play back the transcript? There is no transcript. Do you want to listen --

MADAM FORELADY: The recording. The recording.

THE COURT: The recording of both witnesses?

MADAM FORELADY: Yes.

THE COURT: All right. Yes, that's what I just said but you-all were talking and maybe not listening at the time I was talking.

How long will it take you to cue that up?

COURT MONITOR: Just one minute.

THE COURT: Okay. Very good.

(Audio plays from 5:56 p.m. to 6:08 p.m.)

(Court's Exhibit 5 was marked for identification and received into evidence.)

(The jury exited the courtroom at 6:08 p.m.)

THE COURT: Any objection to the jury listening procedure?

MS. CHARBONNEAU: No, Your Honor.

MS. STEINER: No, Your Honor.

THE COURT: All right. Very good. We hold our position. We'll be at ease.

THE COURT: We will be at ease.

(A brief recess was taken from 6:08 p.m. to 7:55 p.m.)

THE COURT: Okay. I understand the jury has a verdict; is that right?

THE BAILIFF: Yes, sir.

THE COURT: Okay. They can come in.

(The jury entered the courtroom at 7:55 p.m.)

VERDICT

THE COURT: Madam Forelady, have you reached a verdict?

MADAM FORELADY: Yes, we have.

THE COURT: Is it unanimous?

MADAM FORELADY: Yes, it is.

THE COURT: Okay. If you'll pass it up. You may be seated.

The defendant will stand.

And you may publish the verdict.

THE CLERK: Your Honor, we have State of South Carolina, County of Aiken, 2019-GS-02-02000, State versus Whyzdom Antonio Lee Douse, we find the defendant guilty for murder, dated May 26, 2021. Michelle Burns. Is that Michelle? Yes, Michelle Burns, foreperson.

Ladies and gentlemen of the jury, is this your verdict? Raise your right hand if this is still your verdict.

(All jurors raise their hands.)

THE CLERK: All hands are raised, Your Honor.

THE COURT: All right. Any individual polling of the jury requested?

MS. STEINER: Yes, Your Honor.

THE COURT: All right. Madam Clerk, if you will poll the jurors individually.

POLLING OF THE JURY

THE CLERK: As I call your name, please answer the following question: Juror No. 157, Reginald Reynolds, is this your verdict?

JUROR NO. 157: Yes.

THE CLERK: Do you still agree?

JUROR NO. 157: Yes.

THE CLERK: Juror No. 142, Laura Owings. Is this your verdict?

JUROR NO. 142: Yes.

THE CLERK: Is this still your verdict?

JUROR NO. 142: Yes.

THE CLERK: Juror No. 16, Brenda Bentley. Is this your verdict?

JUROR NO. 16: Yes.

THE CLERK: Do you still agree?

JUROR NO. 16: Yes.

THE CLERK: Juror No. 59, Charles Driskell.

JUROR NO. 59: Yes, ma'am.

THE CLERK: Is this your verdict?

JUROR NO. 59: Yes, ma'am.
THE CLERK: Is it still your verdict?
JUROR NO. 59: Yes, ma'am.
THE CLERK: Juror No. 185, Olivia Vaughn.
JUROR NO. 185: Yes, ma'am.
THE CLERK: Is this your verdict?
JUROR NO. 185: Yes, ma'am.
THE CLERK: Is this still your verdict?
JUROR NO. 185: Yes, ma'am.
THE CLERK: Juror No. 183, Michael Trock.
JUROR NO. 183: Yes, ma'am.
THE CLERK: Is this your verdict?
JUROR NO. 183: Yes, ma'am.
THE CLERK: Is this still your verdict?
JUROR NO. 183: Yes, ma'am.
THE CLERK: Juror No. 37, Moses Cheek.
JUROR NO. 37: Yes, ma'am.
THE CLERK: Is this your verdict?
JUROR NO. 37: Yes.
THE CLERK: Is it still your verdict?
JUROR NO. 37: Yes.
THE CLERK: Juror No. 30, Michelle Burns. Is this your verdict?
JUROR NO. 30: Yes.
THE CLERK: Is it still your verdict?

JUROR NO. 30: Yes.

THE CLERK: Juror No. 66, Michael Flett?

JUROR NO. 66: Yes.

THE CLERK: Is this your verdict?

JUROR NO. 66: Yes.

THE CLERK: Is it still your verdict?

JUROR NO. 66: Yes.

THE CLERK: Juror No. 15, Joseph Baxter. Is this your verdict?

JUROR NO. 15: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR NO. 15: Yes.

THE CLERK: Juror No. 156, Teresa Reese. Is this your verdict?

JUROR NO. 156: Yes.

THE CLERK: Is it still your verdict?

JUROR NO. 156: Yes.

THE CLERK: Juror No. 96, Harold Hightower?

JUROR NO. 96: Yes, ma'am.

THE CLERK: Is this your verdict?

JUROR NO. 96: Yes, ma'am.

THE CLERK: Is it still your verdict?

JUROR NO. 96: Yes, ma'am.

THE CLERK: All jurors have been polled, Your Honor.

THE COURT: The jury has been polled. The verdict of the

jury is unanimous that the defendant is guilty of murder.

Any post-trial motions?

POST-TRIAL MOTION

MS. STEINER: Your Honor, we'd like to make a motion for a new trial.

THE COURT: On what basis?

MS. STEINER: On the basis that -- sorry, Your Honor, I'm not sure of exact wording but on the basis of the trial not being sufficient and that there's cause for a new trial.

THE COURT: Okay. Mr. McCarley, do you want to supplement that?

MR. McCARLEY: I do not, Your Honor. May Ms. Steiner be allowed to possibly come back on the record on this tomorrow outside the presence of the jury to make this motion? Also going to ask that sentencing be held at least until tomorrow.

THE COURT: All right.

MS. STEINER: Thank you, Your Honor.

THE COURT: Ladies and gentlemen, technically, when there is a trial verdict and sentence, I do the sentencing in the presence of the jury because the jury has invested a lot of time and they're always interested, curious as to what happens after the verdict. When you find someone guilty, then it becomes my responsibility to impose a sentence. Murder is punishable by a minimum sentence of 30 years, a maximum sentence of life imprisonment, and life means life. 20, 30

with you is what I think the best thing is.

So my sentence to you is that you be committed to the State Department of Corrections for 33 years and get credit for 664 days. Good luck to you.

MS. STEINER: Thank you, Your Honor.

(At 10:38 a.m., the above trial concluded.)

CERTIFICATE OF TRANSCRIBER

CASE/NO.: State v. Whyzdom Douse

2019-GS-02-1999/2000

DATE OF PROCEEDING: May 27, 2021 (Day 4 of 4)

I, Bobbi J. Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; **that said proceedings were transcribed to the best of my ability from the audio recording and supporting information**, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.



_____

Bobbi J. Fisher, RPR

NCRA Registered Professional Reporter (RPR)

Prepared: August 5, 2021

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF $1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

Aiken Department of Public Safety

ADPS Case # 2019-03812

Subject's Name: Whyzdom Douse SS # 657-07-7916

Location of Interview: HQ

Officers and others present: Eagerton, Griffin

Date: 8-3-2019 Beginning Time of Interview: 1109 Ending Time of Interview: 120 pm

Advice of Miranda Rights

Before we ask you any questions, you must understand your rights.

1. WD *You have the right to remain silent.*
2. WD *Anything you say can and will be used against you in a court of law.*
3. WD *You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.*
4. WD *If you cannot afford a lawyer, the court will appoint one to represent you without cost if you wish.*
5. WD *If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.*
6. WD *I have read this statement of my rights and I understand what my rights are.*

Waiver of Rights

WD *I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure of any kind has been used against me.*

Whyzdom Douse — Print Name

[signature] — Signature

Date: 8/3 Time: 11 12

Witness: J Eagerton — Print Name

[signature] — Signature

Witness: J. Griffin — Print Name

Signature

Form ADPS 960705-R Rev

STATE'S EXHIBIT 60

Interview conducted by Detective Jon Eagerton, Aiken Department of Public Safety, with Whyzdom Douse, on August 03, 2019. Case Number 2019-03812.

W. Douse — I got to stay with the cuffs on too?

Officer Butler — Uh, for right now.

Det. Griffin — Give me just a minute and we'll get you out of those cuffs.

Officer Butler — So, you sit right here. You all right?

W. Douse — This shit be hurting.

Officer Butler — Let me see. Let me just make sure they're all right. Stand up. Yeah, it's pretty loose. I can get my finger in there. You want to take this bracelet off?

W. Douse — No, leave it on. This was from my little girl.

Officer Butler — Oh, okay. Okay. All right.

W. Douse — Appreciate it.

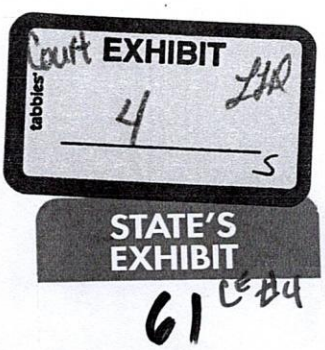
[OFFICER BUTLER EXITING INTERVIEW ROOM]
[OFFICER BUTLER ENTERING INTERVIEW ROOM]

Officer Butler — All right. Stand up. Turn around. Just give me one second.

[OFFICER BUTLER EXITING INTERVIEW ROOM]
[OFFICER BUTLER ENTERING INTERVIEW ROOM]

W. Douse — Jesus.

[DET. EAGERTON ENTERING INTERVIEW ROOM]



Off. Butler: Let me double check, you got a cup on. Can you stand up and turn around. You've been searched good , but I want to go over these areas here. All right. You're good.

[DET. EAGERTON & OFFICER BUTLER EXITING INTERVIEW ROOM]
[DET. EAGERTON & DET. GRIFFING ENTERING INTERVIEW ROOM]

Det. Eagerton: All right.

Det. Griffin: Good morning. How you doing?

W. Douse: Good, how you doing?

Det. Eagerton: Pretty good. I'm Jon Eagerton. This is Jason Griffin. Um, what we'd like to do is have a conversation with you this morning, but first, before we ask you any questions, before we talk, just have to read you your rights, okay? Do you understand?

W. Douse: I have a question.

Det. Eagerton: Okay.

W. Douse: Like, like this questioning or do I actually have a murder charge like am I actually being charged with murder?

Det. Eagerton: Right. You do have a warrant for your arrest.

W. Douse: Why?

Det. Griffin: That's what we want to talk to you about. Everybody's got a side of a story and we want you to give us your side, if that's what you want to do. Everybody, and we just want to work through it.

W. Douse: That's shit.

Det. Griffin: But in order to do that, like he said, we have to get through your rights first. We have to read you that and we can talk. Fair enough?

W. Douse: All right.

Det. Eagerton: Okay? You good?

W. Douse: No, I'm not good. Like murder, bro, like come on like I ain't never ---

Det. Eagerton: Well, hold on. It's your right to have them read to you, so let me read them to you and then whatever you want to discuss we can discuss, okay? All right?

W. Douse: [Nodding head, yes].

Det. Eagerton: W-H-Y-Z-D-O-M, correct?

W. Douse: Yes,, sir.

Det. Eagerton: Okay. Do you know your Social right off?

W. Douse: 657-07-7916.

Det. Eagerton: Okay. All right. Basically, I'm going to read these to you and then for here if you initial that just means that you understand and basically that I've read them to you, okay? Um, it will if you have a question just feel free to ask. Before we ask you any questions you must understand your rights. You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer before we ask you any questions and if you have, I'm sorry, it's hard to read upside down. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer the Court will appoint one to represent you without cost if you wish. If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer. I have read this statement of my rights and I understand what my rights are. So, if you

understand what your rights are, and that I've read them to you, and you have no questions just initial right there. All right.

W. Douse: You want me to put my initials ---

Det. Eagerton: Well, let me read this to you before we do that. Um, basically, this is your waiver of rights. This means that you would like to talk, have a conversation in here with us. This means, this says, I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I'm doing. No promises or threats have been made to me and no ---

W. Douse: Shit, oh, you're talking about by police?

Det. Eagerton: Yeah, by me, by him, us sitting in here now we're not forcing you to come up with a story. Okay? Um, I do not want a lawyer at this time and I understand and know what I'm doing. No promises or threats have been made to me and no pressure of any kind has been used against me. Yeah, that's us.

W. Douse: All right.

Det. Eagerton: Okay. So, if you agree with that and you'd like to have a conversation put your initials and then print and sign your name right there. It's the third and it's right at 11:12. All right. Um, and then we'll give you your copy at the end of this, at the end of the interview. We put a time and I'll give you your copy of this so you'll have it, okay? All right, um, your name obviously…H-Y-Z-D-O-M. What's your current address, Whyzdom?

W. Douse: It was 170 Chalet North Court.

Det. Eagerton: 170? That's in, uh, North Augusta?

W. Douse: North Augusta, 29841.

Det. Eagerton: Who do you live with?

W. Douse: Well, I, I mean, my mom, but her house it's her boyfriend mama house.

Det. Eagerton: I gotcha. Do you have a current telephone number?

W. Douse: [Shaking head, no].

Det. Eagerton: Okay. All right. Um, basically, there was an incident the other night that your name has come up in and we'd just like to discuss that with you. Obviously, you've heard a little bit so, you didn't know you had a charge. I don't know what was said out on the street. Um, it doesn't matter. We're in here now. Um, take a second, think about what you want to say, and we'd like to hear whatever you have to say.

W. Douse: I just don't understand how I'm a part of this like.

Det. Griffin: Do you want to take us through your day, um, starting Thursday, from say Thursday morning?

W. Douse: Thursday morning. August 1st or 2nd. That would be the 1st. Today's Saturday. Is today Saturday?

Det. Eagerton: Today is Saturday the 3rd.

W. Douse: Okay. Saturday the 3rd, so Thursday morning let's see. I smoke a lot of weed. I'm tripping. Shit, I mean, I don't really doing shit all day really. I just be chilling, smoking, and drinking type shit. But, um, I had been I was on, I forgot whose phone I was using, but I was on Facebook like shit you know Facebook you know these clowns be in this type shit and like see I pushed up and, uh, I had my cousin Quan. So, see I went to push up with Quan,, but Quan wasn't there.

Det. Eagerton: Is that his real name or is that a nickname, Quan?

W. Douse: His real name Trequan, but he ain't got nothing to do with it.

Det. Eagerton: No, I'm just asking. I like to know who you're talking about, that's all.

W. Douse: Yeah, his real name Trequan, but I went to push up on him. I like to smoke with him and shit, so he wasn't out there, so I pull out. I see two dudes. I didn't even know who the dudes was to be real with you. I seen two dudes standing on the sidewalk. When they seen like when they seen me in the car the whole vibe changed like. They went in the house. They came back out of the house, you know, clutching and shit. So, I'm like bro, what's up like with you?

Det. Eagerton: What car were you in?

W. Douse: I was in my baby mama car. The red Hyundai Elantra.

Det. Eagerton: Okay.

W. Douse: So, boom, push up out there. See all them boys get to clutching and they, you know, like I'm like shit y'all boys aiming and shit bro, you don't have any business ---

Det. Eagerton: This was ---

W. Douse: Thursday.

Det. Eagerton: Thursday morning?

W. Douse: Oh, no.

Det. Eagerton: Did you say morning?

W. Douse: No, this was like Thursday evening. She work. My baby mama work like [inaudible].

Det. Eagerton: I misunderstood you, keep going.

W. Douse: Yeah. So, I wasn't really doing shit all day Thursday morning. It was just me, her, and my baby and it was nothing but chill shit, but so, see, you know, they like shit what's up, bro, like what y'all got going on, bro, like who the hell is you little niggas, you feel me? So, shit, I fall around, I pull out, I back out of Cushman. Left out of Cushman. I went to Pacers. I went to Pacers, you know, I'm talking to my people out there. I left Pacers. From Pacers I went back to North Augusta. Went back to Chalet North and I'm talking to my partner Man Man, Jimmy, talking to him. Shit he was like bro, you want to take me to Edgefield real quick type shit, so, I took him to Edgefield. He was with a dude named Adam, Adam and shit. We was behind there behind, um, I ain't from Edgefield so I don't know. To be honest I don't know where the hell I was at. I ain't never really been to Edgefield before, but we was down there, you know, just shooting and shit like I said. We all had guns, you know, shooting our guns and shit. So, we left –

Det. Eagerton: Just target practice and that kind of thing?

W. Douse: Yeah. We was in the woods like.

Det. Eagerton: Yeah.

W. Douse: So shit boom I left, dropped Man Man off, went back to Aiken. Baby mama called me like come to my job, I'm hungry, I want something to eat. I went and picked her up took her to Tokyo Grill. Took her back to Aiken Regional.

Det. Eagerton: About what time was that?

W. Douse: I can't remember to be honest with you. I can't remember at all. Shit.

Det. Eagerton: I mean, was it still daylight or was it night time?

W. Douse: No, it was night time then.

Det. Eagerton: Okay.

W. Douse: So, I took her to Tokyo Grill. Shit. I took her to Tokyo Grill, took her back to work. After that shit I went back to Pacers. I sat out there in Pacers like two-and-a-half hours.

Det. Eagerton: You talking about Pacers Run right across the street, right?

W. Douse: Yeah, right there.

Det. Eagerton: Uh-huh.

W. Douse: Sat there for like two-and-a-half hours.

Det. Eagerton: Who all did you talk to out there?

W. Douse: Shit, my partner [inaudible]. My partner, Nate. Shit, Steve. Um, Marcus, um, Debo, Leo, Leo baby mama. I don't even know her name. That ain't my business, you feel me? That's my home boy baby mama. I won't get into that. I don't even know her name. So, shit, talking to them. As a matter of fact I was in Leo house. I was in Leo house as a matter of fact and I walked outside. I was like boy, hey, you got going on, you know, he, you know, yelling and shit. So, he was telling me and shit so I was like I'll be back bro. So, I get in my car and drive off. Let's see I rode through going to Shiloh going towards Shiloh to go buy some weed and I seen the same two little dudes at the top of the road. I guess they memorized the car I was in. So, the boy like done shot twice at the car that type shit. I kept riding figuring he ain't going to hit nothing. He ain't doing a bitch ass thing to me. I ain't got my gun on me, so what the hell am I going to do? You feel me? I'm not going to set myself up to get killed. No, so I kept going about my weed. See a little bitch

named Jordan. I met her at Knight's Inn off Washington Road. I asked her if she had something to do with her home girl, some little Mexican chick. Had something to do with her and she was like say, you think we could use the car to go up to the store? I said what store? Shit that ain't my car. That's my baby mama car. She was like shit. We ain't going nowhere. We ain't going nowhere. I'm going to take her to the store and I'm going to go grab his clothes because he's spending the night with me in the room. I was like I bet. So, shit, she leave and shit. They came back around 1:05, like 1:05, 1:10. Shit next thing I know social media been throwing. Everybody hitting me like shit. As a matter of fact some dude told me I was going to die and he said you going to die.

Det. Eagerton: Who told you that?

W. Douse: Shit, oh, I ain't got my phone no more. I can't even tell you like if I had my phone I swear to God I'd show you all this shit, but ---

Det. Eagerton: Where's it at?

W. Douse: My phone? That shit damaged like that shit because yesterday when I found out I had a warrant for murder I was like murder? The fuck I got a warrant for murder for and I was like fuck I don't want to contact with nobody and talking to nobody or nothing.

Det. Eagerton: Uh-huh.

Det. Griffin: Did you damage, so you got rid of your phone? You damaged it because you didn't want to talk to nobody?

W. Douse: Yeah, I damaged it.

Det. Griffin: Okay, and this was yesterday?

W. Douse: Yeah.

Det. Griffin: Okay.

W. Douse: So, and get back and shit come back to Aiken and shit. I pull up at Aiken Regional. Brought my baby mama a five-hour energy.

Det. Griffin: Uh-huh.

W. Douse: Then she came outside. We smoked a Black and shit. I pushed back off back. Went back to Augusta with the little chick Jordan. She come out of the hospital that morning she was like, uh, somebody died. I was like huh? She was like somebody died. I was like shit who got killed? I was like shit they say somebody got killed in North Augusta because when I was at the room a little chick name Shay got a call from an investigator in North Augusta and was like uh, who call the investigator about a murder some shit like that in North Augusta shooting some shit like that. So, shit, I was like where I was like where at because if it's in North Augusta I already know about that shit. She was like, no, Aiken. I said where the shooting at? Richland Avenue. So, pushed off we go back to the house, shit, that was it for real though. Then she called and was like as a matter of fact we got into it we got into it on the way to the house that morning because she was like why the fuck, why the fuck you let them drive my car that and the third. Now you got all us in some hot shit. I'm like how I got us all in some hot shit? They was going to get their shit. They was going to get their clothes. She say he staying at the room with her the night. So, shit, I let her get her clothes. I needed my one-on-one time with Jordan any way. Shit, you're not my old lady. So, you know, we got into an argument. So, she dropped me off at Chalet North. She went on about her business. I seen her. I seen her yesterday, no, that was Fri – what was that? As a matter of fact, yeah, that was the last night. That was last night. I seen her last night pushed up on her. Shit, you know, sat on the porch and shit smoking. Well, not weed, but we smoked Black's. She went in the house. I left and me and my [inaudible]

you know, back to North Augusta shit and that was really it. Then I get people, you know, calling my phone. The reason I destroyed my phone it was like so many people dog like I'm talking about this shit was just ridiculous bro. It was ridiculous bro. I had so many people telling me oh, bro, you going to die when I see you nigga like. Yeah, nigga got your baby mama tag number type shit. Tag number from where? Tag number from where? Shit for what? Like what you going to do with my baby mama tag. You ain't doing a bitch ass thing to her. That's the mother of my daughter. You're not, bro. Not fixing to let you do nothing to her. So, shit you calling my phone telling me I'm the guy, you got her tag number. What the hell that supposed to do to me? Shit. Boom. I hang up on bro. Where you at? Where you at? Where you at? Where you at? Where you at? Shit, link up, link up, link up, link, man, get the hell out of my phone. I didn't reply to him. He kept calling, kept calling. So, shit, a little chick told me this morning as a matter of fact no, I'm lying bro, my partner my partner, um, who the fuck was I talking to? It wasn't this morning. It was yesterday morning no, yesterday night. Who the fuck was I texting? Who the fuck was I texting? Texting somebody. They said they sent me this screenshot and it was a screenshot where it said wanted for murder and I was like what the fuck wanted for murder. Why the fuck I'm wanted for murder? And shit I show my mama I was like ma like she looked at me. She like what the fuck. She was like you been to Aiken? And I was like, I mean, I been to Aiken. Sonjai, I dropped Sonjai off at work. I hadn't been to Aiken unless I was talking to my recruiter. That's on the south side.

Det. Eagerton

What kind of recruiter?

W. Douse

My Army recruiter. I'm in the military taking my hazmat test and all right now. Shit so that's my I'm so pissed off bro. Every time I take a step forward it's like now this right here it's like a thousand steps back. What the fuck can I do to even face this situation? It ain't shit I can do to fix this situation bro?

Det. Eagerton: Well, let's step back a minute and go back to, um, when the first time you saw two guys. You said they came out with guns?

W. Douse: Cushman, they seen me pull up first. I pull up ---

Det. Eagerton: Where was this at?

W. Douse: That was Cushman Apartments.

Det. Eagerton: Which is ---

W. Douse: Right by Hahn's Village.

Det. Eagerton: Yeah, which apartment do you remember?

W. Douse: Shit they was standing on the sidewalk.

Det. Eagerton: But where were you going to?

W. Douse: I was going to the end, but he wasn't like I didn't see his car.

Det. Eagerton: You go all the way back?

W. Douse: Yeah. I was going all the way back. They was standing on the sidewalk like in the corner right there.

Det. Eagerton: Up at the front?

W. Douse: Huh-uh.

Det. Eagerton: Or in the back?

W. Douse: Like towards you know where the apartments like separate at. It's like this building then this the office building?

Det. Eagerton: Yeah.

W. Douse: It was this building? They were standing like between the office and this building right here type shit.

Det. Eagerton: Okay. Let me ask you, give me a ballpark of what time that was.

W. Douse: Shit, what time that was?

Det. Eagerton: Was it daylight still?

W. Douse: Yeah, be like 6:45.

Det. Griffin: So, you must have took her to work, your baby mama. You took her to work then you got the car ---

W. Douse: Yeah, I took her already then I got in the car after that.

Det. Griffin: Okay.

W. Douse: So, boom, um, she was at work 6:45. I left the hospital. No, she got out of the car at 6:33 to make it upstairs in time to clock in. I left the hospital. Went to the store and bought a Black then I pushed over to Cushman. It had to be like 6:55, 7:00 type shit like around that, you know, around in that time area.

Det. Eagerton: Uh-huh.

W. Douse: So, but yeah, I pulled in I'm pulling in going to the back. I let my people ---

Det. Eagerton: Who do you know around there? I'm not trying to get them involved. Like I said, I'm just trying to understand who all ---

W. Douse: My auntie stay out there.

Det. Eagerton: Your aunt?

W. Douse: My Auntie Dee. Her son Quan, the dude Quan I was telling you about, going to push up and smoke with Quan. Yeah, that's her son.

Det. Eagerton: Okay.

W. Douse: Quan my cousin really. Like to be real with you he my cousin on my daddy's side.

Det. Eagerton: Yeah.

W. Douse: But he had been on some home boy shit. Like we was in the Youth Challenge and all together. So, really, man, like we been tight for you know, but yeah.

Det. Eagerton: All right. So when you pull in and you're going around you see them ---

W. Douse: Going in ---

Det. Eagerton: --- describe, describe what they look like, what they're wearing.

Det. Griffin: Or do you even know them?

W. Douse: I didn't know them niggas from a can of paint. On my daughter head, I swear to God, I don't know them niggas from a can of paint. I don't know what the fuck going on. All I know is I ain't got [inaudible] clutching. They look alike. They from the street. My baby mama car ---

Det. Eagerton: What were they holding?

W. Douse: Like a nine.

Det. Eagerton: Both of them?

W. Douse: Both of them had nines. Both of them had nines. Smith and Wesson nine with ---

Det. Eagerton: All right. Now describe them. What did they look like?

W. Douse: One of them like six foot. The other one's like 5'11".

Det. Eagerton: So, one was a little taller than the other?

W. Douse: Uh-huh. You could tell, I mean, you could tell they was like I mean a height differential so ---

Det. Eagerton: Right. Height? Weight? Hair?

W. Douse: One sixty and one of them look like he probably weigh, I'm a buck eighty. They wasn't like my big, but they was nice little size dude probably like a buck sixty-five. The other one was fat as hell. He was like 195, 5'11", 195 and shit. I think he had a little stomach and shit. But yeah, so---

Det. Griffin: Were they near, were they did they have a car with them? Were they in a car or ---

W. Douse: They stand -- when I pulled up they was standing outside already so, it's like that's all I see.

Det. Griffin: Okay.

W. Douse: It's like it's like, you know, how like you stand when you see a car who the hell is that type shit like they was doing that. But I had my window down because I was smoking a Black and it was when they looked in the car and seen it was me I was like what the fuck like hold up. So, I stopped my car. I stopped my car. My car went back there anyway. I was fixing to back up in a parking space and leave out. So, I stopped my car. I'm like, bro, what's up what's happening like what y'all boys got going on. Shit. Hey, put the guns down bro. I [inaudible] wasn't trying to fight. So, I left and went to Pacers. Shit, that's exactly what it was. No, I left Cushman and went to Shiloh to get some weed then I went to Pacers. Just like that.

Det. Eagerton: All right. So, when was the next time you saw the same guys?

W. Douse: Shit as a matter of fact I seen I seen them boys at Hahn's Village. I seen them boys at Hahn's Village like an hour-and-a-half after that.

Det. Eagerton: Okay. So, it's still daylight?

W. Douse: Yeah, it was still daylight. Seen them in Hahn's Village. Well, I was on Plunkett. I seen them walking through Hahn's Village.

Det. Eagerton: They were on foot walking?

W. Douse: Yeah, they were walking type shit so shit I'm finished. Like I say I don't have a gun on me. They mean to shoot at me I'm dead. What I'm going to do? I can't protect myself. I don't ---

Det. Eagerton: Where was your gun at that point because y'all went shooting earlier. Remember in the woods, target practice and all that.

W. Douse: No, no, we were shooting rifles.

Det. Eagerton: Okay.

W. Douse: Yeah, I don't I don't I'm nineteen. Anything I try to do now like I try to do it legal because of her. I got a little girl. I don't be in shit. I don't be in nothing bro. My mama will tell you that. I go to work. I come home. If I'm not with my baby mama at her mama house I'm in Chalet North Court with my mama and them or with my baby or I'm taking my baby shopping or we in Columbia or some shit doing something for her. Like I don't be into that shit. I got people really dead like I got niggas who I grew up with people I actually called friends I look at like brothers but they dead. Yeah, for what? Because you don't like them? What you don't like them for?

Det. Eagerton: Yeah, I hear you. So, when you tell me, uh, where were they walking from? Where were they walking to in Hahn Village when you saw them walking?

W. Douse: It was a little cut. It's a little cut from Cushman to Hahn's Village at the sidewalk and you can step down from the sidewalk and walk between the gates.

Det. Eagerton: So, out by the main road then?

W. Douse: Yeah.

Det. Eagerton: I know where you're talking about.

W. Douse: Yeah, they walked ---

Det. Eagerton: Were they coming in or out?

W. Douse: No, they was going in. I'm sorry, they was coming in. You see when they came in I was like, you know, I was sitting at that little restaurant, my baby mama her people I was passing by the restaurant on Plunket---

Det. Eagerton: Are you talking about the people over there?

W. Douse: You know the little fish fry place that sit ---

Det. Eagerton: Off ---

W. Douse: Yeah, off – that my baby mama granddaddy restaurant.

Det. Eagerton: Okay.

W. Douse: So, I'm passing them I'm waving out the window to her grandma. I see them walking through Hahn's Village like going towards the basketball court. Shit I keep riding. I'm minding my business. Shit, like I say, but I'm not fixing to put myself in a situation to get killed. Hell, no, I got to look at who fixing to raise her. Not another man. I said

no, I refuse. I refuse. I ain't going to lie. That's why I'm so pissed off bro. Like this shit this shit here brother this murder shit this ain't nothing to play with. This shit ain't nothing to play with at all and for my name to be drug into the situation is like damn fuck me then. Shit, I didn't do nothing. Just because I was in the car you got a description of the car I was in, that me I shot you bro?

Det. Griffin: What, I got a ---

Det. Eagerton: Yeah.

Det. Griffin: You know, it's obvious there was some kind of beef between these guys and you for them to point guns at you, number one, in Cushman and shoot at you.

W. Douse: Yeah, that's it. It was because of my partners, but I'm telling you bro it was because of my partners like well, all right, so this started like so long ago the little beef shit, but the beef with me I'm not into that beefing shit. Not into that like at all. Like I said have a little girl. These niggas ain't got no kids. They ain't got no babies to take care of. They buy shoes and weed with their money. I buy baby clothes and diapers you feel me? I buy shit I'm not fixing to no, hell no, you're not fixing to trick me off the streets. I'm not like that bro like ---

Det. Eagerton: So, when did it start?

W. Douse: This just started like nine months ago, bro, and believe it or not like this just started like nine months ago, bro, with everybody, bro, and they got beef with me because my brother, my brother named Shakael Dixon. I swear to God we don't even talk. Me and my brother, you know Shakael Dixon from New Ellenton?

Det. Eagerton: Huh-uh.

W. Douse: I don't know if you know Denzell Jackson. The little Sixty dude.

Det. Eagerton: I've heard the name, but I've never met him.

W. Douse: Yeah, them two like. Them are like they are my cousin that killed my brother. They from New Ellenton but I'm from Petticoat, you know, it's like that. They're like close as hell.

Det. Eagerton: Close.

W. Douse: But we didn't hang out. Hell, no. They got too much going on, bro. I'm not fixing to have you in my car and get my shit shot up then I got to hear my old lady mouth because I got no, bro, like we barely hung out unless it was on some – to the movies with that little chick. We in public then. What the hell you going to do in public. You going slap to jail you wild out up here at them movies in Augusta. See, I ain't even never hang out with them boys.

Det. Eagerton: So, whose got beef with the two guys then that were walking that you saw with the guns?

W. Douse: You talking about the two niggas that was with the gun?

Det. Eagerton: Uh-huh.

W. Douse: Shit, I don't know, bro. A lot of niggas got beef, but like, shit I know them boys had started with me ---

Det. Eagerton: But you said it started nine months ago.

W. Douse: It just started nine months ago because when they when my brother and them got locked up like I said them boys you can have something to do with that shit, bro, that's your brother and you know. I'm like, bro, what the fuck is you talking about?

Det. Eagerton: Who's your brother?

W. Douse: Shakael Dixon.

Det. Eagerton: Okay.

W. Douse: I mean, why the fuck I have something to do with something just because that's my brother? My mama will tell you it was numerous times when people was trying to say I have something to do with that too.

Det. Eagerton: Uh-huh.

W. Douse: Like it's like everything that happen between New Ellenton and Gloverville basically. Anything that happened in Gloverville they tried to tie me to it because of where I'm from. Like it's the east we call it the east side, you feel me, like Petticoat, New Ellenton, Beech Island, Jackson. Because of where I'm from they tried to intervene me in the mix of bull shit they got going on. Like I ain't with all that shit, bro. I got shot at before by people like I'm not fixing to do that shit, bro.

Det. Eagerton: So, these two guys you at least knew of them though, right, to know that other people had a beef with them?

W. Douse: I ain't never seen them boys from a like I ain't never seen them like in real life, but I know on Facebook and shit.

Det. Griffin: You do them know them on Facebook?

W. Douse: I don't know them, but I see them like pictures of them pop up and shit every now and then.

Det. Griffin: What's their Facebook names?

W. Douse: I don't know. They ain't my friends on Facebook.

Det. Griffin: I gotcha.

W. Douse: They ain't my friends. I see a picture pop up a female shared some shit, um, like the dude Lu Blu like I just really knew how he looked like dead ass serious, on my

baby, I just really knew how he looked and that's because ---

Det. Griffin: Was he one of them that you saw last night? Lu Blu?

W. Douse: No, he wasn't there and that's the thing he wasn't even out there.

Det. Griffin: Okay.

W. Douse: He wasn't even out there.

Det. Griffin: Okay.

W. Douse: But like I see pictures of the dude from, you know, a little chick will share a picture you know. You know how this shit go on social media relationship.

Det. Eagerton: Uh-huh.

W. Douse: But yeah, but ---

Det. Eagerton: So, do you know now who they were after looking at Facebook and talking to people. The two guys that were walking out there do you know who they are?

W. Douse: I ain't got no phone. I ain't been on Facebook since that day. I broke my phone last night.

Det. Eagerton: Right.

W. Douse: I broke my phone last night.

Det. Eagerton: You didn't do a little digging? You didn't ask around? You didn't find out who they were, nothing?

W. Douse: Hell, no. It ain't my business, bro. Ask around for what?

Det. Eagerton: They coming at you with guns. I'd at least want to know.

W. Douse: Shit, what if I ask the wrong nigga? All my little partners [inaudible] you feel me?

Det. Eagerton: Uh-huh.

W. Douse: Some shit you're supposed to keep to yourself. Some shit just no, bro, let's sit down at the end of the day. Some shit you got to let that down because you're going to ask around and find out information. You're getting the wrong detail from this nigga. You get a right one from that nigga. The wrong one from him. The wrong one from her, but the right one from her.

Det. Eagerton: Uh-huh.

W. Douse: You're in a fucked up situation because they trying to play both sides of the fence. So, hell, no, so I be by myself. I swear to God. I be in the car by myself and I ride. I ain't going to lie. I'll ride I'll jump on the interstate. I rode damn near to Atlanta one day. I just ride and smoke, bro. I don't like being around people. I'm not a people oriented person. I'm not that type of dude.

Det. Griffin: Um, so, when you got the car from your baby mama the other night when she went to work you had it pretty much all night until you picked her up?

W. Douse: Uh-huh.

Det. Griffin: Okay. Who all was with you at all that night?

W. Douse: I was by myself. Then I went to Jordan and then the little Mexican chick, Jordan's friend ---

Det. Griffin: Well, I guess, you told us who you were hanging out with, but was anybody ever in that car with you at all that night?

W. Douse: Hell, no.

Det. Griffin: Okay. Nobody with you.

W. Douse: Huh-uh.

Det. Griffin: Okay.

W. Douse: I was by myself, there wasn't nobody in the car with me. Shit, but yeah, my baby car seat was in the car though, that was it. Shit, that's another reason like running around come on.

Det. Griffin: Um, were did you ever all right so you know where Richland Avenue is, right?

W. Douse: Uh-huh.

Det. Griffin: And um, used to be a pharmacy called Lominick's Pharmacy.

W. Douse: I don't know a Lominick's, but I know where Richland Avenue is.

Det. Griffin: Okay. So, if you're coming up Richland Avenue, like you're going toward downtown Aiken.

W. Douse: Uh-huh.

Det. Eagerton: Sonic's on your left.

Det. Griffin: You got Sonic ---

W. Douse: Past Wendy's, Sonic's, a little black people's store at the end.

Det. Griffin: There's a red light right there it's at Richland and Vaucluse.

Det. Eagerton: Where that store is.

Det. Griffin: That gas station right there. It's not a gas station I think it's a convenience store, no gas pump. Do you know where I'm talking about?

W. Douse: Yeah, I know exactly where you're talking about.

Det. Griffin: Were you ever at that gas station at that red light, not the gas station, but you ever at that red light?

W. Douse: Yeah, I went straight direction.

Det. Griffin: Okay. Um, at what point Friday morning, I guess, Thursday morning.

W. Douse: Shit.

Det. Griffin: It would have been Friday, I guess, A.M.

Det. Eagerton: Yeah, Friday.

W. Douse: Before I picked my baby mama up from work?

Det. Griffin: Okay.

W. Douse: Yeah, I went straight down Richland. Straight down Richland.

Det. Griffin: So, you were never stopped at that red light?

W. Douse: I stopped at the red light. Hell, yeah, I stopped at the red light.

Det. Griffin: But, I mean ---

W. Douse: Because it was this light was green.

Det. Griffin: Okay.

W. Douse: Car's came like that.

Det. Griffin: Gotcha.

W. Douse: See, I went straight down. I went and bought me two Percocet's, turned around and went and picked her up from work.

Det. Griffin: So, you were never on Waterloo Street? The street that is right across from Vaucluse Road?

W. Douse: Waterloo.

Det. Griffin: It's called a Medicine Mart now. It used to be Lominick's Pharmacy. It's called a Medicine Mart.

Det. Eagerton: It's across the street from the gas station that you said.

W. Douse: You're talking about the light. You talking about the intersection?

Det. Griffin: Yeah.

Det. Eagerton: Yeah.

W. Douse: The intersection. I rode down there earlier that night, hell, yeah, I did. I ain't going to lie. I rode down there earlier that night.

Det. Eagerton: So, you have, you have Richland and go straight and then Waterloo comes up to it.

W. Douse: Yeah.

Det. Eagerton: The Kwik Shop's over here. It's not a gas station.

Det. Griffin: I'll draw it for you. We good? Draw it? Make it a little bitter?

W. Douse: I know what you're talking about now though.

Det. Griffin: Okay.

W. Douse: Now that he said like when he was talking about like the gas across from the gas station. Yeah, I, uh-huh, I think I did go down there under the light earlier that night.

Det. Griffin: Okay. Were you at the light on so were you on Waterloo Street or you were on Richland Avenue?

W. Douse: Which time?

Det. Griffin: Uh, well, were you ever on Waterloo Street at a light on Waterloo Street?

W. Douse: It was earlier that night though.

Det. Griffin: Okay. Um, and still driving the red car?

W. Douse: Uh-huh.

Det. Griffin: Do you remember pulling up beside another car?

W. Douse: Another car?

Det. Griffin: Uh-huh.

W. Douse: There wasn't no car beside me.

Det. Griffin: Okay. While you were at the light?

W. Douse: When I pulled off, when I went right I went right. Pulled off right I went to the south side. As a matter of fact I pulled up behind public safety.

Det. Griffin: So, you went when you pulled off ---

W. Douse: I pulled up right behind public safety as soon as I made the right onto Richland Avenue public safety was going down the road.

Det. Griffin: So, you were going back towards town when you made that right on Waterloo?

W. Douse: Yeah, I was going back towards downtown.

Det. Griffin: Okay. Um, how much trouble have you ever been in?

W. Douse: None. Barely, like see I got locked up for assault and battery third degree.

Det. Eagerton: Which is, which is ---

Det. Griffin: That's a good thing. You don't have much of a criminal history apparently.

W. Douse: No, CDV that's it. See, I got two warrants. I didn't know about this shit though, but from what I heard talking to the sergeant and they call these misdemeanor warrants so---

Det. Eagerton: Over at the County?

W. Douse: Yeah. They're with the County.

Det. Eagerton: Yeah.

Det. Griffin: Go back. Let's back up just a little big. Um, when you were at that light at Waterloo Street, okay, um, nobody was in the car with you at the red light?

W. Douse: Hell, no.

Det. Griffin: Okay.

W. Douse: My baby mama she weird like if I have somebody like she the type of female that who the fuck is that in my car. Why the fuck is they in my car. So, to avoid getting into an altercation with her, and her saying you know what give me my fucking car keys. You can walk, and I'm stuck in Aiken at Aiken Regional.

Det. Griffin: Right.

W. Douse: Like, so, to avoid I just do what she asks me to do. Don't have nobody in your car. Don't go pick up no females in your car. Don't have no females in your car. Don't have nobody in your car period. Do whatever the hell that you want to in my car just respect point blank period and I do that.

Det. Griffin: Okay. You want anything? A bottle of water or anything? Can we get you a bottle of water? We're going to step out right quick and get you a bottle of water?

W. Douse: Bottle of water.

Det. Griffin: Yeah, do you want a bottle of water?

W. Douse: No, I'm straight.

Det. Griffin: Do you need anything? Okay. I'll be right back. Okay?

[DET. GRIFFIN & DET. EAGERTON EXITING INTERVIEW ROOM]
[DET. GRIFFIN & DET. EAGERTON ENTERING INTERVIEW ROOM]

Det. Eagerton: Just had to check on a couple things. All right, Whyzdom, um, just to be truthfully honest with you and just be up front with you, um, where we are now is you had an altercation, if you will. I consider having guns pointed at me an altercation.

W. Douse: Hell, yeah, it's an altercation.

Det. Eagerton: Whatever words you want to use with it. You have had an altercation earlier in the day with two guys you don't know. Um, and then you see them again. Um, and then you've admitted, or admitted, you said that you were in Richland and Waterloo, in that area, at least twice, right? Because you said you went down straight once and then another time you said you came up and took a right.

W. Douse: Yeah, uh-huh.

Det. Eagerton: All right. Um, I don't know if you know this or not but we seized that car, the red car.

W. Douse: Yeah, that was my baby mama car. She called me last night when y'all did it.

Det. Eagerton: Yeah. We seized it.

W. Douse: Told me y'all gave it back.

Det. Eagerton: Yeah, we gave it back to her. But what we did was we did a search warrant on it. Um, basically, you can do a search warrant on anything as long as you have probable cause. Excuse me. Um, so we took some items from that car.

W. Douse: Such as?

Det. Eagerton: Several different things. We did a lot of fingerprints and we did some DNA swabs and then also we found some other things that I'm not comfortable talking about right now. Um ---

W. Douse: You talking about her stuff?

Det. Eagerton: Just items that were with the car.

W. Douse: Y'all talking about clothes and shit, right?

Det. Eagerton: No, I wouldn't, no, we don't care anything about clothes and kids stuff and all that. That's hers for her kids or y'alls kid, right?

W. Douse: Yeah.

Det. Eagerton: Um, so we don't have the results of the fingerprints and the DNA yet so, that's something that ---

W. Douse: You talking about on the steering wheel or what?

Det. Eagerton: Do what?

W. Douse: You talking about on the steeling wheel?

Det. Eagerton: I'm just talking about DNA and fingerprints from the car.

W. Douse: All right.

Det. Eagerton: Okay. So, when we those we're going to see if we can get those rushed to get back because we want to know the results of everything. Um, so, what we need from you is a little more honesty. I think that it's time to get into the nuts and bolts of this thing. I think that you know a little bit more than what you're saying and I understand that. I would be I'd be a little hesitant too, um, but you got to look at this. At that intersection there's three different buildings, okay, and they all have video. You understand that? Video doesn't lie.

W. Douse: At all.

Det. Griffin: So, here's your opportunity not to lie. Here's the thing. You don't have much of a history and your honesty, we've both done this a long time, a long time, okay, and your honesty it may not sound good up front, I give you that, but on the back end of everything that's when it can help you out is your honesty. We can take honest information to the Solicitor's Office, who prosecutes these type of cases, and say hey, listen here Whyzdom was honest with us and ---

W. Douse: I would still have to do twenty years probably, fifteen, ten, five just because they say wanted for murder like.

Det. Griffin: Well, we all know there's consequences for stuff when people do stuff, but it ain't the end of your life, okay? But we need your honesty. Um, and I think you want to tell

	us. I think you want to get it off your chest and it's going to make you feel a lot better once you do.
Det. Eagerton	We just want the truth. We're not trying to do any more than that.
W. Douse	I'm just saying like what, what, what y'all like, I mean, ask questions like.
Det. Griffin	Well, what when you were at that intersection we know there was another car at the intersection as well, okay, and we know you pulled up beside it. We'll give you that much and you tell us from there what happened.
W. Douse	Shit.
Det. Eagerton	Take a deep breath. We got all day.
Det. Griffin	Did they do something?
W. Douse	Who?
Det. Griffin	Whoever was in that car.
W. Douse	You talking about them?
Det. Griffin	Yeah, the other car that was beside you.
W. Douse	Hell, man, look.
Det. Eagerton	Come on Whyzdom.
W. Douse	I'm going to tell you like this, bro, I'm going to keep it right. [inaudible] and be real with you keeping it right with you on my daughter head you can look at the cameras from the BP, from the Burger King, cameras and Aiken Regional, uh, cameras all down Richland Avenue, you feel me, like I went and picked up one of my little partners, you know. I'm like, bro, this car just following me all the way from Aiken to New Ellenton. This car

		been following me all around Aiken all day you feel me. It's the same kind of car as my baby mama, but it was a newer model.
	Det. Griffin	What color was it?
	W. Douse	Gray.
	Det. Griffin	Okay.
	W. Douse	So, shit, but this car like literally like followed me, bro, and I pulled up to her job to give her her shit like they you'll see on camera where they pull in and they park and you'll see on camera where I come around and I stop in front of the car. I'm like bro, why the fuck is you following me? Like who is you? It was a little chick. I'm like who in the hell is you? Shit, she didn't like that and I'm like man since you just a chick ---
	Det. Eagerton	You said she was driving?
	W. Douse	Yeah. That little chick was driving.
	Det. Eagerton	Anybody else in the car?
	W. Douse	There were two niggas in there, but I don't know who the fuck they was. Like who on my baby I don't know who they was at all. Shit, all I know is shit.
	Det. Eagerton	Were they the same two you saw in Hahn Village?
	W. Douse	Huh-uh.
	Det. Eagerton	Okay.
	W. Douse	No, they were two totally different niggas. Two totally different niggas. I pulled up at the light and my window was down you feel me? Shit, I seen a passenger seemed like he trying to hide or something like this like, like he doing like this and doing in the back like that looking. I

	was like bro, who is that? Who was that? Shit, I had somebody with me. I ain't going to [inaudible]. Shit, boom, boom, boom. So, I drove off like bro, like shit. Then he tried to hang out the side window. I'm like no, were you tripping bro, like you trip the fuck out. Bro, that's my baby mama car, bro. My baby be in this car like you tripping like. So, shit, no, it is what it is bro.
Det. Griffin	Who was in the car with you?
W. Douse	Shit, I don't know, no shit like that bro. I don't know, bro.
Det. Eagerton	Whyzdom. Whyzdom, look at me. Whyzdom, look at me.
W. Douse	I ain't going to snitch and shit. I don't know, bro.
Det. Eagerton	Let me say something, okay?
W. Douse	I don't know. Y'all go – I'm being locked up anyway charged with murder anyway. I ain't even pulled no trigger.
Det. Eagerton	This is just a, listen, this is just a – there you go. You didn't what?
W. Douse	Pull no fucking trigger. I ain't pulled no trigger.
Det. Eagerton	Okay. That's a start.
W. Douse	So, why am I being charged with murder. Why does it say wanted for murder?
Det. Eagerton	You know how, you know how it goes.
W. Douse	Just because ---
Det. Eagerton	If me and him, listen, if me and him go into Walmart and he picked up something and puts it in his pants and I'm

	standing there looking around looking for a Walmart employee and we go walking out the store together I'm not carrying anything, but I'm a part of it. I'm a part of it. Obviously, murder and shoplifting's two different things.
W. Douse	That's two totally different things you know that.
Det. Eagerton	It's the same idea though. It's the same idea.
W. Douse	But you have to think about this though, bro. You're not in the position I'm in, bro. You're not in my situation. I'm already going through hell on the streets.
Det. Eagerton	I understand that. That's a fair point.
W. Douse	Every fucking day somebody telling me they want to kill me because of some shit I didn't do. Because of some shit I didn't do. Even before this, bro, even before. I barely come to Aiken.
Det. Eagerton	So, now, here's where we're at. Bear with, give me a second. Give me a second. Here's where we're at. We're up to the point y'all are next to somebody and somebody shoots into the car. It's not you. It's somebody else. You have information for that and you won't say it. How does that look?
W. Douse	I got a question.
Det. Eagerton	Forget all the snitching. I don't care anything about that.
W. Douse	I do.
Det. Eagerton	I don't, well, I understand.
W. Douse	You ain't got to deal with that shit when you're on the County. You ain't got to deal with that on the street.
Det. Eagerton	I understand. I understand.

W. Douse: You ain't got to fight [inaudible] in this room every day, I do. You feel me?

Det. Eagerton: Uh-huh.

W. Douse: You don't understand, bro, it's deeper than that. Y'all expect us to come in here and do y'all job for y'all. I understand that y'all in here facing things. Y'all job is to get information.

Det. Eagerton: We're doing our job.

W. Douse: Yeah, that's your job. Your job is to investigate.

Det. Eagerton: That's right.

W. Douse: Get information. But at the same time your job ain't to criminalize me though, you feel me?

Det. Eagerton: I'm not here to criminalize you.

W. Douse: I'm just saying that's how I feel.

Det. Eagerton: We go where the facts take us.

W. Douse: That's how I feel, bro, like. I'm trying – this shit -- I got my grandma calling my mama. My uncle calling my mama. I got my little cousin ain't nothing but nine and she calling my mama. I got a four-year-old nephew, four-year-old nephew, Uncle killed somebody. Uncle killed, what the fuck, what is you talking about?

Det. Eagerton: That's unfortunate that they had to be in that situation.

W. Douse: Come on now.

Det. Griffin: So, when you when he when this other person shot this gun into that car and you is that when you turned right?

W. Douse: Hell yeah I turned. I said, bro, you tripping. I told him straight like that and he's trying to get out the window and I grabbed him I said bro, you're tripping bro, what the fuck wrong with you? Like, first of all you shot by my face. Second of all my baby be in this car. My daughter be in this car.

Det. Griffin: So, he shot the gun from inside the car? Like across your face?

W. Douse: Damn skiffy like that's ---

Det. Griffin: How many times did he shoot?

W. Douse: Three.

Det. Griffin: Three. What kind of gun was it?

W. Douse: I don't know. I don't know.

Det. Griffin: So, let me get this straight. So, me and –you're the driver and he's the passenger.

W. Douse: I'm like this bro. My seat ---

Det. Griffin: He puts his gun across your face?

W. Douse: He looked I was bro, who the fuck is that, because I had my window down like like shit like that much for about.

Det. Griffin: Okay.

W. Douse: I said, bro, who the fuck is that? I looked at him, I said, bro, you know who that is? He was like shit, oh, hell, yeah, boom, boom, boom. I was like what the fuck.

Det. Griffin: Who did he say it was?

W. Douse: He didn't say nothing. He said oh hell, yeah.

Det. Griffin	But he said he knew who it was. I gotcha.
W. Douse	Boom, boom, boom.
Det. Griffin	So, I'm him. I'm in the passenger seat and he puts his gun across your face and shoots?
W. Douse	About right there.
Det. Griffin	Wow, from the inside of the car?
Det. Eagerton	What kind of gun was it?
W. Douse	I don't know, you feel me? I didn't never touch the gun.
Det. Eagerton	Well, what did it look like?
W. Douse	Shit. I know he had a thirty on that bit.
Det. Griffin	Like a revolver or a semi-automatic.
W. Douse	No, he had a thirty.
Det. Eagerton	He had an extended magazine.
W. Douse	Yeah, an extendo. He had 30 on the -- that's all I seen really. When he, I'm looking like God damn, like what the fuck.
Det. Eagerton	Where did he get it from? In the car where did he reach for it? Did he have it on him or was it under the seat?
W. Douse	Yeah, maybe it's on him. It must be on him, bro.
Det. Griffin	You didn't have anything on you? No guns on you?
W. Douse	[Shaking head, no] I told you I had went shooting earlier with rifles.

Det. Griffin Right.

W. Douse [inaudible]

Det. Griffin Yeah. Where'd you go after he shot? Where'd you go?

W. Douse After I did shit I went to Augusta.

Det. Griffin Well, you turned right on Richland so that was going back towards downtown Aiken.

Det. Eagerton Uh-huh.

W. Douse Yeah. Yeah. They turned left that's why I turned right.

Det. Griffin Okay. You mentioned earlier you were going toward the south side?

Det. Griffin You mentioned you went towards the south side though earlier, the south side of Aiken.

W. Douse I did. That's toward the south side. I made a right on Laurens Street. That's towards the south side.

Det. Griffin Right. I just thought you meant. I thought you said Augusta. You went back to Augusta.

W. Douse No, you just said that earlier. I said I went towards the south side, yeah, but I told you just now.

Det. Griffin Yeah.

W. Douse I said, but I went back to Augusta.

Det. Griffin Okay.

W. Douse I went back to Augusta, but, yeah, I made a right on Laurens Street.

Det. Griffin Okay.

W. Douse I went straight to the south side. I went through Petticoat, rode all the way down 278.

Det. Griffin Okay.

W. Douse All the way down 278 away from Aiken.

Det. Griffin So, you dropped him off at some point I would – okay.

W. Douse I made him get the fuck out of my car.

Det. Griffin Okay.

W. Douse I made him get the fuck out of my car. Bro, you got to get the fuck out, bro, because now you got me in some shit. You feel me?

Det. Eagerton Yeah.

Det. Griffin Where'd you make him get out at?

W. Douse On, you know, like we going down Laurens Street you make a left and you know how like you go straight and you can make that left to get on what's the name of that road. What's the name of that road. Fuck you know where the horses and shit at on the south side.

Det. Griffin Uh-huh.

W. Douse Boom. You know where the four way like the courthouse would be like you go and make a left the courthouse would be on the right.

Det. Griffin Uh-huh.

W. Douse I went up. At that light I was like bro get out bro. Made a right. I made him get out. He got out. I made that right went straight down, um, Silver Bluff Road, made a right

	on 278 went straight to Augusta. That's exactly what I did shit.
Det. Griffin	What's the guy's, in the car, what's his social media name, Facebook name? He got a Facebook, that was in the car with you?
W. Douse	No, he ain't got no Facebook.
Det. Griffin	Are you sure?
W. Douse	Positive. I ain't never seen him on Facebook.
Det. Griffin	You don't want to tell us his name?
W. Douse	And I ain't – man, bro.
Det. Eagerton	We're already to that point. You're involved whether you pulled the trigger, excuse me, or not and by your own account you did not. So, that looks good for you. I'll just be honest with you. You say you're being honest. I'm being honest. By your own words that looks good for you, but we're already we're there, we're right there. Stopping at this point.
W. Douse	I think his name is Louis.
Det. Griffin	That's his first name?
W. Douse	[Nodding head, yes].
Det. Griffin	Last name on him?
W. Douse	Bates.
Det. Griffin	Louis Pace?
W. Douse	Bates.

Det. Griffin Bates.

Det. Eagerton Bates.

Det. Griffin How old is Mr. Bates?

W. Douse Huh?

Det. Griffin How old is Mr. Bates?

W. Douse Twenty-one.

Det. Griffin How do you know him?

W. Douse Street shit. You know, like shit sell each other weed, buy Perc's from him, smoke we just got we just sit and linked up after that after ---

Det. Eagerton How long, so maybe a year? Five years?

W. Douse About five months. About five months. Not even that long like.

Det. Eagerton Where does he hang out at? Where does he live?

W. Douse I really see him everywhere.

Det. Eagerton In Aiken or ---

W. Douse I see him at McDonald's. I just seen him at McDonald's in North Augusta. I done seen him at McDonald's in Aiken. I done seen him at Walmart on Richland.

Det. Eagerton So, he's got friends all over?

W. Douse Yeah, and his home boy. Every time I seen him he driving a car driving a different color car. A little chick, I guess, shit because he ain't got that many cars. So, he always have a little chick that ---

Det. Eagerton: Why did he shoot into that car?

W. Douse: Shit, I asked him because I seen the car following me. My thing like if somebody following me okay I'm fixing to lose you and get behind you now since you want to follow me. I'm fixing to see what in the hell you got going on, what's up, bro? Like I told you I ain't got no gun. I'm not going to put myself in that situation. Not fixing to put myself in a fucked up situation. If they would have tried to up at my car I would have pulled the fuck off, but shit before anything could even – man.

Det. Griffin: Has he been arrested before?

W. Douse: Who, bro?

Det. Griffin: Uh-huh. Mr. Bates.

W. Douse: I don't know. I only know him five months, you feel me?

Det. Griffin: Okay. Let me ask you a question. If we go pick him up is he going to tell us the same story or is he going to tell us that you shot the gun?

W. Douse: Ain't no telling what he going to say.

Det. Griffin: What do you think he'll say?

W. Douse: In situations like this it's really every man for himself and see I'm for myself. He ain't going to take care of my little girl. Hood he ain't going to take care of her. He ain't going to do a bitch ass thing for her.

Det. Griffin: Louis Bates. Are you sure his first name is Louis and that's his real legal name?

W. Douse: That's what that's everybody on the streets call him. I swear to God when I met him he told me his name was Louis.

Det. Griffin Right. Okay.

[DETECTIVE EAGERTON EXITING INTERVIEW ROOM]

W. Douse And I was like Louis? He like but everybody call me Lou.

Det. Griffin Okay.

W. Douse I was like all right.

Det. Griffin So, I guess, and I don't want to put words in your mouth, but I guess to be fair you're not sure if that's his legal first name?

W. Douse No, I'm not positive.

Det. Griffin I gotcha. They just called him Lou.

W. Douse Yeah, he was like say, my name Lou. I was like Lou. He said Louis you feel me? I'm like, all right, what's up with you bro.

Det. Griffin Sure.

W. Douse Buy weed from him, you know. Buy Percs from him, smoke with him, chill a little. This shit crazy.

Det. Griffin Do you know the person that was – do you know now, the person that was killed?

W. Douse Yeah, after everybody want to kill me about it.

Det. Griffin And who is this person that was killed that you know?

W. Douse Shit, I know him by Lu Blue.

Det. Griffin Okay. Is, um, do you think that Lou or Louis did he know Lu Blue?

W. Douse I told you when we pull out I say who the fuck is that?

Det. Griffin You said he knew who was in the car.

W. Douse And I said bro, you know who that is because the dude was back ---

Det. Griffin Right.

W. Douse ---sit and then the passenger sit like this.

Det. Griffin So, Blue, Lu Blue was in the backseat?

W. Douse Yeah.

Det. Griffin And then describe the two in the you said there was two in the front a female and another male.

W. Douse Yeah, um, excuse my bad.

Det. Griffin No, you're fine.

W. Douse It was a female driving. The dude looked kind of just like Lu Blue in the passenger seat, shit.

Det. Griffin All right. The female was driving Other, okay.

W. Douse Excuse me. He was like oh, say hell yeah, boom, boom, boom and I ain't going to lie. This had happened and like bro, what the fuck, like bro, I was like kind of like bro ain't no way in the hell like ---

Det. Griffin Probably shocked.

W. Douse I'd say, yeah I was shocked bro, like what the fuck, bro, you're tripping like. Bro this ain't even your fucking car.

Det. Griffin So, he didn't he basically just you know you're the driver I'm the passenger. He just reached what gun what hand did he use, right hand or left hand?

W. Douse Left hand.

Det. Griffin So, he basically does the gun over in front of your face and pops off three rounds?

W. Douse Right hand, bro. and then it jammed after the fourth one.

Det. Griffin Okay.

W. Douse Because I told you he tried to get out the window let off one more and then it jammed.

[DETECTIVE EAGERTON ENTERING INTERVIEW ROOM]

Det. Griffin So, he didn't shoot no more. All the rounds he shot was from inside the car, but he tried to get out a third a fourth time?

W. Douse He tried to like when he shot the three like I was like oh, shit, like what the fuck. I'm not fixing to follow them because they might try to shoot my car up now. So, I went right. I busted a right and he tried to get out of the window. Shot one time, boom, and then you heard the gun jam and I grabbed him like bro, what the fuck is wrong with you bro.

Det. Eagerton So, he got out halfway in the window the first time?

W. Douse His whole like his whole top torso .

Det. Griffin That was the he shot three from inside the car and then the fourth one was a from outside the car like hanging out. He tried to shoot another one and the gun jammed.

Det. Eagerton Okay.

W. Douse I was like bro, what's the fuck bro, what's the fuck wrong with you bro like.

Det. Eagerton: So, his last name is Bates and you say it's Louis is the first one?

Det. Griffin: He doesn't know if that's his ---

W. Douse: That's, I don't know if that's his real name or not. When I met him he told me his name was Lou and I was like Lou? He was like Louis.

Det. Griffin: Okay. If we, um, showed you what they call a photo lineup ---

W. Douse: Huh?

Det. Griffin: Do you know what a photo lineup is? It's going to have six pictures in it. The person that committed the crime may or may not be in the lineup. Do you think you could pick him out of a lineup as the person that was in the passenger seat that shot?

W. Douse: Probably, yeah.

Det. Griffin: That might be something we get to. Um, so here's the thing.

W. Douse: Man, what the fuck am I ---

Det. Griffin: The, uh, I want to talk to you about the way the evidence because you've told us a lot and we appreciate it. Um, so we've both done this for a long time.

[DETECTIVE EAGERTON EXITING INTERVIEW ROOM

Det. Griffin: It's not the first time somebody's come in here and said, um, people's been involved in a crime and said hey, I was there but I didn't do it, okay, and that's fine and that's what you're telling us. Um, are you being a hundred percent truthful?

W. Douse: Yes, sir.

Det. Griffin: Even remembering what I told you a few minutes ago that it may not sound good up front, but on the back end of things is when it can help you out.

W. Douse: Yes, sir.

Det. Griffin: When we take this truthfulness information to the Solicitor's Office ---

W. Douse: I ain't even like that, bro. All that shit, that gun play, I'm not like that, bro. My mama will tell you I ain't never been fascinated towards guns never bought a gun.

Det. Griffin: Okay. So, um, so we found shell casings you know what I'm talking about? Spent shell casings, um, and the location we found them does not match what you just told us.

W. Douse: Where you find them at?

Det. Griffin: Well, I'm just going to tell you they don't match right now.

W. Douse: If he did it listen man, listen bro, when he shot like this bro, it was just boom, boom, boom.

Det. Griffin: Uh-huh, he shot with his left hand.

W. Douse: He shot with his left hand, bro.

Det. Griffin: You're the driver.

W. Douse: I'm sitting in the driver's seat. He shot with his left hand.

Det. Griffin: I'm the passenger. So he's putting the gun in front of your face.

W. Douse: Like come on, man. I'm not fixing to lie about this shit and I'm fixing to say I did it because I didn't do it.

Det. Griffin: And I don't want to put words in your mouth. I'm just trying to get through the whole story and tell you everything that is consistent and is not consistent. Um, and I'm just trying to figure out how when somebody grabs a gun with their left hand and pull it this way and they shoot three times which way is the shell casings going to eject?

W. Douse: I don't know.

Det. Griffin: They're going to eject out to the right. So, they're going to go like this one, two three. Make sense?

W. Douse: Okay. Uh-huh.

Det. Griffin: Okay. Which means they would be found somewhere in the car. They're going to pop off the front glass windshield. They go in the floorboard.

W. Douse: No, I swear to God, there wasn't nothing in the car because I stopped the car because I stopped the car personally when I got to Georgia and I looked and there was like boy like there wasn't nothing in the car.

Det. Griffin: Okay. Okay.

W. Douse: Well, I didn't see nothing.

Det. Griffin: Sure, I understand, yeah. Um, and there's a reason why you didn't see anything.

W. Douse: Uh-huh.

Det. Griffin: Because they were found somewhere else.

W. Douse: Where they was found?

Det. Griffin: Well, they were found, um, on the outside of the car.

W. Douse: Oh.

Det. Griffin: And that to me, um, would indicate that, uh, the way you just explained how the shooting actually occurred is not consistent.

W. Douse: How much more consistent can it be?

Det. Griffin: Well, that, if unless somebody put the shell casings there that's not the way the shooting happened.

W. Douse: Shit, but I'm telling you right now, bro, I didn't kill no fucking body. I ain't, oh hell no, bro.

Det. Griffin: Okay.

W. Douse: And – no, bro.

[DETECTIVE EAGERTON ENTERING INTERVIEW ROOM]

Det. Griffin: I'm not saying you done it. I'm not putting the words I'm not saying you done it. I'm just trying to work through ---

W. Douse: That's what you're trying to make it seem like. Every time something it don't match, it's not consistent. That's basically what you saying.

Det. Griffin: It's not consistent, that's what I'm saying, but I'm not saying you killed anybody. That's not what I said. I'm saying that the evidence does not match what you just told us.

W. Douse: Well, I ain't got nothing to do with evidence, bro. All I know is I'm going to tell you what the fuck happened just like he said bro.

Det. Griffin: Okay.

W. Douse: This shit going to look better for me. This shit going to help me out, but I'm not fixing to be sitting here for no shit that somebody else did bro and they're not going to look out for mine when they out there.

Det. Griffin: Okay.

W. Douse: I'm not fixing to do this bro. Hell, no. So, I'm going to tell you what you want to know. Tell you what you need to know. Anything you want to know and anything you need to know, shit. what I'd say.

Det. Griffin: I don't want you to tell me what I want to know. I want you to tell me the truth, that's right.

W. Douse: I'm going to tell you the truth. I'm going to tell you the truth.

Det. Griffin: I want you to tell me the truth.

W. Douse: Shit, let me rephrase it. I'm going to tell you the truth and any questions you ask me I have the truth.

Det. Griffin: Um, so I'm going to go over this thing right here. This is a lineup, okay. Um, and I'm going to read this form to you and, um, show you the lineup, and if you see and we'll go over the instructions. If you see the person that was in the passenger side seat with you if you'll just circle them. If you don't just tell me I don't see them. Fair? Okay?

Det. Eagerton: 3812.

W. Douse: Huh?

Det. Griffin: 3812? Yeah, I got it right here, yeah.

Det. Eagerton: Case number. Paperwork stuff.

Det. Griffin	All right. Let me read this to you. It says, um, all right, it says in a moment you will be shown a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. Keep in mind that hair styles and facial hair may be easily changed. Also, photographs may not always depict the true complexion of a person. It may be lighter or darker than shown in the photo. The fact that the photographs are being shown to you should not cause you to believe or assume that the guilty person has been caught. You should study only the person shown in each photograph. When you have reviewed all the photographs please state whether or not you see the person who committed the crime. Do not tell other victims/witnesses that you have or have not identified anyone and there's two important points to remember. It says you do not have to make an identification. The identification procedure is important to the investigation whether or not an identification is made. The investigation will continue regardless of whether an identification is obtained from the lineup and it is just as important to clear an innocent person from suspicion ---
W. Douse	Hold up man. [inaudible] I'm going to be honest bro. That shit didn't go like that. That shit didn't go like that.
Det. Griffin	Okay.
Det. Eagerton	Well, let's start over. It's all right.
W. Douse	No, hell no, I didn't lie. I ain't going to lie. I left out some shit though.
Det. Eagerton	Okay.
W. Douse	I left out a couple of things though.
Det. Eagerton	Well, we're still sitting here talking.

Det. Griffin: Yeah.

W. Douse: When I said I didn't find no shell casings in the car I ain't going to lie bro like man, look, it was well, no, I found four or five bullets at the hotel. There was four five bullet up under the seat in the little thing down in the – shit, threw that out. I threw that out at Knight's Inn on Washington Road. Threw that out out there. Shit, mind you now dude ain't no little nigga bro. Ain't no lie how you saying like the shell casings – dude ain't no little nigga, bro. Like he shot, yeah, he shot in my face, but it like dude bro he longer than me like, you feel me, like he long he taller than me. The dude tall as hell. My baby mama car it's a small little car. It's a small little car.

Det. Griffin: Right.

W. Douse: Shit. So he went bro, I went man look. I didn't kill nobody, bro.

Det. Griffin: Okay. So, what are you trying to say?

W. Douse: Shit, there was only one other one other person in the car with me.

Det. Griffin: Uh-huh. Yeah. That's why we were going to show you a photo lineup see if you can pick this person out. So, do you want me to keep reading the form?

W. Douse: No, where the pictures at bro?

Det. Griffin: Well, we just got to read the form before we ---

Det. Eagerton: It has nothing to do with you. It's a policy that we have to do.

Det. Griffin: All right. We just got to follow the policy.

Det. Eagerton: He's almost finished. Two more sentences and he's done. Talk to us. What are you thinking? What's the hold

		up? I mean, you said you left something out and then you don't want us to read you that, but you'll look at the photos. What you thinking? What's on your mind?
	W. Douse	My fucking child bro. I got a whole baby. Them nigga's ain't got no kids bro. I'm in the middle of hazmat test. Sergeant Brown, I got to go turn them out and pack it to him. Well, I had to turn it in, but I didn't go up there. I was going to go up there Monday and turn that shit in and shit going to mail, all that shit bro just everything fell apart. Everything just fell apart bro.
	Det. Griffin	Thinking about your child, right? That's one of the most important things wouldn't you agree?
	W. Douse	[Nodding head, yes].
	Det. Griffin	So, don't you also would you agree that to do everything the right way with us?
	W. Douse	Yeah, I mean, what like ---
	Det. Griffin	Well, I'm asking you do you want me to continue to read the form?
	W. Douse	Yeah, go ahead.
	Det. Griffin	I'm going to start back on the point right here. The first one says you do not have to make an identification. The identification procedure is important to the investigation. Whether or not an identification is made the investigation will continue regardless of whether an identification is obtained from the lineup. It is just as important to clear an innocent person from suspicion as to identify guilty parties. Um, and then this is an acknowledgement. I understand the instructions about the photographic lineup as they have been explained to me. Um, I'll get to initial that in just a minute. Do you have any questions about any of the instructions? Okay. Um, so I'll get you to initial that right there saying you understand it, if you do,

if you don't have any questions. And then it says, I, and if you will write your name right there, um, last name? It says, I, Whyzdom Douse, have been shown a photographic lineup by, and I'll put my name, Jason Griffin, who I know to be a law enforcement officer, okay? And then there's two options we're going or you can pick more when I show it to you. It says I have one hundred percent positively identified number, if you pick a number, you'll write it in there, to be the person I saw commit the crime or I am unable to positively identify anyone from this photographic lineup as the person I saw commit the crime. Okay? So, I'm going to put it in front of you, study it, take your time, um, and then once you make or do not make an identification we'll go forward with that. Okay. Can I get you to circle the number five. Okay. So, if you can check that I have one hundred percent positively identified, and you've wrote number five, okay. Can you just put your initials on below right here.

W. Douse: See, y'all asking for too much now.

Det. Griffin: I mean, it's fine. You've done this. I'm just that's typically the way we do it. You put your initials and date it so we know the date that you did it and the date is 08-03 of '19. All right, and I will can I get you to sign right there? I have a couple more questions, I mean, unless you've got anything. Okay. So, let's talk about, um, the video real quick. So, and I drew a little thing I was going to show you. So, we have the red light and if this is not accurate you tell me this is not accurate. So we have Richland Avenue right here, okay? Richland Avenue.

W. Douse: Know what he didn't shoot with his left hand, bro.

Det. Griffin: Okay. So, right hand? Okay.

W. Douse: Because he aim at the back window. If he would have shot with his left hand he would have hit the passenger window.

Det. Griffin: Okay. Shot with the right hand.

W. Douse: Uh-huh.

Det. Griffin: Okay. Still in front of your face though?

W. Douse: Like that.

Det. Griffin: Okay.

W. Douse: You know how police hold their gun.

Det. Griffin: All right. So, this is Waterloo Street and this is Richland Avenue. So, there's a business here called the Medicine Mart, okay? Right there at that intersection. So, if you're looking to your right there's a big used to be it's a pharmacy and there's another business right here, I'm not familiar, an attorney's office. I don't remember the name of it, um, right here at the intersection. So, this is the would this be the silver car that was in the turn lane, because they ended up turning left on Richland?

W. Douse: Uh-huh, we turn right.

Det. Griffin: Okay, and you turn right. Okay. So, uh, that guy's in the passenger seat. You're in the front seat or you're in the driver's seat, um, so he reaches across with his right hand and pops off three rounds and the gun's in front of your face? Okay. Um, and then you go that way and this car goes this way. Um, at what point ---

W. Douse: Like that.

Det. Griffin: Yeah, okay, so he had it kind of cocked a little bit to the side?

W. Douse: Scoot over a little bit bro if you don't mind and no like here sit like this bro.

Det. Eagerton: Yeah, go ahead.

W. Douse: Like, say for instance you look out the window and who the hell is that? Who the hell is that. Then you ask me who the fuck is that? Shit I don't know. Oh, I know who that is bro. Boom, boom, boom. Straight like that pull off. He tried to ---

Det. Griffin: Okay. So, a couple things real quick. Um, obviously, you know that the video is there, um, and if we looked at it and it shows just basically what I just drew on the diagram. Okay, it shows that. So, um, the video will be, and I just want you to tell me if when we send this stuff off if something is going to be different than what you're telling us. If it is tell us now. You've got the majority of the stuff off your chest. You're not a bad person. I mean, you seem like a decent guy. You're trying to get into the Army.

Det. Eagerton: About your daughter.

Det. Griffin: You still got a life to live. You care about your daughter, okay? So, if something is going to be different when we leave this room and we send all this stuff off if something is going to be different than what you've told me please let us know now, okay, before we leave this room. Just think, please let us know. Um, so this video will be sent to SLED from both of these businesses, um, or the FBI, whichever one can do it first. They'll enhance the video. They'll zoom in for us, um, and that's number one. Number two is these shell casings, okay? These shell casings will be sent to SLED, um, and they'll be swabbed for DNA, um, and fingerprints.

Det. Eagerton: And then matched.

Det. Griffin: Right.

Det. Eagerton: Or not matched.

Det. Griffin	Is there any possibility that your DNA or fingerprints will be on any of these shell casings?
W. Douse	Huh-uh. Hell no.
Det. Griffin	Okay. Absolutely not. One hundred percent.
W. Douse	That's impossible.
Det. Griffin	Okay. Okay. That's what I wanted to get at. A hundred percent is not going to be anything related to you on these shell casings?
W. Douse	[Shaking head, no].
Det. Griffin	Okay. Um, the video, so when we enhance the video and zoom in on it, um, are we going to be able to see what you've just told us or are we going to see something different?
W. Douse	No, shit, you're going to see that. You're going to see an all black hoodie, boom, boom, boom.
Det. Griffin	Okay.
W. Douse	You're going to see me drive off just like this you're going to see me drive off just like that.
Det. Griffin	All right.
W. Douse	And I pull him down just like that. You'll see me pull him down, probably on camera too.
Det. Griffin	Okay.
W. Douse	From the little medicine place.
Det. Griffin	Pull what down?

W. Douse: Him. Remember I told you he tried to lean out the window?

Det. Griffin: Oh, yeah, yeah, yeah, okay.

Det. Eagerton: Jump back real quick to the you said you took one little casing out of the car in Augusta?

W. Douse: No, I said that was a four five bullet.

Det. Eagerton: What do you mean? Like a 45 you're talking about?

W. Douse: Yeah. Uh-huh.

Det. Eagerton: Okay.

W. Douse: Yeah.

Det. Eagerton: So, that's the only thing that you took out.

W. Douse: That was the only thing I found in there.

Det. Eagerton: Okay.

W. Douse: A four five bullet that was it.

Det. Eagerton: All right. Just wanted to clear that up.

Det. Griffin: So, he was wearing a black hoodie? What were you wearing?

W. Douse: I had on I had on navy blue one of them Nike sweatshirts. It had navy blue and it had like electric yellow in it.

Det. Griffin: Okay.

W. Douse: And some Nike shorts like the same, it was like a little, you know, like a little shit go together.

Det. Griffin: Okay.

Det. Eagerton: And one more thing you said that the car was following y'all and y'all went to a couple of Kwik Shops?

W. Douse: Yeah, go to the BP. You'll see that the BP ---

Det. Eagerton: Which BP is that?

W. Douse: On Richland. As a matter of fact I don't even think that's a BP.

Det. Eagerton: Down by the Walmart?

W. Douse: When you come out -- right across from Walmart. What's that gas station?

Det. Eagerton: Yeah, I know, I don't know they change so much. I don't know what the name of it is.

W. Douse: You'll see me, you'll see me get out out there like this. I was bro, what the hell is you following me for? Then the light turned green. You'll see me turning lose him in traffic. I went like 95, 100 trying to lose them.

Det. Griffin: Okay. So, this had been going on following for quite some time.

W. Douse: But I had just realized they was following. When I seen them turn out of Aiken Regional. I came out of Aiken Regional and made a left. They came out had their right signal light on but they made a left. So, something like God damn bro this car was just parked in there. Nobody ever got out of this car. They pull out the same time I pull out come in the same direction. I been seeing this car behind me all night. They following me. I mean, what else is it? Shit, they following me, bro. So, my whole I'm like but I'm trying to find out who the hell is this like is it somebody I know. Is it something that don't like me. Shit, if it is let it be known. But shit, I ain't never see the

only time I seen the two dudes is when I pull up beside them.

Det. Griffin: Okay.

W. Douse: The whole time when I'm looking back like in a car like this I only see a female, so it's like I'm like but I'm not really tripping about no female but at the same time why is you following me. Then when I pull up beside the dudes I was like who the fuck is that? Straight like that, who the fuck is that? I was like bro, do you know who the fuck this is? Oh, hell yeah like that.

Det. Griffin: So, we can check the hospital for video because they first encountered you at the hospital when you were there. You said this car was there at the hospital also?

W. Douse: Yeah, the gray car.

Det. Griffin: Okay, and then, um, the gas station at Richland and University, which is across from Walmart. Where else?

W. Douse: Uh-huh. Shit they turned around in Burger King parking lot. You can in the camera of Burger King.

Det. Griffin: Just down Richland Avenue. Just down the road.

W. Douse: Uh-huh.

Det. Griffin: Okay.

W. Douse: They turned around in Burger King parking lot and parked on the other side of the BP.

Det. Eagerton: Did y'all go in Burger King or you were just riding by?

W. Douse: No, we didn't even ride by Burger King. We turned we went to the BP. They turned around -- see what it was was they was trying to follow us from a distance and not get too close. So, when we turned it threw them off. They

went straight, turned around, and shit when I came back out of the store bro was like hey, bro, they parked on the other side of the store. I said bro, that the same car? He was like hell, yeah. Shit.. I ain't see the car when I left out, swear to God. I didn't see the car when I left out. They had to go around Zaxby's or something. Had to park in Zaxby's or something because I didn't see the car. Shit, but I know when I went to Aiken Regional I gave my baby mama that five-hour energy drink she looked, well, no, like I looked and I seen the car. I was like bro, no way in the hell that's that same car. Like they were following me. Nobody got out. Nobody did nothing. There was no sudden movements, nothing.

Det. Griffin: Um, did you go to where do you work at? You work at McDonald's?

W. Douse: McDonald's in North Augusta.

Det. Griffin: Did you go to work Friday?

W. Douse: Friday?

Det. Griffin: Uh-huh.

W. Douse: Yesterday?

Det. Griffin: Uh, yes.

Det. Eagerton: Yeah, today's Saturday.

Det. Griffin: Okay.

W. Douse: Yeah, I went to work yesterday.

Det. Griffin: Did you talk to anybody about what took place?

W. Douse: [Shaking head, no].

Det. Griffin Nobody?

W. Douse Hell, no.

Det. Griffin You sure?

W. Douse Positive.

Det. Griffin Okay. All right. Um, I mean, I don't really have anything. I appreciate what you told, you know, you cooperated, I really do, um, and everything. Uh, it didn't start out the right way on the first, but that's you come around. You told us.

Det. Eagerton What we're saying it's human nature to distance yourself from something like this, but, I mean, we needed the truth and if what you're saying is true then it's the truth.

W. Douse My take is this, bro, I'm going to keep it right. Well, my thing is this. I ain't I don't like missing out on time with my baby, bro. It hurt me enough that me and my baby mama don't stay together.

Det. Griffin Right.

W. Douse So now that I'm fixing to go get locked up I got this bullshit going on because this nigga want to beef with me. I don't even know and that's why what the fuck is that, bro, you know what the fuck that is? Shit.

Det. Griffin So, Mr. Bates, I don't know if we asked this. If we did just tell me. I don't remember. When did you encounter him? When did you pick him up after you got the car from your baby mama? When did he get in the car with you that night?

W. Douse Ten something.

Det. Griffin About ten something? Okay. Um, so, here's where we're at at this point. Um, if we go out and arrest Mr. Bates,

		um, we're going to give him the same opportunity we gave you to talk, see if he wants to tell us what's going on. Um, and I could be wrong, but I don't know that he's going to come in here and tell us, um, that he shot a gun. He might, but I don't think he is. Um, that's just usually not how it works.
	W. Douse	Huh-uh.
	Det. Griffin	Um, and what we're having to work through is the way the evidence is the way it was laid out on the car. Just last night he and I both came out at what 2:00 this morning last night, um, and we found more evidence in the car on the car, um, and ---
	W. Douse	What you mean, evidence? Such as like?
	Det. Eagerton	What I was talking about the DNA and the fingerprints and stuff like that.
	Det. Griffin	Yeah.
	Det. Eagerton	That's evidence what we call evidence.
	Det. Griffin	And the shell casings. I mean, I'm going to be straight up with you.
	W. Douse	There was shell casings in the car?
	Det. Griffin	Well, they were on the car.
	Det. Eagerton	Yeah.
	W. Douse	On the car?
	Det. Griffin	And here's what I'm trying to get at because I don't think he's going to come in here and tell me I shot a gun. I was with Whyzdom. Whyzdom shot the gun. I don't know that he'll tell me that. I'm not I don't know. We're going to give him the same opportunity. What I'm trying to get

	at is the way you have described it, even more so since you switched it from his left hand to his right hand.
W. Douse	I started off lying to y'all, bro.
Det. Griffin	That's fine.
W. Douse	I don't, I don't ---
Det. Griffin	And we worked through it.
Det. Eagerton	We're still in here talking about it.
Det. Griffin	We worked through it.
W. Douse	I don't like this snitching shit anything, but I got a daughter bro. Anybody going to take care of her like me bro.
Det. Griffin	We worked through all that.
W. Douse	Shit.
Det. Griffin	And you came around and we appreciate that. What I'm just trying to say is we have to work through the fact that if we go arrest him we're going to give him the opportunity to talk. He may or may not talk to us, but when you just told me he switched the gun from his left hand to his right hand would indicate even more that those shell casings would not be where we found them at. It's not consistent with what you're telling us. Um, we've got to work through that. I'm not, I'm still not saying you pulled the trigger, but if you pulled the trigger this is your chance to tell us before we leave this room.
W. Douse	Yeah, I ---
Det. Eagerton	He's not suggesting you did.

Det. Griffin Right.

Det. Eagerton He's just offering that up that's all he's doing.

Det. Griffin That's right, and if you're still saying absolutely not we've got to work through this evidence. We've got to, you know, get these forensic people do all these ballistics that's going to tell us no, absolutely not. Where these shell casings were found there's absolutely no way this happened this way and based on what you're telling me that's what's going to come up and we're just trying to give you that opportunity ---

W. Douse You found shell casings on the car?

Det. Griffin We did, uh-huh. We did.

W. Douse Like where?

Det. Griffin You know ---

W. Douse Because that's crazy like that's crazy because I – I ---

Det. Griffin Here's how this thing works.

W. Douse ---was looking at it like I looked, like I said, I looked through the car and all.

Det. Griffin Okay, and you didn't find anything.

W. Douse I didn't.

Det. Griffin And there's a reason for that.

Det. Eagerton Except for the one, the 45, that –

W. Douse Yeah, the four five.

Det. Griffin You didn't find anything for a reason. You didn't find anything in that car for a reason.

W. Douse: What you mean?

Det. Griffin: Well, there's no reason for them shell casings to be inside the car because what you're telling us is not consistent with the shooting.

W. Douse: You said on the car. You said they were on the car.

Det. Griffin: They were on the car. They were on the car.

W. Douse: Like on the top of the car?

Det. Griffin: Well, here, so you played poker before?

W. Douse: No, I don't know how to play poker.

Det. Griffin: Okay. So, you know I'm not going to sit here and show my partner, or the person I'm playing with, I'm not going to sit here and show him all my cards and say this is what all I have.

W. Douse: So, why ask me for mine?

Det. Griffin: What's that?

W. Douse: So, why ask me for mine?

Det. Griffin: Ask you for your what?

W. Douse: My hand. Why you want to see my hand?

Det. Griffin: I don't want to see your hand. I want you to tell us your honesty about everything.

W. Douse: I'm, I'm, I mean, I'm telling you bro.

Det. Griffin: And that's fine if that's what you're going to stick with that's fine. I'm not trying to force words into your mouth.

Det. Eagerton: Let me jump in. Basically, here's what we offer up a little bit, we get your story, and then we go back and we decide with we match it up with what we found, the evidence. We can't just come in here and take people's words. We have to be able to prove it. We're not suggesting you're lying. We just have to double check and make sure that what you say we can take to a courtroom and say Whyzdom says he didn't shoot the gun and that's what we believe because that's what the evidence says. That's all we're doing here. We're not calling you a liar. We're not doing that. You admitted that you kind of in the beginning, but now you're telling the truth. That's all we're doing is we're trying to get every bit of information that you have out so we can match it up with what we have. We have a lot and so that's what we're doing. We're not trying to offend you and say you're lying. We're just giving you an opportunity because once we leave here it's kind of it's all over with as far as this conversation.

Det. Griffin: It's, it's still time, I mean, if, you know, I'm not, I can't, I'm not trying to get you to change your story, if that's not what the way it happened, but I'm just I'm laying out that's not the way the evidence matches up. If you pulled the trigger tell me you pulled the trigger and we'll work through it. It's not the end of your life, okay?

W. Douse: It's what? I'm going to be honest if I was to pull the trigger, bro do you know what y'all would do to me, bro?

Det. Griffin: Tell me.

W. Douse: Twenty-five to live. Fifteen years, twenty years. Look at Poo Poo he got thirty-five. Look at uh, Noo Noo he was just there. Um, look at Skeet caught fifteen for picking his little brother up for school the next morning. Had no involvement in nothing.

Det. Griffin: Uh-huh.

W. Douse: Nothing at all. He sitting outside in the car. He caught fifteen years.

Det. Griffin: Okay.

W. Douse: Fifteen years just because of something his little brother did.

Det. Griffin: Well, let me ask you a question. Don't you have a conscience?

W. Douse: Not really.

Det. Griffin: You don't? So, everybody's got a conscience.

W. Douse: I'm lying, do I [inaudible].

Det. Eagerton: Look at your right forearm there. You got a conscience.

Det. Griffin: Everybody's got a conscience. So, could you sit here and again don't, I'm not trying to put a word in your mouth, okay, and if you're going to stay with he shot that's what we're going to stay with. That's fine. What I'm trying to say is if you shot, but you're telling us you're putting it off on somebody else, that's your conscience is going to get to you and it's not going to help you out in the long run. That's all I'm trying to say to you.

W. Douse: I got a conscience and I didn't kill nobody.

Det. Griffin: Fair enough. I appreciate everything you have told us. Um, we'll send some stuff off, um, the shell casings, the DNA. Um, it's just I don't know if it's going to come back to you or not. I don't know if the video when we zoom in is going to show what you told us, um, because right now that evidence does not it does not match up. It sounds like to me ---

W. Douse: What is the evidence? What is what is the evidence? What is the evidence?

Det. Griffin: So, it's the crime scene. Okay. So, we have a crime scene, okay?

W. Douse: Uh-huh.

Det. Griffin: We actually had two crime scenes, three. We had an intersection. We had the intersection. That's where it took place. That's a crime scene, okay? The car that the dead guy's in that's a crime scene. Your baby mama's car that's a crime scene.

W. Douse: Oh, so that's three crime scenes.

Det. Griffin: He worked the crime scene at the intersection. We both worked the crime scene that the dead guy was in and we, he worked the crime scene of your baby mama's car last night just 2:00 this morning, okay?

W. Douse: I rode past y'all. I seen y'all. I was fixing to go see, you know, a little sneak through, you know how that go.

Det. Griffin: Seeing how stuff's matching up.

W. Douse: No. No, not that.

Det. Griffin: Okay.

W. Douse: Huh? What you talking about?

Det. Griffin: Well, you were saying you were about to be sneaky or something. Sneak you were saying.

W. Douse: No, me and her like ---

Det. Griffin: Okay.

W. Douse: No, I didn't want to say oh, I'm fixing to go fuck man. I wasn't going to say that, but just a little sneak up.

Det. Griffin: Yeah, I gotcha. I gotcha.

W. Douse: Like sneak up and I rode I said oh hell no I ain't going over there.

Det. Griffin: So, yeah, that's what the crime scenes are. There's three and then there's evidence. Um, there's physical evidence. There's forensic evidence, um, and, you know, we have a lot of both of that. Um, and ---

W. Douse: So, forensics is like DNA analysis all that?

Det. Griffin: Uh-huh. Yeah, DNA, yeah, the fingerprints, DNA.

Det. Eagerton: Just like what I said we got in the car and we don't have that result yet. We're not ---

W. Douse: Fingerprints, fingerprints like you want the fingerprints of like who like you talking about like in the car?

Det. Griffin: That's right. We know you were in the car. That's not a question.. We know you were in the car.

W. Douse: No, because I'm curious. I want to know because y'all telling me stuff and I don't understand. I don't understand what y'all saying but y'all keep throwing the same thing at me like and I don't understand. I keep asking you and you keep saying oh, well, this and say the same thing again and I still don't understand.

Det. Griffin: Okay. Tell me what part you don't understand.

W. Douse: I don't understand. I'm asking you just like you're asking me.

Det. Griffin: Okay.

W. Douse: When, um, what did you find?

Det. Griffin: Okay. I told you we found shell casings.

W. Douse: Uh-huh.

Det. Griffin: On the car, not inside the car, which is where we would have found some ---

W. Douse: So, how do you find, all right, all right, let me ask you something. This happened two days ago. Shell casings just going to sit on the car two days?

Det. Eagerton: Uh-huh. Yeah. We see it all the time.

Det. Griffin: Especially where these were found at.

W. Douse: Where?

Det. Griffin: The way you said the shooting happened the way you said that Mr. Bates shot the gun with his, not left hand but right hand, they would have hit that windshield.

W. Douse: Not necessarily. I told you bro.

Det. Griffin: And they would have bounced back into the car.

W. Douse: Can you slide back over here again?

Det. Eagerton: Yes.

W. Douse: So, I can give him a demonstration one more time just one more time because he might not have been paying attention. Like I stated earlier---

Det. Griffin: Okay. Uh-huh.

W. Douse: Earlier like, you know, you're driving.

Det. Eagerton: Uh-huh.

W. Douse: I'm in the passenger seat. Hey, bro, who the fuck is that?

Det. Eagerton: Whose that?

W. Douse: Yeah, you know. Shit. Then you got to ask me now.

Det. Eagerton: Who's that?

W. Douse: Oh, shit, I know who that is, and then but I ain't going to lie though. I lied. He left-handed. He ain't right-handed. He left handed. I told you the truth.

Det. Griffin: So, now we're back to his left hand.

W. Douse: Yeah. Yeah. I'm just going to fucking tell the truth bro.

Det. Griffin: Okay, and I don't ---

W. Douse: He is left-handed.

Det. Griffin: It doesn't matter.

W. Douse: Bro, listen, stop, bro, stop asking me questions then if you're going to try to contradict everything I say.

Det. Griffin: Okay. I won't ask you any more questions. I'll let him ask you all the questions.

W. Douse: Damn. You got some more questions you want to ask me?

Det. Eagerton: I think while I was out of the room you said that he was trying to get out of the car. He did shoot once out of the car, right?

W. Douse: Uh-huh.

Det. Eagerton: Okay. All right.

W. Douse: And then it had jammed.

Det. Eagerton: Listen, I think you're probably about done with us and I understand.

W. Douse: No, he just aggravated me, bro.

Det. Eagerton: Well, I understand.

W. Douse: It's like he keep saying the same thing over and I'm telling you I don't understand so, why you still saying the same thing. Break it down.

Det. Eagerton: We're not trying to get you aggravated.

Det. Griffin: I'm trying to [inaudible].

W. Douse: I'm already aggravated. I'm in an investigation room for fucking murder. Who not aggravated?

Det. Eagerton: Right.

W. Douse: My life gone. What the fuck am I going to do with myself. Oh, man, they say I get a phone call when I got here. Can one of y'all call my mom or something?

Det. Griffin: Absolutely. We told them we'd let you call your mom.

W. Douse: Well, can I call her?

Det. Griffin: Sure.

W. Douse: Where the phone at or something?

Det. Griffin: Yeah, I'll let you use mine. Um, right there. I'm going to put it on speaker phone and let you talk to her.

W. Douse: Do I have to talk on speaker to my mom?

Det. Griffin	No, you don't have to, that's fine. Um, what's the number?
W. Douse	803.
Det. Griffin	Okay.
W. Douse	991.
Det. Griffin	991.
W. Douse	8029.
Det. Griffin	Okay. There you go.
Det. Eagerton	If she'd like to call us and talk to us we'd talk to her too, okay?
W. Douse	No, she won't come down here and talk to y'all. Hello. Ma, where's you at? Huh? Can you come down here please?
Mother	Where?
W. Douse	To the investigation office this place.
Det. Eagerton	Across from Pacers.
W. Douse	Across from Pacers.
Mother	Pacers.
W. Douse	Pacers Run.
Mother	I'm on the way.
W. Douse	All right.
Mother	All right.

Det. Griffin: Is she coming down?

W. Douse: Yeah, she coming.

Det. Griffin: Okay. Um ---

Det. Eagerton: Where does she live? Is she in Aiken or ---

W. Douse: She in North Augusta.

Det. Eagerton: All right. So, it will take a little bit. All right. So, is there anything left that you feel that you want to say or need to say about it and then we're pretty much done if you are.

W. Douse: I want to wait on my mama. That's it.

Det. Griffin: Can I ask why?

W. Douse: Why? Because that's my mother.

Det. Griffin: Okay.

W. Douse: And she the only person that got my back in shit like this.

Det. Eagerton: We understand that.

Det. Griffin: Yeah, absolutely.

W. Douse: So, can I ask you why haven't you told me what type of evidence you found yet?

Det. Griffin: Mr…Whyzdom, don't. I know you're aggravated. I completely understand. What's happened here today is a very stressful event. I get it. I understand.

W. Douse: No, you don't understand because you is not in my shoes.

Det. Griffin: You're right I'm not in your shoes.

W. Douse: You can't say you understand. You ain't never been in my position.

Det. Griffin: You're right. I just know you're aggravated. I do. Okay.

W. Douse: It's beyond aggravated. It's beyond aggravated. It's pissed off.

Det. Griffin: Okay.

W. Douse: It's raging.

Det. Griffin: Okay.

W. Douse: I'm yeah, I'm raging right now bro.

Det. Griffin: Sure. Yeah.

W. Douse: You don't understand dude.

Det. Griffin: Okay. All right. I don't understand because I've never been in your shoes. But I know from your actions the way you act that you are definitely not happy, okay? Um, and you've asked me to tell you what evidence and I don't mind telling you. I don't mind keep going. I don't mind talking to you, okay, um, and you keep telling me I'm telling you the same thing over and over again and I'm saying that because do you want to know why I'm saying that?

W. Douse: Why?

Det. Griffin: Because you've told me three different scenarios. It went from the left hand to the right hand back to his left hand.

W. Douse: I told you I lied when I said it was his right hand.

Det. Griffin: Okay.

W. Douse	I told you that and then all you have to say is oh, well, the evidence – I didn't ask you that. I just told you I lied when I said he shot with his right hand
Det. Griffin	But you don't think it's my job to tell you that that still does not match?
W. Douse	No, your job is to convict someone.
Det. Griffin	Okay.
W. Douse	And that person ain't me bro. I didn't kill nobody bro. I'm not that type of nigga dude.
Det. Griffin	Fair enough. That's fair.
Det. Eagerton	You thirsty?
W. Douse	No, man, hell, yeah, yeah, yeah, can I get some water or something?
Det. Eagerton	Yeah. Just relax a minute. We'll be back in a second.
W. Douse	You got a cigarette? Any way I can have a cigarette? I need a cigarette bro.
Det. Eagerton	Let this process finish. We can't do it right this minute, but we'll let you smoke outside in just a minute, okay? Fair enough?
Det. Griffin	We do have some if that's what you want. Just give us a few minutes and we'll let you smoke, okay?
Det. Eagerton	Cool?
W. Douse	[Nodding head, yes].
Det. Eagerton	All right. Just relax a minute. Let me get a water.

[DET. GRIFFIN & DET. EAGERTON EXITING INTERVIEW ROOM]
[DET. EAGERTON ENTERING INTERVIEW ROOM]

Det. Eagerton — Here you go. Look at me real quick. I just want to tell you something.

W. Douse — [Shaking head, no].

Det. Eagerton — All right. Just relax a minute. Okay?

W. Douse — I just don't understand, bro, like.

Det. Eagerton — I get it. Take a deep breath. Your mom will be up here in a minute. We'll let you talk to your mom, okay? Okay? But you got to be calm and cool for that to happen.

W. Douse — That's my baby bro. Like what the fuck am I going to do?

Det. Eagerton — I understand. Just take a deep breath. We'll wait on your mom. We'll go get her in just a minute when she gets here, okay?

[DET. EAGERTON EXITING INTERVIEW ROOM]

W. Douse — I just want my daughter, bro. That's my daughter. [Mumbling] Daddy help you baby. Daddy just want to be in your life. One mistake. I let the wrong person in mommy's car. Daddy got charged with a murder. So, daddy don't even know he'll see you again. Button? Yo…

[DET. GRIFFIN ENTERING INTERVIEW ROOM]

Det. Griffin — Yes, sir?

W. Douse — Can I have a cigarette now?

Det. Griffin — Yeah, he's trying to find them. We've recently moved to our new building so, we're trying to find them. We'll get you one, okay?

[DET. GRIFFIN EXITING INTERVIEW ROOM]
[DET. EAGERTON ENTERING INTERVIEW ROOM]

Det. Eagerton: Are you ready for a smoke? We'll go ahead and do that now but I do have to put these on. We'll put them on in the front, okay? Al right?

W. Douse: [Nodding head, yes].

Det. Eagerton: I don't understand, but I understand the position you're in. I really do. I wish things hadn't gotten that far.

W. Douse: [Crying] She just turned one, bro.

Det. Eagerton: Do you need another minute?

W. Douse: Baby only one. The first word she ever said was da-day. Now it's like daddy can't even protect you no more. I swear to God, [inaudible] bro, like [crying].

Det. Eagerton: I know if you could rewind the past couple of days you would. I know you would.

W. Douse: I swear to God man I just wish she was with me bro. Like I just wish she was with me bro. Oh, my God if she was with me none of that shit would have happened. I wouldn't even went and picked him up. I wouldn't even went to Aiken. I wouldn't even went to Aiken. I would have dropped her mama off and went back to North Augusta and went home. I would have went home and now I'm looking at probably twenty years of my life because I was stupid like hey bro, come on bro, fuck that. Somebody took a shot at me earlier. I ain't got my gun. I ain't got no gun bro. I want you to ride with me. So they shot at me earlier bro. Shit. I don't know them niggas like that, but shit fuck it. I didn't see them two niggas after I seen them walk through Hahn's Village. I don't know who he personally got a beef with. I can't even touch my daughter no more. I can't – [crying]. That's all I want. Ain't nothing else in the world that important to me.

Det. Eagerton: I hear you. I do.

W. Douse: This shit [inaudible] but I'm not built for this type of shit bro. This not me, bro. [inaudible] ride four wheelers and dirt bikes.

Det. Eagerton: Uh-huh. Where'd you go to high school?

W. Douse: Went to South Carolina Youth Challenge.

Det. Eagerton: Okay. That's right. You did say that. You grew up in Aiken all your life?

W. Douse: [Shaking head, no].

Det. Eagerton: Where you from?

W. Douse: From Petticoat.

Det. Eagerton: Well, I mean, to me that's Aiken, but I get it. It's not Aiken, Aiken.

W. Douse: Yeah. I grew up in [inaudible].

Det. Eagerton: Uh-huh.

W. Douse: Moved to North Augusta. Then I moved to Acres with my uncle. He kicked me out and I was staying at Kalmia.

Det. Eagerton: Showing out over there a little bit?

W. Douse: No, it wasn't it wasn't nothing. It was like my brother did something he thought I did it. Instead of him asking me he was like pack your stuff and go home.

Det. Eagerton: Uh-huh.

W. Douse: Then my whole life when I left nearly everything after that day ever since he kicked me out that's when, I swear to God, I couldn't even play the whole football season

	bro. It was bad. I just want to be able to hold her that's it. Like hold my daughter in jail shit my last time I came I told myself I wasn't coming back bro. I don't give a fuck what it's about. Appreciate it.
Det. Eagerton	Yeah.
W. Douse	Like this thing [inaudible] bro, you got some people who grew up like that who don't care.
Det. Eagerton	I know you probably don't give a shit about my opinion, but you can tell that you there's a decent guy in there and the reason I say that is, I mean, the situation we're in doesn't define you. We always say, and I believe this to my core, there's good people that make mistakes and then there's bad people that make mistakes every day and soon they're not mistakes anymore. That's just how they live. Good people make mistakes. Some are big. Some are small mistakes, but they're still mistakes.
W. Douse	But like ain't no telling what like I ain't like it's a murder, bro, like ---
Det. Eagerton	Yeah. Like I said, unfortunately, whatever happened it went too far. It got ---
W. Douse	My father in prison for murder. My oldest brother locked up for murder. I'm like ---
Det. Eagerton	How old is your dad?
W. Douse	He like at forty.
Det. Eagerton	How long has he been gone?
W. Douse	I ain't never met him in real life.
Det. Eagerton	Really?

W. Douse: Never seen him before.

Det. Eagerton: Okay.

W. Douse: Never. I ain't never really had a man in my life. The only man I let into my life he was tooken out of my life when I was in second grade in a bad car accident and was paralyzed. That was my sister daddy. Never had a man in my life. Never had a male positive male role like never like there's not one guy in my family that's positive, not one. I was trying to do that bro like military shit bro. Man, can't nobody in my family handle that shit. I was trying to do something different.

Det. Eagerton: Uh-huh.

W. Douse: I was trying to make a change bro like I got to sit here and worry about is this just going to give me life? Is this going to be twenty years, fifteen, ten, twenty-five like I, man, I don't I'm not that's not for me bro. That shit ain't for me. That type of shit is not for me. I got a little baby out here. Like I ain't one of them dudes. I ain't one of them dudes that just have a baby just to have one.

Det. Eagerton: Oh, you love your baby. That's obvious.

W. Douse: I actually, thanks.

Det. Eagerton: It's obvious. No doubt. No doubt.

W. Douse: [inaudible] I swear to God, like ---

Det. Eagerton: Well, we're going to end up at some point getting with Bates and, you know, talking with him and then – but don't let this moment define you. You said you've never had a positive role model. From this point forward you be the one an adult.

W. Douse: How?

Det. Eagerton	You still can be. No matter how – I'm not talking about just in general how you handle yourself from this point forward, you can. You can go you're going to jail, you know that. You're going down there today. So, when you get there obviously there's a certain type of atmosphere, you know what I'm talking about, certain life that you say is really not for you. I get that. I get it. But what you need to do is go down there and handle your business. You be who you are. Don't be who you need to be, obviously. You know what I'm saying, but, go be yourself. Be stand up from this point forward. Whatever that means for you. Everybody can take that comment a little bit different, but you can still be positive no matter what happens. This thing ain't over yet.
W. Douse	I just want my baby bro.
Det. Eagerton	I understand. I do.
W. Douse	It's the only tattoo I ever got, the day she was born. I left my baby mama at the hospital for two hours just to get the tattoo because I wanted someone to mark me for life. Like yeah that's my baby like that's my baby.
Det. Eagerton	She's going to mark you for life no matter what? No doubt. You ready for that cigarette?
W. Douse	I'll wait till my mama get here to smoke.
Det. Eagerton	Okay.
W. Douse	Matter of fact can I call her?
Det. Eagerton	I don't have a phone. I have this one, but it's my personal phone. You know how it is. All right. Well, just sit tight, okay? I'm going to step out. Do you need anything else? I got a pack of crackers. I know that's not what it's about, but I don't mind giving ---

W. Douse I be straight.

Det. Eagerton You sure?

W. Douse What kind of cigarettes is it?

Det. Eagerton I think Marlboro.

W. Douse The green and black ones?

Det. Eagerton I think just a regular white pack.

W. Douse I'll smoke it.

Det. Eagerton Yeah, whatever. You want it now?

W. Douse Yeah.

Det. Eagerton All right. Thumbs up. There you go. Do me a favor all right? Look, look at me. You're going through a lot. We established that I don't understand what you're going through, but we see this a lot, okay? Stay calm. Just relax and everything will go smooth here with us, okay? You got me?

W. Douse [Nodding head, yes].

Det. Eagerton All right. Come on. Take a right.

[DET. EAGERTON AND WHYZDOM DOUSE EXITING INTERVIEW ROOM]
[WHYZDOM DOUSE ENTERING INTERVIEW ROOM]

W. Douse Got to be strong for the baby and my mama.

[DET. EAGERTON & DET. GRIFFIN ENTERING INTERVIEW ROOM]

Det. Eagerton All right. Here's what we got. We'll have Officer Butler come in. It's our paperwork. She has to come in and just read it. It will be quick, um, and then we'll fill this out, time, and then what we'll do is, um, if you're done then

we'll carry you back out and smoke again and then your mom comes we'll let you chat with her. I mean, we can't stay there thirty minutes, I'll just be honest.

W. Douse [inaudible].

Det. Eagerton But we'll give you a few minutes and of course we've got to be there. We can't just leave her with you, but, um, we'll let you talk to her a little bit and then we'll get you on down there, okay?

W. Douse All right..

Det. Eagerton Um, so this is kind of this is it in just a few minutes for us. Is there anything else you can think of that about the incident ---

W. Douse I don't want to talk about it no more.

Det. Eagerton I gotcha, and I'm not forcing you to. I'm just I'm offering that up. I'm done. I don't have anything else. I don't know about you.

Det. Griffin I'm good. Yeah.

Det. Eagerton Okay. All right. So, we will, um, as a matter of fact we can finish this now since we are done. She can probably come on in if she ---

Det. Griffin Okay. I'll get her.

[DET. GRIFFIN EXITING INTERVIEW ROOM]

Det. Eagerton All right. I'm going to let him sign here and we'll give you a copy of that.

W. Douse Give it to my mom. Will all my paperwork be with her?

Det. Eagerton: We can. Yeah. How about your bracelet, I mean, you can do that when she's out there. I don't want it until she's here, and your earring. She can have all that. No, that's no problem at all.

[OFFICER BUTLER ENTERING INTERVIEW ROOM]

Off. Butler: All right. I'm just going to read you your warrant, okay? What you're being charged with. All right. Upon information and belief Whyzdom Douse did on 08-02-19, commit the offense of murder. The Defendant, along with the co-defendant, did with malice aforethought shoot the victim, Rodrick McMillan, multiple times with a 9mm firearm. This shooting caused the death of the victim. This offense did occur in the roadway at the intersection of Richland Avenue and Waterloo Street, which is inside the city limits of Aiken and is in violation of South Carolina Code of Laws 1976, as amended. Okay? That's your charge.

W. Douse: What about my warrants?

Off. Butler: What's that?

W. Douse: What about the warrants I had?

Off. Butler: This is the – oh, from the County? We'll go by and pick those up. I'm not sure what those are, but, um, we'll go by on the way to the jail and pick those up and then we –

W. Douse: Wait, they said, they said, they told us see when I asked them about it they told me I had two warrants. I was like two warrants. They told me they was through y'all.

Off. Butler: No. You only have one with us, but they have warrants of their own though.

W. Douse: All right.

Off. Butler: I just don't know what it is.

Det. Eagerton: In the grand scheme of things one warrant, three warrants, at this point it's not a big issue right now. Um, listen here's I can't give you legal advice but I will tell you kind of what will happen from here. Um, you'll go down there. At some point you'll go before the judge down there. They'll either give you a bond, deny your bond.

W. Douse: That bitch denied.

Det. Eagerton: But, so then eventually you'll go before the ---

W. Douse: I knocked on wood.

Off. Butler: I know. What time is it?

Det. Eagerton: It is 1:22. Um, and eventually you'll go before another judge and you'll have an opportunity to get a bond, but before then you'll either have a public defender, or if your mom has the resources, that maybe she can get an outside lawyer for you and then and let them work.

W. Douse: Do you know Marty? Puetz?

Det. Eagerton: I've met him once. I've never talked to him ---

W. Douse: You know how much he charge?

Det. Eagerton: I do not. It ranges. I don't know. It just depends on what it is. Um, but I think it's important that you take care of yourself. Like I said, I can't give you legal advice, not going to, but let your mom work for you and that's basically what's going to happen, okay? Time goes slow, but the ball will get rolling eventually and you'll get a public defender or if she can get somebody, okay? All right, and I know you wanted your mom to have this copy. All right. Let's walk on out and smoke again if you want.

W. Douse My mom's probably got a Newport.

Off. Butler Oh, is that what your mom smoke?

W. Douse I got where I smoke Black.

Off. Butler Oh, okay.

[DET. EAGERTON, OFF. BUTLER, & WHYSDOM DOUSE EXITING INTERVIEW ROOM – END OF INTERVIEW]

TRANSCRIBER'S CERTIFICATE

I, Mona Jones, hereby certify that the foregoing pages are a true, accurate, and complete transcript of the interview provided by Whyzdom Douse, transcribed by me from a copy of the electronic audio recording to the best of my knowledge and ability.

Date: June 23, 2020

Mona Jones

Mona Jones, Transcriber
at North Augusta, South Carolina

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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Jul 25 2022
SC Court of Appeals

Respectfully Submitted,

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This 25th day of July, 2022.