

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHA'KEL RAHEEM DIXON,

APPELLANT.

APPELLATE CASE NO. 2021-000948

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 93 - FACEBOOK RECORDS OF SHA’KEL DIXON

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF AIKEN) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 vs.) RECORD
7 SHA'KEL RAHEEM DIXON,)
8 DEFENDANT.) 2019-GS-02-2016 - 2018

9
10 August 11th, 2021
11 Aiken, South Carolina

12 B E F O R E:

13 THE HONORABLE CLIFTON NEWMAN, Judge.

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

15 JACQUELINE CHARBONNEAU
16 ASSISTANT SOLICITOR
17 Attorney for the State

18 BARRY THOMPSON
19 ASSISTANT PUBLIC DEFENDER
20 Attorney for the Defendant

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22 Transcribed by Pamela E. Green, from
23 DCRP, Digital Courtroom Recorder Project
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I N D E X

(WHEREUPON, there were no exhibits marked or testimony
taken during this hearing.)

P R O C E E D I N G S

THE COURT: who do we have at this time?

UNIDENTIFIED PERSON: Sha'ke'l Dixon.

MR. THOMPSON: And, Your Honor, this is defendant's motion to sever.

THE COURT: Okay.

MR. THOMPSON: Okay.

SOLICITOR CHARBONNEAU: (Indiscernible).

THE COURT: You may proceed.

MR. THOMPSON: Your Honor, Defendant Dixon moves to sever his case from the trial of, of that of Mr. Denzel Jackson. So these defendants are currently scheduled for trial starting on Monday.

I -- on, on this past Friday we received some new information in this case, and partly, as a result of that, but mostly just in the interest of justice, there's a couple other matters, I went ahead and filed, on Friday, a, a motion to sever.

Your Honor, we understand that usually severance is disfavored. However, I, I believe that the analysis is -- for this is -- for this case was probably spelled out in Zafiro versus U.S. and the citation to that is 506 U.S. 534. This is a 1993 case. In -- Justice O'Connor did the opinion and considered that it's usually disfavored. However, it's

1 required if there's a specific trial right that's prejudiced
2 by the trial of the defendants together.

3 In Zafiro they did not find that that was the case.
4 However, Justice O'Connor spelled out to -- an example of
5 two cases in which severance would be required, and that is
6 evidence, evidence that would lead a jury to conclude the
7 defendant is guilty but the evidence is not admissible if
8 the defendants are tried alone. (Indiscernible) exculpatory
9 evidence that's available if the defendant is tried alone
10 but unavailable but a joint -- a trial.

11 Your Honor, in this case -- the, the second one is
12 essentially a Brewton issue where you might have something
13 exculpatory. You only have the right to cross the
14 codefendant on it because he has a right to remain silent.

15 In that, in that circumstance, Justice O'Connor further
16 opined that, you know, limiting constructions of the Court
17 per State v. Thompson, which the -- cited to that is 308
18 S.C.2d, S.C.2d 634. It's a 1983 case. The limiting
19 instructions are really not sufficient that -- to eliminate
20 the kind of prejudice that either one of these two
21 (indiscernible) conditions would impose.

22 And, Your Honor, we would argue that, that both of
23 these types of issues are present in the cases before the
24 Court. One of the cases to start on Monday.

25 As far as the potentially exculpatory evidence that

1 can't be available to a joint trial, there were multiple
2 search warrants that were issued in this case. One of them
3 was a search warrant for the, the Defendant Dixon's home.

4 They didn't find anything at all in, in Defendant
5 Dixon's home that, that was (indiscernible) but they did
6 find, in the search warrant of the codefendant, they find
7 weapons that are related to the, the victim in the case. A
8 black suppressor was in the trashcan at Jackson's house.
9 Personal protective equipment, specifically latex gloves,
10 were found in Jackson's vehicle. None of these types of
11 things were found in the search of Mr. Dixon's home
12 (indiscernible) related to Mr. Dixon.

13 At trial, if he were to be tried, if he were to be
14 tried alone, he would be able to potentially cross-examine
15 Mr. Jackson on these issues. On the other hand, if he's
16 tried with Mr. Jackson, the, the -- essentially you get a
17 guilt by association type of problem where, where most of
18 the evidence in the case is actually, is actually directed
19 at Mr. Jackson and Mr. Dixon just kind of gets pulled in
20 with guilt by association, which is specifically a, a common
21 vernacular where you're saying it's a due process, it's a
22 due process analysis. It's a due process violation
23 analysis.

24 Your Honor, the other, the other two issues, as of
25 Friday, I received information from Ms. Charbonneau that she

1 had met with the State's star witness in the matter, a Miss
2 Toney, and Miss Toney had given a brand new elaborate story
3 about a, a prior murder plot to kill the victim at a party
4 at, at a, at a Shrine Club event. No where in that story
5 did she mention Mr. Dixon's name. She only mentions
6 Mr. Jackson's name.

7 There was also a story about a, a murder plot to
8 murder, to murder the victim at a movie theater. Again, no
9 where in that story was Mr. Dixon's name mentioned. Only
10 Mr. Jackson's name.

11 Both of those events -- I'm sorry. Both of those
12 pieces of testimony, if, if the defendant were to be tried
13 alone, would not be, would not be relevant to Mr. Dixon, I'm
14 sorry, Mr. Dixon's case and it's very unlikely that it would
15 be admissible. On the other hand, they're completely
16 admissible in the trial of Mr. Jackson.

17 Your Honor, I'm not -- I, I just -- I think we would,
18 we would be in a situation where we would have a, a
19 multiplicity of, of pieces of evidence and testimony that
20 are admissible in Mr. Jackson's trial that would not be
21 admissible in Mr. Dixon's trial, and, and the correct
22 result, in order to deny Mr. Dixon due process, would be to
23 sever the trial. That's essentially the crux of our
24 argument.

25 Now, my understanding is that, since my motion was

1 filed Friday, that Mr., I'm sorry, that Ms. Charbonneau has
2 spoken with their star witness again and that she has a new
3 story and this time she says that -- she adds Mr. Dixon to
4 these prior murder plots that she spoke of the week before.

5 This is frankly new information. It, it in --
6 post-dates the filing of this motion on Friday.

7 I would ask that the Court to -- I don't know that your
8 (indiscernible) Court may consider it. However, I, I
9 recognize that the, the facts may have changed depending on
10 what day of the week it is and when people talk to Miss
11 Toney. But, again, we, we believe that, that due process
12 concerns would require the severance of this matter and
13 would ask that the Court sever these trials.

14 THE COURT: Ms. Charbonneau.

15 SOLICITOR CHARBONNEAU: Yes, Your Honor.

16 The State relies on State v. Barnes. It's cited at 421
17 S.Ct. 47, Court of Appeals, South Carolina, August 16th,
18 2017, State v. Spears, 393 S.C. 466, Court of Appeals, 2011,
19 State v. Halcomb, 382 S.C. 432, Court of Appeals, 2009, and
20 Hughes versus State. The cite is 346 S.C. 554, the Supreme
21 Court of South Carolina, 2001.

22 Basically the Courts are clear that the Court is to
23 look at judicial economy and administrative economy. Need
24 to look at the facts between the two, between the two
25 defendants and make a decision.

1 This is the four defendant case where the, the body of
2 Derrick Curry still has not been found. I am trying these
3 two defendants together.

4 First of all, this is the same victim. Second of all,
5 it's the same exact charges. Both of these two defendants
6 are charged with murder, kidnapping, and possession of a
7 weapon during a violent crime.

8 Another point is that these two defendants act together
9 the entire time. They're together with the, with the
10 planning. They are together dropping off the witness,
11 picking up the witness, fighting, luring the defendant,
12 killing the defendant, disposing of his body, transferring
13 it to the codefendants, going back to the crime scene,
14 cleaning it up together, dropping the witness off at work,
15 picking the witness up, having the victim's property as
16 trophies. All of this is all together. Going back to
17 Mr. Barnwell's house, burning the evidence, all together,
18 and then the phone, the phone records show them together
19 when they dump his body.

20 They were acting together at all times. It would be
21 the same witnesses that would be called at both cases.
22 Under the Halcomb case at Page 441, you look at judicial
23 economy and administrative economy. There's no statements
24 by either of these defendants. So there's no Brewton
25 issues.

1 You look at what the family is going to be put through.
2 There's a minimum of three trials in their future. So this
3 would at least eliminate one of those.

4 It's a single chain of circumstances. It's provable by
5 the same evidence. All of the evidence that would be
6 presented in these trials were interconnected and neither
7 implicate each other. They're connected transactions
8 closely related in time, place, and character.

9 THE COURT: You said they, they do not implicate each,
10 each other or, or they do?

11 what did you say?

12 SOLICITOR CHARBONNEAU: They do not implicate each
13 other. They do -- neither one of them speak to the police.
14 There are co-conspirator's statements obviously while
15 everything is going on but they do not -- neither one of
16 them say a word after they're arrested.

17 The burden of proof is on the defendant to show the
18 prejudice. Under Spears, at Page 475, and Halcomb, at Page
19 440, they need to improve serious risks that the joint trial
20 would compromise the specific trial right of a codefendant
21 and would, and would prevent the jury from making a reliable
22 judgment about codefendant's guilt.

23 Spears, on Page 477, says what's not sufficient is that
24 they may accuse each other. Halcomb, at Page 439, and the
25 same with Barnes at Page 51, says codefendants tried for

1 murder are not entitled to straight trials as a matter of
2 right. Barnes, at Page 52, says codefendants are not
3 entitled merely because they may have a better chance of
4 acquittal at separate trials.

5 Hughes, at Page 559, says only if reasonably probable
6 that the defendant would of received a more favorable
7 outcome had he been tried separately. Hughes, at 558,
8 different charges. In that case they were completely
9 different charges that the two defendants were facing and
10 they still upheld the judge's decision to try them in a
11 joint trial. And they said a reasonable probability is a
12 probability sufficient to underlying confidence in the
13 outcome of the trial.

14 So we have same fact witnesses, same fact events, same
15 thing -- they're together the entire time and the family is
16 going to be facing additional trials with the additional
17 codefendants. There's no reason to sever these cases. We
18 have extra jurors in here and we're ready to go.

19 As far as guilt by association, that is not a
20 sufficient ground under the four cases. Mr. Thompson said
21 he could cross-examine Jackson. That is absolutely not
22 correct. Mr. Jackson is the defendant. So, he has a right
23 not to testify.

24 As far as my conversations with Miss Toney, that is
25 correct. Last week, when I sat down for her for trial prep,

1 she gave me additional information that I disclosed to all
2 four defense attorneys that I frankly never asked for before
3 and that's why it didn't come out and why I disclosed it the
4 day that I received it and it's not different.

5 It's not contradictory to anything she has said before.
6 It's additional information that I was not smart enough to
7 ask before because I didn't think that there were prior
8 crimes against Mr. Derrick Curry when, in fact, there was
9 and both of these defendants were involved in it. And I did
10 disclose that, that Miss Toney said that she was discussing
11 on the second one, the, the movie theater attempt, Denzell
12 and Sha'Kel Dixon, along with an individual with dreads, are
13 in a car following them, following her, and she's going to
14 pick up the victim and she is on the phone with Sha'Kel
15 Dixon on voice calls.

16 So he is completely involved in all of this and we're
17 asking you not to sever these trials and that they should be
18 tried together.

19 Thank you.

20 MR. THOMPSON: Your Honor, may I---

21 THE COURT: Anything further?

22 MR. THOMPSON: ---briefly rely?

23 THE COURT: Yes.

24 MR. THOMPSON: Yes, sir.

25 I, I, I agree with Ms. Charbonneau that, that

1 everything she said is the State's case. I agree that
2 that's the case against Mr. Dixon but just because we say
3 that does not make it so.

4 There -- the fact that any of the, the physical
5 evidence in this case is incriminating is found only at
6 Mr. Jackson's home is an extraordinarily prejudicial piece
7 of evidence that, if tried separately, Mr. Jackson would be
8 able to be -- would be able to be questioned about it.

9 Also the -- Your Honor, also the, the, the idea of hey,
10 we've got this new information from Miss Toney, the, the
11 information to -- around today literally was given to us 24
12 hours ago upon preparation for this motion hearing, and, and
13 I would argue that's not terribly reliable. I believe
14 everything that Ms. Charbonneau says about Miss Toney's
15 testimony's not terribly reliable cause it changes every
16 time in my guess attorney's questions.

17 But, Your Honor, again, there's -- the, the essential
18 physical evidence that's found at Mr. Jackson's home is
19 extraordinarily prejudicial and, and would very likely
20 frankly be exculpatory for Mr. Dixon if he were to be tried
21 at -- independently alone. And, as a result, I, I think
22 part of the test in Zafiro, it is a specific trial right
23 that would, that would, that would require severance in this
24 matter.

25 THE COURT: There have been no indication that the

1 parties intend to present defenses antagonistic,
2 antagonistic to each other. There's no situation like the
3 one in State v. Hughes where the parties were or where
4 there's some additional charges against one defendant that
5 spilled over allegedly to the other defendant. And there's
6 no right to have a severance ab -- absent some specific
7 indication that the defendant's right to a fair trial would
8 be prejudiced in a joint trial.

9 The State has the burden of proving guilt as -- beyond
10 a reasonable doubt as to each defendant. The jury will be
11 instructed that they must consider the evidence of guilt or
12 innocence as relates to each defendant. The defendant never
13 has the burden of proving himself not guilty or innocent.

14 The fact that you have an allegation of two people
15 acting together, committing a crime together, without there
16 being -- there was a case that may be stronger against one
17 or certain elements or which -- to the other, the jury has
18 to evaluate the guilt or innocence of, of each defendant,
19 and I've heard nothing that will entitle this defendant to
20 severance.

21 So, I deny your motion.

22 MR. THOMPSON: Thank you, Your Honor.

23 SOLICITOR CHARBONNEAU: Thank you, Your Honor. I'll
24 prepare an order to that.

25 THE COURT: All right.

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* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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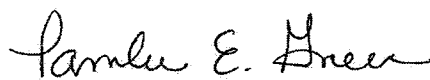
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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Aiken County, South Carolina, on the 11th day of August, 2021.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 5th, 2022



PAMELA E. GREEN, Court Reporter

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF AIKEN) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 vs.) RECORD
7 DENZELL DESHAWN JACKSON AND)
8 SHA'KEL RAHEEM DIXON,) 2019-GS-02-2082 - 2084
9 DEFENDANTS.) 2019-GS-02-2016 - 2018

10 August 16th - 20th, 2021
11 Aiken, South Carolina

12 B E F O R E:

13 THE HONORABLE CLIFTON NEWMAN, Judge; and a jury.
14

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Attorneys for Defendant Dixon

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5	S-64	Photograph	365	367
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7	S-66	Swab from Inside Trunk	372	373
8	S-67	Backpack	445	446
9	S-68	Photograph	376	377
10	S-69	Photograph	376	377
11	S-70	Photograph	376	377
12	S-71	Photograph	376	377
13	S-72	Photograph	376	377
14	S-73	Photograph	376	377
15	S-74	Photograph	376	377
16	S-75	Photograph	376	377
17	S-76	Photograph	376	377
18	S-77	Photograph	376	377
19	S-78	Photograph	376	377
20	S-79	Photograph	376	377
21	S-80	Photograph	376	377
22	S-81	Photograph	376	377
23	S-82	Photograph	376	377
24	S-83	Photograph	376	377

25

	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1				
2				
3	S-84	Swab from Truck Weather Strip	386	387
4				
5	S-85	Dollar General Receipt	379	380
6	S-86	Swabs from Trunk Bumper	385	387
7	S-87	Passenger Side Carpet from Rear Trunk Wall	383	384
8				
9	S-88	Buccal Swab - Kenya Bush	437	439
10	S-89	Known Standard of Victor Curry	437	439
11				
12	S-90	Book Bag	454	454
13	S-91	Grumpy's Sports Club Statement	455	455
14				
15	S-92	Debit Card for Sha'Kel Dixon	455	456
16				
17	S-93	Facebook Records of Sha'Kel Dixon	461	469
18				
19	S-94	Photograph	437	439
20	S-95	Photograph	437	439
21	S-96	Photograph	437	439
22	S-97	Photograph	437	439
23	S-98	Photograph	437	439
24	S-99	Photograph	437	439
25	S-100	Photograph	437	439

	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1				
2				
3	S-101	Photograph	437	439
4	S-102	DNA Standard for		
5		Denzell Jackson	471	472
6	S-103	DNA Standard for		
7		Sha'Kel Dixon	471	472
8	S-104	DNA Standard for		
9		Christian Barnwell	471	472
10	S-105	DNA Standard for		
11		Altashaun Bacon	471	472
12	S-106	Anderson Arms Firearm	242	447
13	S-107	Glock 9-millimeter	241	448
14	S-108	Cell Phone Records for		
15		Derrick Curry	473	475
16	S-109	Cell Phone Records for		
17		Denzell Jackson	475	476
18	S-110	Cell Phone Records for		
19		Sha'Kel Dixon	476	477
20	S-111	Map of Aiken County	480	481
21	S-112	PowerPoint from the		
22		Cell Phone Records	633	633
23	P-113	PowerPoint for Three Phones	646	647
24	P-114	Disk of PowerPoint	633	634
25	P-115	PowerPoint for Three Phones	643	647

1	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
2				
3	S-116	Disk of all Photographs marked into evidence	678	679
4				
5				
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7				
8				
9				
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1	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
2		<u>Defendant Jackson Exhibits</u>		
3				
4	D-2	Facebook Messages	111	112
5				
6				
7				
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1	<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
2		<u>Court's Exhibits - (In Camera Hearing Only)</u>		
3				
4	C-1	Photographic Lineup of Denzell Jackson	134	136
5				
6	C-2	Photographic Lineup of Sha'kel Dixon	136	138
7				
8	C-3	Photographic Lineup of Christian Barnwell	139	141
9				
10	C-4	Photographic Lineup of Altashaun Bacon	141	143
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1 P R O C E E D I N G S

2

3 THE COURT: Morning.

4 (WHEREUPON, individuals in the courtroom respond with
5 morning, Your Honor.)

6 THE COURT: Yes, ma'am.

7 SOLICITOR HAMMACK: Your Honor, we have the first 10
8 cases set for trial for this week if Your Honor would like
9 to address those.

10 THE COURT: I would.

11 SOLICITOR HAMMACK: The first case up for trial is the
12 joint trial of Denzell Jackson and Sha'Kel Dixon. Jackson
13 is represented by Keith Johnson. Dixon is represented by
14 Barry Thompson. They are being prosecuted by Jacqui
15 Charbonneau.

16 THE COURT: Okay. And, and where are they?

17 MR. THOMPSON: Good morning, Your Honor. They're,
18 they're in the back. We can bring them out if you'd like.

19 THE COURT: We'll wait for them to come out.

20 (WHEREUPON, Defendant Jackson and Defendant Dixon come
21 into the courtroom at this time.)

22 THE COURT: All right. Ms. Hammack, if you'll repeat
23 what you started to say.

24 SOLICITOR HAMMACK: Yes, Your Honor.

25 The first case listed for trial would be the joint

1 trial of Denzell Jackson represented by Keith Johnson and
2 Sha'Kel Dixon represented by Barry Thompson. They are being
3 prosecuted by Jacqui Charbonneau.

4 THE COURT: All right. Mr. Thompson.

5 MR. THOMPSON: Your Honor, we, at this time, would
6 renew our motion to sever but, but other than that Mr. Dixon
7 is prepared to go forward.

8 THE COURT: All right. And Mr. Johnson.

9 MR. JOHNSON: We're ready for trial.

10 THE COURT: Pardon?

11 MR. JOHNSON: We're ready for trial, Your Honor.

12 THE COURT: All right. And, Mr. Thompson, do you have
13 anything additional to offer to what you --

14 MR. THOMPSON: No, sir.

15 THE COURT: -- offered last week?

16 MR. THOMPSON: No, sir, I would stand on my previous
17 argument.

18 THE COURT: All right. Ms. Charbonneau.

19 SOLICITOR CHARBONNEAU: State's ready, Your Honor.

20 THE COURT: And any response to his renewal of the
21 motion?

22 SOLICITOR CHARBONNEAU: No, we stand on the same case
23 law provided.

24 THE COURT: All right. The motion is denied. They're
25 no -- there's no -- there -- you didn't give any

1 constitutional basis afforded by any claim that a joint
2 trial would be prejudicial that I'm aware of.

3 MR. THOMPSON: Your Honor, we, we did argue that some
4 of the, some of the, the evidence that we believe is likely
5 to be presented at trial would be potentially exculpatory
6 under, under a separate trial and, in this trial, it's
7 essentially we're barred from, we're barred from
8 cross-examining it due to a Brewton issue.

9 we can't, we can't question Mr. Jackson about it and
10 that would be the constitutional issue that would -- that we
11 would -- that we earlier, earlier argued supports severance.

12 THE COURT: And specifically what are you talking
13 about?

14 MR. THOMPSON: Your Honor, there are, there are
15 multiple -- there's, there's at least three different pieces
16 of physical evidence that are, a flash suppressor, some
17 rubber gloves, a -- I, I believe a weapon that are found at
18 Mr. Jackson's home pursuant to what I would concede to be a,
19 a lawfully executed search warrant.

20 THE COURT: Mr. Jackson is your client?

21 MR. THOMPSON: No, sir.

22 THE COURT: Mr. Jackson is---

23 MR. THOMPSON: Jackson is---

24 THE COURT: ---not your client?

25 MR. THOMPSON: ---is, is---

1 THE COURT: So they're filing---

2 MR. THOMPSON: ---the -- a codefendant. There's---

3 THE COURT: There's incriminating evidence at Jackson's
4 home?

5 MR. THOMPSON: Correct.

6 THE COURT: All right. And --?

7 MR. THOMPSON: And if, if these gentlemen were tried
8 separately, one of the arguments that would be made would be
9 the incriminating physical evidence is found at Mr.
10 Jackson's home. It's not found in a search warrant subject
11 to anything from Mr. Dixon.

12 In this circumstance though Mr. Jackson has the right
13 to remain silent. I'm not able to cross-examine him on
14 whether or not Mr. Dixon has anything to do with some --
15 with the items that are found at Mr. Jackson's house. And,
16 and that, we would argue, would be a, a Brewton issue that
17 would, that would support severance because it's a---

18 THE COURT: And what would be---

19 MR. THOMPSON: It's a substantive trial right that,
20 that fits under the---

21 THE COURT: What precludes you from making that
22 argument?

23 MR. THOMPSON: I can make the argument to the jury.

24 THE COURT: Right.

25 MR. THOMPSON: But I, but I can't question Mr. Jackson

1 about it, and, and that would be our, our argument for
2 severance with the concern being---

3 THE COURT: When would you ever be able to question
4 Mr. Johnson (sic)?

5 MR. THOMPSON: Well, if Mr. Jackson were tried
6 separately, our understanding is that he probably would be
7 tried prior to Mr. Dixon's trial, and, once he is tried, he
8 will not have any jeopardy concerning testimony related to
9 the stuff. He'd already been tried for it and we could
10 be -- and we would be able to question him about the
11 material but it -- that, that was our argument at the
12 motions---

13 THE COURT: Whoever's presenting that evidence, I
14 assume they'll be witnesses, you can, you can still give the
15 same cross-examination that you find that Jackson's not at
16 Dixon's residence and et cetera.

17 MR. THOMPSON: Yes, sir.

18 THE COURT: You'd still be able to present that same,
19 same --

20 MR. THOMPSON: Yes, sir.

21 THE COURT: -- approach to -- and argue to the jury
22 that it does not indicate that your client is involved or
23 whatever the argument might --

24 MR. THOMPSON: Yes, sir.

25 THE COURT: -- the argument might be.

1 MR. THOMPSON: Yes, sir, that's correct.

2 THE COURT: All right. Any response to that, Ms.
3 Charbonneau?

4 SOLICITOR CHARBONNEAU: Judge, other than the cases
5 being tried together or separately, they would not be able
6 to call Mr. Jackson even if he was tried first, which that's
7 not a guarantee. He is still a defendant who then would be
8 on appeal. So, he would not be able to call him as a
9 witness.

10 Any evidence that's, that's entered in this joint trial
11 is the same evidence that would be entered in a separate
12 trial, and that's the reason for cross-examination, and he
13 can argue that to the jury in closing.

14 THE COURT: All right. I, I agree with the State and,
15 and my ruling is the same and the motion is denied.

16 MR. THOMPSON: Thank you, Your Honor.

17 THE COURT: So, Mr. Jackson, Denzell Jackson, if y'all
18 stand for me and we're gonna swear you in. I'm gonna ask
19 you some, some questions.

20 THE CLERK: Please raise your right-hand.

21 (WHEREUPON, Defendant Jackson was placed under oath at
22 this time.)

23 THE CLERK: Your Honor, he's been sworn.

24 THE COURT: All right. And, Mr. Johnson, have you
25 conferred with Mr. Jackson regarding his vaccination status?

1 MR. JOHNSON: I have not, Your Honor. He has been in
2 custody for two years now but I have not conversed with him
3 about the status.

4 THE COURT: All right. And you're satisfied for him to
5 sit next to you without a mask?

6 MR. JOHNSON: Yes, sir, Your Honor. I am vaccinated
7 myself. So, I don't -- I understand that that may not be a
8 complete---

9 THE COURT: I mean I'm, I'm not sitting next to him.
10 I'm just wondering.

11 MR. JOHNSON: I'm fine.

12 THE COURT: And, and, and we have to be so tenuous in
13 inquiring.

14 MR. JOHNSON: Yes, sir.

15 THE COURT: Now, Mr. Jackson, have you been vaccinated
16 or care to tell me?

17 DEFENDANT JACKSON: No, sir, but I'm currently being in
18 a cell by myself for the last 17 days.

19 THE COURT: All right. You've been in -- isolated?

20 DEFENDANT JACKSON: Yes, sir.

21 THE COURT: All right. Regarding this trial,
22 Mr. Jackson, has the State made a plea offer?

23 MR. JOHNSON: Yes, they have, Your Honor.

24 THE COURT: And you've discussed it with your client?

25 MR. JOHNSON: Yes, I have, Your Honor.

1 THE COURT: And what's his position about it?

2 MR. JOHNSON: That offer was not accepted, Your Honor.

3 THE COURT: All right. And, Ms. Charbonneau, what plea
4 offer was made?

5 SOLICITOR CHARBONNEAU: The plea offer was made of 45
6 years on this murder along with his nat -- the other pending
7 murder charge that he has and -- but it would include his
8 drug charges that he has.

9 THE COURT: All right. And, Mr. Jackson, did you
10 understand that plea offer?

11 DEFENDANT JACKSON: Yes, sir.

12 THE COURT: Now, when a person is charged with murder,
13 the minimum sentence is 30 years. The maximum sentence is
14 life. If you pled guilty, and just I'm, I'm guilty, I'm
15 pleading guilty, then the minimum sentence you're facing is
16 30 years, 15 years less than what the plea offer was. Of
17 course, if you have other pending charges, then they are --
18 would not be included in any plea that you might make but
19 the sentencing would be up to me. The sentence, sentence --
20 sentencing is always up to the judge and not the solicitor.

21 You understand that?

22 DEFENDANT JACKSON: Yes, sir.

23 THE COURT: And so if you said to the solicitor I'm not
24 interested in that plea offer, I want the judge to decide
25 the sentence, then you pled guilty, then the sentence you

1 face will be 30 years up to life imprisonment.

2 Do you understand that?

3 DEFENDANT JACKSON: Yes, sir.

4 THE COURT: And, and the minimum 30, the maximum life,
5 and whatever it would be it would be up to me.

6 You understand that?

7 DEFENDANT JACKSON: Yes, sir.

8 THE COURT: On this charge, the murder charge.

9 Not referencing any other charge, and, and have you
10 discussed that with Mr. Johnson?

11 DEFENDANT JACKSON: Yes, sir, we've been over all those
12 terms.

13 THE COURT: All right. And, and you do not want to
14 plead guilty?

15 DEFENDANT JACKSON: No, sir, I'm not gonna plead
16 guilty.

17 THE COURT: All right. Very good. Thank you. And the
18 same -- I want to talk to Mr. Dixon.

19 THE CLERK: Please raise your right-hand.

20 (WHEREUPON, Defendant Dixon was placed under oath at
21 this time.)

22 THE CLERK: Your Honor, he's been sworn.

23 THE COURT: All right. And, Mr. Thompson, you and
24 Mr. McKellar are co -- McKellar are cocounsel here?

25 MR. THOMPSON: Yes, sir.

1 THE COURT: And have you discussed with the State plea
2 offers?

3 MR. THOMPSON: Yes, sir.

4 THE COURT: And talked with your client about them?

5 MR. THOMPSON: I have, Your Honor.

6 THE COURT: And he's not interested in pleading?

7 MR. THOMPSON: He has respectfully declined the offer.

8 THE COURT: All right. And what plea offer was made to
9 him, Ms. Charbonneau?

10 SOLICITOR CHARBONNEAU: Mr. Dixon was offered 40 years
11 and that would include a second case where he has failure to
12 stop for a blue light.

13 THE COURT: And has that been -- you communicated with
14 Mr. Dixon?

15 MR. THOMPSON: Yes, sir, it is.

16 THE COURT: All right. And, Mr. Dixon, is that
17 correct?

18 DEFENDANT DIXON: Yes, sir.

19 THE COURT: And just as I just explained to
20 Mr. Jackson, do you understand that, if you pled guilty
21 straight up, you would face the maximum of -- a minimum of
22 30 years and maximum of life imprisonment?

23 DEFENDANT DIXON: Yes, sir.

24 THE COURT: And the sentence would be up to me?

25 DEFENDANT DIXON: Yes, sir.

1 THE COURT: And you've considered whether or not you
2 want to plead guilty?

3 DEFENDANT DIXON: No, sir.

4 THE COURT: Now you haven't thought about whether or
5 not you wanted to plead guilty?

6 DEFENDANT DIXON: I do not want to plead guilty.

7 THE COURT: I said have you, have you thought about it.

8 DEFENDANT DIXON: No.

9 (WHEREUPON, Defendant Dixon confers with Mr. Thompson
10 at this time.)

11 DEFENDANT DIXON: Yes, sir.

12 THE COURT: Pardon?

13 DEFENDANT DIXON: Yes, sir.

14 THE COURT: All right. I'm not asking you whether you
15 were thinking that you might plead guilty. I'm just saying
16 they, they offered you a plea and have you thought about
17 what they told you, 40 years?

18 You used your mind and you've already told them which
19 is what the State's wanting to do.

20 Is that right?

21 DEFENDANT DIXON: That's right. I declined.

22 THE COURT: All right. But you thought about it before
23 you declined it or you haven't thought about it?

24 DEFENDANT DIXON: Never thought about it.

25 THE COURT: All right. And you never thought about it

1 cause you do not want to plead guilty and you want a jury
2 trial?

3 DEFENDANT DIXON: I want a jury trial.

4 THE COURT: All right. well, you have a right to a
5 jury trial. I'm not attempting to convince anybody about
6 anything. I want -- my job is to make sure that you
7 understand.

8 You understand what I mean?

9 DEFENDANT DIXON: Yes, sir.

10 THE COURT: All right. Very good.

11 Thank you, Mr. Thompson.

12 MR. THOMPSON: And, Your Honor, if, if Your Honor
13 requires, I will certainly wear a mask. Out of candor to
14 the Court, I will tell you that I feel horrible and was
15 probably running a fever this weekend. I, I don't have any
16 concerns about catching anything from Mr. Dixon but Mr.
17 Dixon will tell me, on Friday when I went to see him, I
18 looked pretty horrible and he, he, he may catch something
19 from me but I don't think I'll catch anything from him. I,
20 I don't mind wearing masks if the Court instructs me to do
21 so.

22 THE COURT: well, there -- he, he might not catch Covid
23 from you or might he?

24 MR. THOMPSON: I, I don't believe that I'm suffering
25 from the Coronavirus, Your Honor.

1 THE COURT: Have you been tested --

2 MR. THOMPSON: I have---

3 THE COURT: -- or the vaccine -- vaccinated?

4 MR. THOMPSON: I have been vaccinated and I was tested
5 for the Coronavirus two weeks ago and tested negative.

6 THE COURT: All right. And you're gonna be satisfied
7 that whatever your malady is is not COVID?

8 MR. THOMPSON: Yes, sir, I, I believe it to be a
9 48-hour bug and I'm on the other side of it and I believe
10 I'm better.

11 THE COURT: All right. Yeah, we all have to work
12 through that sometimes.

13 MR. THOMPSON: Yes, sir.

14 THE COURT: All right. Okay. Thank you, sir.

15 MR. THOMPSON: Thank you, Your Honor.

16 THE COURT: So, what else?

17 SOLICITOR CHARBONNEAU: The State filed its witness
18 list. The State filed their request for hand of one jury
19 instruction. I'm not aware of any defense witnesses other
20 than one from Mr. Johnson. She's not listed on my witness
21 list. I don't remember her full name.

22 SOLICITOR HAMMACK: Ava Standard.

23 MR. JOHNSON: That's, that's correct.

24 SOLICITOR CHARBONNEAU: And that's it.

25 THE COURT: Well, I couldn't understand what y'all were

1 saying to each other.

2 Did you -- you're talking to Mr. Johnson about
3 something?

4 SOLICITOR CHARBONNEAU: No, I said I'm aware of one
5 defense witness, but I did not remember her full name, and
6 he said Ava Standard.

7 THE COURT: Ava?

8 SOLICITOR CHARBONNEAU: She's not on my witness list.

9 THE COURT: What's the name?

10 MR. JOHNSON: Ava, A-V-A. Standard.

11 THE COURT: Ava Standard.

12 MR. JOHNSON: S-T-A-N-D-A-R-D. She is a---

13 THE COURT: She's a---

14 MR. JOHNSON: ---DNA expert.

15 THE COURT: She's a potential witness?

16 MR. JOHNSON: Yes, sir, Your Honor.

17 THE COURT: Any, any additional with respect to
18 witnesses you-all, you-all want me to tell the jury about?

19 MR. THOMPSON: Your Honor, Mr. Dixon did not have any
20 prospective witnesses to talk to the jury about. We did
21 give to both Ms. Charbonneau and Mr. Jackson -- Johnson and
22 the clerk defense's -- Defendant Dixon's request for voir
23 dire.

24 THE COURT: Yeah. Well, on my desk here I have
25 defendant's request for voir dire --

1 MR. THOMPSON: Yes, sir.

2 THE COURT: -- and Defendant Jackson's, Defendant
3 Dixon's, and I have State's potential witness list and those
4 are the things that I have.

5 should I have anything else?

6 THE CLERK: Judge, you have the indictments on your---

7 THE COURT: And I have the indictments. I don't have a
8 prospective -- I don't see -- this is -- excuse me. I have
9 State's request to charge and -- do I have the State's
10 requested voir dire?

11 SOLICITOR CHARBONNEAU: No.

12 THE COURT: No.

13 SOLICITOR CHARBONNEAU: And, Your Honor, as far as
14 Sha'kel Dixon's request for voir dire, I have no objection.
15 I just ask, in number four, if you would add or Public
16 Defender's Office. And on Mr. Jackson's request for voir
17 dire, I have no objection. I just ask that number seven be
18 add -- if you would add or the State.

19 THE COURT: All right.

20 SOLICITOR CHARBONNEAU: That, that's it from the State.

21 MR. THOMPSON: And, Your Honor, for the record, I -- we
22 do not have any objection to State's request to charge on
23 hand of one hand of all assuming that it's supported by the
24 evidence presented at trial.

25 THE COURT: Okay. Okay. Very good. I'm going to

1 introduce my new law clerk, Shiaza Tindall. It's her first
2 day in Court and she will be here as my law clerk.

3 well, we're ready for the jury panel then, aren't me?

4 SOLICITOR CHARBONNEAU: Yes, sir.

5 (Pause.)

6 THE COURT: All right. Related to the trial that we
7 have to the jury coming in, does the defense waive the
8 presence of the defendants at the jury qualification?

9 MR. THOMPSON: Yes, Your Honor.

10 MR. JOHNSON: Yes. Your Honor, so we would waive it.

11 THE COURT: So you're waiving the jury panel comes in,
12 we have them -- we're gonna call them by juror numbers and,
13 and have -- they'll tell us what their occupations are, et
14 cetera.

15 You do not care to have your client present?

16 MR. JOHNSON: well, Your Honor, I understand. I would
17 like to have my client here, Your Honor.

18 THE COURT: All right.

19 MR. THOMPSON: And, Your Honor, if, if the other
20 client's gonna be out, then we probably would have to.

21 THE COURT: They have the right to be present --

22 MR. THOMPSON: I'm sorry.

23 THE COURT: -- and they -- they're looking at the
24 people who will be deciding their case. So --.

25 MR. JOHNSON: Yes, sir.

1 THE COURT: So we'll let you have them in there. So
2 we'll need to be sure to do that before the jury -- have
3 them out before the folks start coming in.

4 (WHEREUPON, the calling of the cases was completed at
5 this time and the first jury panel was qualified for jury
6 service at this time.)

7 THE COURT: All right. Ladies and gentlemen, the panel
8 is now qualified. I'm going to provide some additional
9 information to you.

10 The State will call its first case, Ms. Charbonneau.

11 SOLICITOR CHARBONNEAU: The State versus Denzell
12 Jackson. Indictment 2019-GS-02-02084 possession of a weapon
13 during a violent crime.

14 2019-GS-02-02083 kidnapping.

15 2019-GS-02-02082, that is murder.

16 Denzell Jackson, along with others, did, in Aiken
17 County, on or between the dates of April 30th, 2019, and
18 May 1st, 2019, feloniously, willfully, and with malice
19 aforethought murder Derrick Curry by means of shooting him
20 at [REDACTED] Nokesville Circle, Aiken, and that the victim did
21 die as a proximate result thereof.

22 The State versus Sha'kel Dixon. Indictment
23 2019-GS-02-02017, possession of a weapon during a violent
24 crime.

25 2019-GS-02-02018, kidnapping.

1 2019-GS-02-02016, murder of Derrick Curry.

2 THE COURT: What was the location that you mentioned?

3 SOLICITOR CHARBONNEAU: [REDACTED] Nokesville Circle in
4 Aiken.

5 THE COURT: All right. Ladies and gentlemen, the State
6 has called for trial the case of the State versus Denzell
7 Deshawn Jackson and Sha'Kel Rakeem Dixon.

8 Mr. Jackson and Mr. Dixon, if y'all would stand and
9 face the jury panel along with counsel?

10 (WHEREUPON, all parties comply at this time.)

11 THE COURT: And, counsel, if you will introduce
12 yourselves to the jury panel please.

13 MR. JOHNSON: Good morning, everyone. My name is Keith
14 Johnson. I am a attorney in private practice and I have the
15 honor of representing Mr. Denzell Jackson who you-all can
16 see.

17 MR. THOMPSON: And I'm Barry Thompson and myself, along
18 with Mr. Will McKellar who work in the Public Defender's
19 Office, and represent Mr. Dixon.

20 THE COURT: All right. Thank you-all.

21 (WHEREUPON, all parties sit down.)

22 THE COURT: So, ladies and gentlemen, you've heard the
23 indictments for kidnapping, murder, and possession of a
24 weapon during a violent crime against these two defendants.

25 If any member of the jury panel is a friend, relative,

1 associate of the defendant, either defendant, or any of the
2 lawyers who have introduced themselves or if you know any of
3 them, please stand.

4 (WHEREUPON, one juror responds at this time.)

5 THE JUROR: I'm Juror Number 39. I went to school with
6 Sha'Ke'l Dixon.

7 THE COURT: You went to school with who?

8 THE JUROR: Sha'Ke'l Dixon.

9 THE COURT: Mr. Dixon?

10 THE JUROR: Yes, sir.

11 THE COURT: All right. And do you believe that that
12 would prevent you from being a fair and impartial juror?

13 THE JUROR: No, sir.

14 THE COURT: All right. Your juror number is --?

15 THE JUROR: 39.

16 THE COURT: 39. All right. Thank you.

17 Anyone else?

18 (WHEREUPON, there was no response.)

19 THE COURT: The following people may testify in, in
20 this, this case.

21 Let's see. What did I do with that list?

22 This is escaped me for -- here I have it. I have it.

23 The potential, potential witnesses in the case, and if
24 any of you are here I need you to stand, Investigator -- I'm
25 sorry.

1 Savanna Williams from the Aiken County Sheriff's
2 office.

3 Investigator Chris Johnson.

4 Kenya Bush.

5 Cordajiah Council.

6 Sonya Hammonds.

7 Morgan Blacks.

8 Shaniyah Toney.

9 Special Agent Alexandra Schelble, ATF.

10 Saige O'Grady, Aiken County Sheriff's Office, formerly.

11 Chad Smith with SLED.

12 Adrienne Hefney, SLED.

13 Regina Sailer Sailor, ATF.

14 Adam Trusdale, Aiken County Sheriff's Office.

15 Ava Standard.

16 If any member of the jury panel is a friend, relative,
17 associate, or acquaintance with any of those folks, if so,
18 please stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: You've heard a brief statement by the
21 solicitor as to the nature of the charge and when and where
22 it allegedly occurred.

23 Based on that information, if you know of any reason
24 why you should not be selected to be a juror in this case,
25 any reason under the sun why you should not be selected to

1 be a juror in this case, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: This case is expected to go -- take up most
4 of this week, probably through Thursday. We work beginning
5 at about 9:30 and go to about 5:30 or so.

6 If you have any conflicts, any personal conflicts or
7 problems, with being on jury duty based on that schedule
8 this week, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: And, ladies and gentlemen, let me tell
11 you -- we have how many folks here now?

12 THE CLERK: They'll be 32 in this group.

13 THE COURT: Thirty-two at this room and we have about
14 the same number coming. We're gonna select 14 out of the
15 number.

16 So, the time for you to tell me if you have any
17 problems or issues serving on the jury at this point is now
18 while we have all of the people here. We have the -- plenty
19 of jurors to -- from which to select a jury.

20 Don't wait till you get on the jury and tell me you got
21 to pick your baby up at 4:30, you're sick and can't
22 function, you have a doctor's appointment on Thursday that
23 you can't miss.

24 If you have any reason why you should not be selected
25 or can not serve on this jury this week, please stand.

1 (WHEREUPON, jurors respond at this time.)

2 THE COURT: All right. If you'll come forward please.

3 (WHEREUPON, a bench conference with all the jurors took
4 place at this time.)

5 THE COURT: Lady and just -- ladies and just --
6 gentlemen, there's one more thing. The -- Ms. Hammack, if
7 you'll stand and introduce yourself and anyone else who
8 might be involved with the prosecution table.

9 SOLICITOR HAMMACK: Thank you, Your Honor.

10 Good morning, y'all. In addition to Ms. Charbonneau, I
11 am Ashley Hammack. I work here in Aiken County for the
12 Solicitor's Office. Trying this case with us this week is
13 Detroit Spires. He's an investigator here with the
14 Solicitor's Office.

15 THE COURT: All right. And, ladies and gentlemen, if,
16 if you've ever been represented by the Solicitor's Office in
17 this circuit or by any of the defense attorneys, please
18 stand.

19 (WHEREUPON, two jurors respond at this time.)

20 THE COURT: All right. And, sir, tell me your juror
21 number and why you're standing.

22 THE JUROR: Number 16. I was represented by Marty
23 Puetz on a DUI case. That'd be one year ago.

24 THE COURT: Well, he's way in the line---

25 THE JUROR: Way over there. I just want to make sure

1 everybody knows.

2 THE COURT: Okay. All right. Thank you.

3 THE JUROR: Thank you.

4 THE COURT: Sir?

5 THE JUROR: Juror Number 27 and the prosecutor's office
6 and Ms. Ashley prosecuted a case for my grandson.

7 THE COURT: She prosecuted a case for your grandson as
8 a victim?

9 THE JUROR: Yeah, I'm sorry, as a victim.

10 THE COURT: All right.

11 THE JUROR: My grandson.

12 THE COURT: And do you believe that would affect your
13 ability to be fair and impartial in this case?

14 THE JUROR: No, sir, she had to do her job.

15 THE COURT: All right now. Thank you, sir. We'll let
16 him sit.

17 All right. Ladies and gentlemen, we are through with
18 you-all for the moment. We need you back at 2:30. I want
19 to caution the jury, as well as there -- any and everyone
20 else in the courtroom that you're not to have any -- anyone,
21 anyone not involved -- well involved or not involved in the
22 case not to attempt to contact any juror, to speak to any
23 juror, and to the jury -- jurors, you're not to engage in
24 any type of conversation or interaction with anyone not
25 involved in the case as a witness.

1 Do not, do not engage with any spectators. Do not
2 discuss the case and talk about the case or your jury
3 service in the presence of anyone, and I'm gonna give you
4 further admonition you're not to discuss it with your fellow
5 jurors either till the end of the case and we'll talk more
6 about that later.

7 So, at this time I'm gonna let you-all go and get you
8 back in at 2:30.

9 where do want them to report to, Mr. --?

10 THE CLERK: Your Honor, the bailiffs will direct them
11 in -- into the jury assembly room probably.

12 THE COURT: All right. At 2:30. Thank you-all.

13 (WHEREUPON, the following takes place outside the
14 presence of the jury panel.)

15 THE COURT: All right. We're ready for the next crew
16 as soon as you-all are ready for them.

17 THE CLERK: I think probably about five minutes.

18 THE COURT: All right. We'll be in recess for about
19 five minutes. We'll get the next crew.

20 (WHEREUPON, a short recess was taken at this time.)

21 THE COURT: Anything before we bring the next crew in?

22 (Pause.)

23 MR. JOHNSON: We're ready to go.

24 THE COURT: All right. We're ready.

25 Now, regarding the people being introduced, do you have

1 victim's family here or --?

2 SOLICITOR CHARBONNEAU: Yes. Ms. Bush.

3 THE COURT: And she's what relation to --?

4 SOLICITOR CHARBONNEAU: She's Derrick's Curry's mom.

5 THE COURT: Mother?

6 SOLICITOR CHARBONNEAU: Yes. She's also a witness.

7 You said her name.

8 THE COURT: Oh, okay. All right.

9 (WHEREUPON, the next jury panel was qualified to serve
10 as jurors.)

11 THE COURT: All right. The panel is now qualified.

12 Ladies and gentlemen, I'll give you some additional
13 information. First we'll have the State call the first case
14 for trial.

15 SOLICITOR CHARBONNEAU: Yes, Your Honor.

16 Good morning.

17 Jacqui Charbonneau from the Solicitor's Office.

18 The -- 2019-GS-02-02084, State versus Denzell Jackson,
19 possession of a weapon during a violent crime.

20 2019-GS 02-02083, kidnapping of Derrick Curry.

21 Indictment 2019-GS-02-02082, murder.

22 Denzell Jackson, along with others, did in Aiken County
23 on or between the dates of April 30th, 2019, May 1st, 2019,
24 feloniously, willfully, and malice aforethought murder
25 Derrick Curry by means of shooting him at [REDACTED] Nokesville

1 circle, Aiken, and that the victim did die as a proximate
2 result thereof.

3 The State versus Sha'Kel Dixon in Indictment
4 2019-GS-02-02017, possession of a weapon during a violent
5 crime.

6 2019-GS-02-02018, kidnapping of Derrick Curry.

7 2019-GS-02-02016, the murder of Derrick Curry.

8 THE COURT: All right. Now, ladies and gentlemen, the
9 State has called for trial the case of the State versus
10 Denzell Deshawn Jackson and Sha'Kel Rakeem Dixon for the
11 charges of murder, kidnapping, and possession of a weapon
12 during a crime -- violent crime.

13 Mr. Jackson and Mr. Dixon, if you'll stand and face the
14 jury panel along with counsel.

15 (WHEREUPON, all parties comply.)

16 THE COURT: And, counsel, if you'll introduce
17 yourselves.

18 MR. JOHNSON: Yes, sir. Thank you, Your Honor.

19 THE COURT: Yes, sir.

20 MR. JOHNSON: My name is Keith Johnson. I am an
21 attorney in private practice in Georgia and South Carolina.
22 I have the honor of representing Mr. Denzell Jackson for
23 this.

24 MR. THOMPSON: Thank you, Your Honor.

25 I'm Barry Thompson and I represent Sha'Kel Dixon and

1 Mr. Will McKellar and I work here in the Aiken County Public
2 Defender's Office.

3 THE COURT: Okay. Thank you.

4 Also prosecuting the case on behalf of the State, if
5 you will introduce yourself and anyone else you'd like to.

6 SOLICITOR HAMMACK: Thank you, Your Honor.

7 In addition to Jacqui Charbonneau, my name's Ashley
8 Hammock. I work here in Aiken County in the Solicitor's
9 Office. Prosecuting this case with us is Detroit Spires.
10 He's an investigator here in the Solicitor's Office.

11 THE COURT: All right. Ladies and gentlemen, if you or
12 a friend, relative, associate of any of the people who have
13 introduced themselves, any of the lawyers or defendants, if
14 you know any of them, please stand.

15 (WHEREUPON, there was no response.)

16 THE COURT: Additional -- well, in, in addition to
17 that, current -- the solicitor indicates the alleged offense
18 occurred on or about April 30th to May, May 1st, 2019.

19 In what area of the county again, ma'am?

20 SOLICITOR CHARBONNEAU: [REDACTED] Nokesville Circle in Aiken
21 just out of the city.

22 THE COURT: Do you know what area of Aiken is that?

23 SOLICITOR CHARBONNEAU: South heading towards New
24 Ellenton.

25 THE COURT: South heading towards New Ellenton.

1 If any member of the jury panel knows anything about
2 this case or have heard anything about this case, please
3 stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: Additional people who may testify include
6 the following prospective witnesses, and if you are here I
7 need you to stand:

8 Savanna Williams from Aiken County Sheriff's Office.

9 Investigator Chris Johnson, Aiken County Sheriff's
10 office.

11 Kenya Bush.

12 Cordajiah Council.

13 Sonia Hammonds.

14 Morgan Blacks.

15 Shaniyah Toney.

16 Special Agent Alexandra Schelble, Schelble of ATF.

17 Saige O'Grady formerly of the Aiken County Sheriff's
18 office.

19 Chad Smith.

20 Adrienne Hefney, forensic scientist at SLED.

21 Regina Sailer of ATF.

22 Adam Trusdale, Aiken County Sheriff's Office.

23 Ada or -- and/or Ada Standard.

24 If any member of the jury panel is a friend, relative,
25 associate, acquaintance, or if you know any of them, please

1 stand.

2 (WHEREUPON, one juror responds.)

3 THE COURT: All right. Ma'am, your juror number?

4 THE JUROR: 215.

5 THE COURT: 205?

6 THE JUROR: 215. 215.

7 THE COURT: 215. 215.

8 All right. And tell me why you're standing.

9 THE JUROR: I know Savanna, Trusdale, and several other
10 Aiken County investigators from my time as working at Aiken
11 County Sheriff's Office.

12 THE COURT: All right. And the fact that you know a
13 number of the law enforcement people, would that fact affect
14 your ability to be a fair and impartial trial in this case?

15 THE JUROR: No.

16 THE COURT: All right. Thank you.

17 So, ladies and gentlemen, this case is expected to last
18 through most of the week.

19 If you know any reason why you should not be selected
20 to be on the jury this week because you have vacation plans,
21 doctor's appointments, must get off early to pick up
22 children, an excruciating headache, if you know of any
23 reason whatsoever why you should not be selected to be a
24 juror in this case, please stand.

25 (WHEREUPON, jurors respond at this time.)

1 THE COURT: All right. And I'll need you-all to come
2 forward.

3 I want to emphasize to each of you here that we are
4 selecting 16 -- 14 to 16 people to be on the jury. We have
5 about 50 or 60 to choose from. So, if you have any other
6 problems or issues in serving, the time to let me know is
7 now while we have 40 to 60 people available. Not after we
8 let them go and you get selected for the jury.

9 If you have any problems or issues serving, please come
10 forward and tell me now.

11 (WHEREUPON, a bench conference was held with the jurors
12 at this time.)

13 THE COURT: All right. Ladies and gentlemen, thank you
14 for your cooperation. We're going to proceed with the jury
15 selection at 2:30 this afternoon, at 2:30 this afternoon.

16 Please do not interact with anyone from the audience.
17 Do not allow anyone to approach you whether they are in law
18 enforcement, witnesses, victims, victim's family, random
19 people, don't let anyone approach you or talk with you about
20 this case and we'll proceed with further questioning and
21 jury selection at 2:30. Need you back at that time.

22 Mr. Harte.

23 THE CLERK: Jury assembly room.

24 THE COURT: Back to the jury assembly room at 2:30.
25 Thank you-all very much. We'll see you at that time.

1 (WHEREUPON, the following takes place outside the
2 presence of the jury.)

3 THE COURT: Okay. I think we're on schedule to select
4 a jury at 2:30 and what time do you have first -- your
5 opening, opening statements and have your witnesses ready?

6 SOLICITOR CHARBONNEAU: Judge, I just wanted you to
7 know if there's any pretrial motions.

8 THE COURT: Okay.

9 MR. THOMPSON: Your Honor, I, I believe that there is
10 a -- there were lineups issued in this case and there may be
11 things that the prosecution wants to -- do -- what's --
12 various motions or whatever.

13 There, there may be lineups that we need to, to do but
14 those could be done later on in the trial or we could do
15 them pretrial. I---

16 THE COURT: All right.

17 MR. THOMPSON: I have no preference on that.

18 MR. JOHNSON: No motions on behalf of Mr. Jackson, Your
19 Honor.

20 THE COURT: All right. Ms. Charbonneau.

21 SOLICITOR CHARBONNEAU: Judge, we do have -- the photo
22 lineups of all four defendants. However, Shaniyah Toney,
23 the one who identified them, she knew Mr. Jackson, Mr.
24 Dixon, and Mr. Barnwell from previously. So, actually even
25 photo lineups were not even necessary because she knew them.

1 So, however Your Honor wants to proceed with that.

2 THE COURT: Is she your first or second witness?

3 SOLICITOR CHARBONNEAU: Third.

4 THE COURT: All right. Well, you -- if necessary to
5 have a hearing with the -- if there's a motion to suppress
6 identification.

7 MR. THOMPSON: Your Honor, if they're not planning on
8 presenting the lineups based on hey, she already knew them,
9 then I, I don't think that I have a motion about that.

10 THE COURT: All right.

11 MR. JOHNSON: I would second to that, Your Honor.

12 SOLICITOR CHARBONNEAU: We do intend to enter the photo
13 lineup but the reasoning that I don't feel Biggers is
14 necessary, unless Your Honor wants to go forward with it, is
15 because she knew them.

16 THE COURT: Yeah. Yeah. Well, the testimony must come
17 from witnesses and not from the lawyers. So, we'll deal
18 with that prior to any testimony by this -- witnesses.

19 SOLICITOR CHARBONNEAU: Would it be all right if we
20 handled that tomorrow morning?

21 THE COURT: Yes.

22 SOLICITOR CHARBONNEAU: That witness is not here at the
23 moment.

24 THE COURT: Yes, we can do that tomorrow morning.

25 All right. Anything, anything else?

1 MR. THOMPSON: Nothing further from Mr. Dixon's
2 defense, Your Honor.

3 THE COURT: And---

4 MR. JOHNSON: Likewise, Your Honor, on behalf of Mr.
5 Jackson.

6 THE COURT: Okay. We'll reconvene at 2:30.

7 (Pause.)

8 SOLICITOR HAMMACK: Are we, we still on the record?

9 THE COURT: Yeah, we're still on the record.
10 Court come to order.

11 SOLICITOR HAMMACK: Your Honor, it's my understanding,
12 under 14-7-1110, because the defendants have been charged
13 with murder, both defense attorneys get 10 strikes. The
14 last sentence of that statute reads in felonies, when
15 there's more than one defendant jointly tried, the State has
16 10 challenges. So it should be a total of 30 strikes for
17 the 12 jurors.

18 THE COURT: Okay. Does that meet your understanding,
19 Mr. Thompson, Mr. Johnson?

20 MR. THOMPSON: It does, Your Honor.

21 MR. JOHNSON: Yes, sir, Your Honor.

22 THE COURT: All right. That's what it will be.

23 MR. THOMPSON: And, Your Honor, for the alternates, is
24 that---

25 THE CLERK: Before we get to the alternates, are they

1 going to strike individually or is one person going to
2 strike jointly for that?

3 MR. JOHNSON: Individually. Individually.

4 SOLICITOR HAMMACK: I think it has to be individually.

5 THE CLERK: All right. Then we need to decide who's
6 gonna go first.

7 SOLICITOR HAMMACK: My understanding is Ms. Davis has
8 already designated Denzell Jackson as defendant one for the
9 record and Sha'Keel Dixon as defendant two for the record.

10 MR. THOMPSON: I have no objection to that.

11 THE COURT: All right.

12 MR. JOHNSON: No objection.

13 THE COURT: And alternates are still one and two?

14 SOLICITOR HAMMACK: Yes, sir.

15 MR. JOHNSON: That would be one, two, and two?

16 THE COURT: No.

17 SOLICITOR HAMMACK: One for the State and two for each
18 defendant.

19 THE COURT: Two for each defendant?

20 MR. THOMPSON: Actually one, two, and two.

21 THE COURT: All right.

22 MR. THOMPSON: Very fine, Your Honor.

23 MR. JOHNSON: Thank you, Your Honor.

24 THE COURT: Very good.

25 (WHEREUPON, Court was in recess for the lunch break.)

1 THE COURT: Anything before the jury comes in?

2 MR. THOMPSON: Nothing trial related from the defense,
3 Your Honor. It's gonna take a minute. I do have one very
4 minor issue that we could do a little bit of time but I
5 don't want to distract from anything trial related.

6 THE COURT: All right.

7 MR. THOMPSON: We can, we can wait now.

8 MR. JOHNSON: No issues on behalf of Mr. Jackson, Your
9 Honor.

10 THE COURT: All right. Let's bring them on.

11 (WHEREUPON, the following takes place within the
12 presence of the jury.)

13 THE COURT: All right. Welcome back, ladies and
14 gentlemen. We have some more questions to ask you
15 concerning jury qualification. Remember that you were sworn
16 to give complete and truthful responses to all questions
17 that you're asked.

18 So, it may be convenient for you to just simply sit
19 there and say nothing or don't say anything, but, under your
20 oath, you're required to give complete and truthful
21 responses. And if you do not wish to respond openly to any
22 questions, you may come up and share the responses with me
23 in the presence of the lawyers and of the Court.

24 Have you or any member of your family been a victim of
25 a crime of violence meaning rape, robbery, burglary, murder,

1 or attempted murder, or any other crime involving a firearm,
2 if so, please stand.

3 (WHEREUPON, jurors respond at this time.)

4 THE COURT: And tell me your juror numbers.

5 THE JUROR: Number 66.

6 THE COURT: 66.

7 THE JUROR: Number 201.

8 THE COURT: Two --?

9 THE JUROR: 01.

10 THE COURT: 01.

11 THE JUROR: 171.

12 THE COURT: 171.

13 THE JUROR: Juror 28. 28, Your Honor.

14 THE COURT: 28.

15 THE JUROR: 27.

16 THE COURT: And 27.

17 All right. If y'all remain standing for a moment.

18 Juror Number 66, tell me about it.

19 THE JUROR: Do I have to, do I have to say exactly?

20 THE COURT: Pardon?

21 THE JUROR: Do I have to say exactly what it was?

22 SOLICITOR HAMMACK: It may be more help if she would
23 like to approach if it's something personal.

24 THE COURT: All right. As I said, if you wish to --
25 don't want to speak openly, you're given that -- you're

1 given an opportunity to come forward.

2 THE JUROR: Okay. Then I'd like to do it that way.

3 THE COURT: Okay. We'll give that to you in a moment.

4 THE JUROR: Okay.

5 THE COURT: Yes, ma'am.

6 THE JUROR: It's many, many years ago but my uncle shot
7 his wife in my yard when we were young.

8 THE COURT: You said your uncle shot his wife?

9 THE JUROR: He killed her.

10 THE COURT: Killed his wife.

11 And do you believe that would affect your ability to be
12 fair and impartial in this case?

13 THE JUROR: No, I don't.

14 THE COURT: All right. Thank you.

15 Yes, Number 171.

16 THE JUROR: My stepdaughter was shot in New Ellenton
17 and is still alive.

18 THE COURT: Do you believe that would affect your
19 ability to be fair and impartial in this case?

20 THE JUROR: I do not.

21 THE COURT: All right. Thank you.

22 And Number 27.

23 THE JUROR: My grandson was murdered.

24 THE COURT: Do you believe that would affect your
25 ability to be fair and impartial in this case?

1 THE JUROR: No, Your Honor.

2 THE COURT: All right. Thank you.

3 Number 28.

4 THE JUROR: Your Honor, my younger brother was robbed
5 at gunpoint and hit in the face with a handgun.

6 THE COURT: And do you believe that would affect your
7 ability to be fair and impartial in this case?

8 THE JUROR: No, Your Honor.

9 THE COURT: All right. Now, Juror Number 66, we'll get
10 back to you in a moment. Let me pose some more questions.

11 THE JUROR: Yes, sir.

12 THE COURT: You may be seated. Thank you-all.

13 Have you or, or any member of your family been the
14 victim of any crime, you or your immediate -- member of your
15 immediate family been -- ever been the victim of any crime,
16 and for that I'll just have you stand and give me your juror
17 numbers without any further explanation.

18 If so, please stand.

19 Hang on. Ever had something stolen from them or
20 anything of that nature. Just stand and give me your juror
21 numbers.

22 (WHEREUPON, jurors respond at this time.)

23 THE COURT: Yes, ma'am.

24 THE JUROR: 23.

25 THE JUROR: 191 -- 199.

1 THE COURT: 199.

2 THE JUROR: 198.

3 THE COURT: All right. Thank you.

4 If the fact that you or any member of your immediate
5 family has been the victim of a crime involving a firearm or
6 a crime of any kind, would that create a bias or prejudice
7 in favor of or against either the State of South Carolina or
8 the defendant and that includes Juror Number 66?

9 If that would create a bias for or against the State or
10 the defendant, please stand.

11 (WHEREUPON, jurors respond at this time.)

12 THE COURT: All right. Thank you.

13 All right. Juror Number 66, thanks. I mean we're --
14 will not use you in this case at all but I'll speak with you
15 further anyway.

16 THE JUROR: Okay.

17 THE COURT: Does any juror know of any bias that you
18 may have against the State or the defendant?

19 Any bias against the State or the defendant, please
20 stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: If any of you or your close friends or
23 relatives work in law enforcement anywhere in the United
24 States or in any prosecutor's office or in any Public
25 Defender's Office, if so, please stand.

1 (WHEREUPON, jurors respond at this time.)

2 THE COURT: Gentlemen, tell me your juror number and
3 tell me whether you --.

4 THE JUROR: 201. My husband's best friend works for
5 the Sheriff's Department.

6 THE COURT: Where is that?

7 THE JUROR: Aiken Sheriff's Department.

8 THE COURT: All right. Thank you.

9 THE JUROR: 153. My uncle's a judge in North Augusta.

10 THE COURT: And after you give me the information, you
11 may be seated.

12 THE JUROR: All right.

13 THE JUROR: 46. And my best friend is a cop for
14 Bamberg County Police Department.

15 THE COURT: Okay. Thank you.

16 THE JUROR: Number 84. My brother-in-law works as a
17 police officer.

18 THE JUROR: 49. My brother's a crime scene
19 investigator for SLED.

20 THE JUROR: 57. My best friend has -- ex-husband works
21 for Orangeburg Sheriff's Department.

22 THE DIGITAL REPORTER: I could not hear her, Your
23 Honor.

24 THE COURT: Can't understand you, ma'am.

25 THE JUROR: 57. My best friend ex-husband works for

1 the Orangeburg County Sheriff's Department.

2 THE COURT: Thank you.

3 THE JUROR: 203. My husband's best friend and
4 (indiscernible). One works for North Augusta Police
5 Department and son works for Aiken County.

6 THE COURT: Thank you.

7 THE JUROR: Number 23. My cousin works for Aiken
8 County Sheriff's Office and my uncle works for North Augusta
9 Public Safety.

10 THE COURT: All right. Thank you.

11 THE JUROR: 44. My husband use to work in law
12 enforcement in South Carolina and my sister and her husband
13 are in law enforcement currently in the State of Kentucky.

14 THE COURT: Uh-huh. (Affirmative).

15 All right. Thank you.

16 THE JUROR: My father works for Aiken County Sheriff's
17 Department and South Carolina Highway Patrol. But that was
18 some time ago. He's deceased now.

19 MR. THOMPSON: Juror number, Your Honor?

20 THE COURT: Your juror number, ma'am?

21 THE JUROR: Oh, 171.

22 THE COURT: All right. Thank you.

23 Yes, sir.

24 THE JUROR: 63. My brother-in-law's a police officer
25 in Tennessee.

1 THE COURT: All right. Thank you.

2 THE JUROR: 215. My husband is a public safety officer
3 for North Augusta and my uncle works for Aiken County
4 Sheriff's Office.

5 THE COURT: Thank you.

6 THE JUROR: 227. I got a nephew at Aiken County
7 Sheriff's Department juvenile.

8 THE COURT: Thank you.

9 THE JUROR: Number 28, Your Honor. I got multiple
10 friends and family in city and county police departments.
11 I, myself, was formerly a police officer.

12 THE COURT: Thank you.

13 THE JUROR: 168. My sister-in-law is the dispatcher at
14 North Augusta Police Department.

15 THE COURT: All right. Thank you.

16 For all of you who just stood, if -- the fact that
17 those employment histories are a relative, if that would
18 affect your ability to be fair and impartial in this case,
19 please stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Are you or any, any of your close family or
22 members or friends, close friends, contributors to any
23 axillary police organization or any citizens group whose
24 primary area is the prosecution or pursuit of individuals
25 believed to be involved in criminal activity such as MADD,

1 SADD, Blue Lives Matter, or any other civic organization
2 like the ACLU, or any organizations supporting the rights of
3 the accused, if so, please stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: If you've been approached by anyone with
6 regard to this case or seen anything in the newspaper or on
7 television or radio, otherwise heard anything about this
8 case, if so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: And lady and gentlemen, having had the
11 opportunity to digest things a little more and to have time
12 to go out for lunch and reflect on everything you were asked
13 this morning, if you know of any reason why you should not
14 be selected to be on the jury, please stand.

15 As I indicated, we're gonna pick -- how many alternates
16 y'all want, two?

17 SOLICITOR CHARBONNEAU: Two.

18 MR. THOMPSON: Please, Your Honor.

19 MR. JOHNSON: Yes, sir, Your Honor.

20 THE COURT: We're gonna pick 14 out of 60. So, if you
21 know of any reason why you shouldn't be one of the ones
22 selected, please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Any additional questions for -- by the
25 state or the defense?

1 SOLICITOR CHARBONNEAU: No, sir.

2 MR. THOMPSON: Nothing for the defense from Mr. Dixon.

3 MR. JOHNSON: No, sir, Your Honor, on behalf of
4 Mr. Jackson.

5 THE COURT: All right. Ladies and gentlemen---

6 SOLICITOR HAMMACK: I apologize, Your Honor.

7 May we approach?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held out of the
10 hearing of the jury at this time.)

11 THE COURT: All right. Number 66, if you'll come
12 forward.

13 (WHEREUPON, a bench conference was held at this time
14 with Juror 66.)

15 THE COURT: All right. Ladies and gentlemen, we will
16 proceed with the jury selection.

17 And if you'll give them some instructions, Mr. Harte,
18 as to what you want them to do.

19 THE CLERK: Your Honor, I, I did so in the jury
20 assembly room.

21 But, again, when I call your name, if you'd just kind
22 of come up just a few feet in front of me and turn around
23 and face the clock and then I'll give you instructions on
24 whether to return to your seat with or without a sheet of
25 paper that we'll hand you.

1 Ready, Your Honor?

2 THE COURT: Yes, sir.

3 THE CLERK: And as I call your number, please come
4 forward and do as I asked earlier.

5 Juror Number 218.

6 THE JUROR: Juror 218.

7 THE CLERK: Turn around and face the clock.
8 what says the State?

9 SOLICITOR CHARBONNEAU: Please excuse 218.

10 THE CLERK: You may return to your seat, sir.

11 Juror Number 143, 143.

12 Ma'am, watch out there. There's a wire when you come
13 across there. Don't trip on it.

14 what says the State?

15 SOLICITOR CHARBONNEAU: The State accepts 143.

16 THE CLERK: What says defense number one?

17 wait, wait, ma'am. wait until I tell you what to do.

18 MR. JOHNSON: Please, please seat the juror.

19 THE CLERK: What says defense number two?

20 MR. THOMPSON: Please seat Ms. McFadden (phonetic).

21 THE CLERK: Please take one of these seats and return
22 to your seat.

23 Juror Number 28.

24 what says the State?

25 SOLICITOR CHARBONNEAU: The State accepts 28.

1 THE CLERK: What says defense---

2 MR. JOHNSON: Please excuse---

3 THE CLERK: ---number one?

4 MR. JOHNSON: ---the juror. Please excuse the juror.

5 THE CLERK: Please return to your seat.

6 Juror Number 241.

7 what says the State?

8 SOLICITOR CHARBONNEAU: The State accepts 241.

9 THE CLERK: What says defense number one?

10 MR. JOHNSON: Please seat the juror.

11 THE CLERK: What says defense number two?

12 MR. THOMPSON: Please seat Ms. Whitney (phonetic).

13 THE CLERK: Please take a sheet and have a -- and
14 return to your seat.

15 Juror Number 215.

16 what says the State?

17 SOLICITOR CHARBONNEAU: The State accepts 215.

18 THE CLERK: Defense number one?

19 MR. JOHNSON: Please excuse the juror.

20 THE CLERK: Please return to your seat.

21 Juror Number 191.

22 what says the State?

23 SOLICITOR CHARBONNEAU: The State accepts 191.

24 THE CLERK: What says defendant number one?

25 MR. JOHNSON: Please seat the juror.

1 THE CLERK: What says defendant number two?

2 MR. THOMPSON: Please seat Mr. Sharpe.

3 THE CLERK: Please take your sheet and return to your
4 seat.

5 THE COURT: And refer to the jurors as -- by juror
6 numbers. Refer to the jurors by juror numbers.

7 MR. THOMPSON: Yes, sir.

8 THE CLERK: Juror Number 85.

9 what says the State?

10 SOLICITOR CHARBONNEAU: The State accepts 85.

11 THE CLERK: What says defendant number one?

12 MR. JOHNSON: Please seat Juror 85.

13 THE CLERK: What says defendant number two?

14 MR. THOMPSON: Please seat Ms. 85.

15 THE CLERK: Please take this sheet and return to your
16 seat.

17 Juror Number 171.

18 what says the State?

19 SOLICITOR CHARBONNEAU: The State accepts 171.

20 THE CLERK: What says defendant number one?

21 MR. JOHNSON: Please excuse Juror 171.

22 THE CLERK: Please return to your seat.

23 Juror Number 145.

24 what says the State?

25 SOLICITOR CHARBONNEAU: The State accepts 145.

1 THE CLERK: What says defendant number one?

2 MR. JOHNSON: Please excuse Juror 145.

3 THE CLERK: Please return to your seat.

4 Juror Number 44.

5 What says the State?

6 SOLICITOR CHARBONNEAU: The State accepts 44.

7 THE CLERK: What says defendant number one?

8 MR. JOHNSON: Please excuse Juror 44.

9 THE CLERK: Please return to your seat.

10 Juror Number 177.

11 What says the State?

12 SOLICITOR CHARBONNEAU: The State accepts 177.

13 THE CLERK: What says defendant number one?

14 MR. JOHNSON: Please excuse Juror 177.

15 THE CLERK: Please return to your seat.

16 Juror Number 238. Juror Number 238.

17 THE JUROR: Sorry.

18 THE CLERK: What says the State?

19 SOLICITOR CHARBONNEAU: The State accepts 238.

20 THE CLERK: What says defendant number one?

21 MR. JOHNSON: Please excuse Juror 238.

22 THE CLERK: Please return to your seat.

23 Juror Number 249.

24 What says the State?

25 SOLICITOR CHARBONNEAU: The State accepts 249.

1 THE CLERK: What says defendant number one?

2 MR. JOHNSON: Please seat Juror Number 249.

3 THE CLERK: Please take this sheet number---

4 SOLICITOR CHARBONNEAU: Hold on.

5 MR. THOMPSON: Please accept---

6 THE CLERK: I'm sorry. I thought you -- I'm sorry.

7 MR. THOMPSON: You're fine.

8 THE CLERK: I apologize.

9 MR. THOMPSON: You're fine.

10 THE CLERK: You say you did want the juror?

11 MR. THOMPSON: (Nods affirmatively.)

12 THE CLERK: Juror Number 200.

13 What says the State?

14 SOLICITOR CHARBONNEAU: The State accepts 200.

15 THE CLERK: What says defendant number one?

16 MR. JOHNSON: Please excuse Juror 200.

17 THE CLERK: Please return to your seat.

18 I have the State has used one challenge, challenge,
19 defendant number one eight challenges, and defendant number
20 two, zero challenges.

21 Is that correct?

22 MR. THOMPSON: That's correct.

23 SOLICITOR CHARBONNEAU: Yes.

24 THE CLERK: Juror Number 92.

25 You can go right to her, yes, ma'am. Ma'am, you don't

1 have to go around that way. Go, go that way, sir. Thank
2 you. Just watch your step.

3 what says the State?

4 SOLICITOR CHARBONNEAU: The State accepts 92.

5 THE CLERK: what says defendant number one?

6 MR. JOHNSON: Please seat Juror 92.

7 THE CLERK: what says defendant number two?

8 MR. THOMPSON: Please seat Ms. 92.

9 THE CLERK: Please take a sheet from the clerk.
10 Juror Number 57.

11 what says the State?

12 SOLICITOR CHARBONNEAU: The State accepts 57.

13 THE CLERK: what says defendant number one?

14 MR. JOHNSON: Please seat Juror 57.

15 THE CLERK: what says defendant number two?

16 MR. THOMPSON: Please excuse Ms.---

17 THE CLERK: Please---

18 MR. JOHNSON: ---57.

19 THE CLERK: Please return to your seat.
20 Juror Number 153.

21 what says the State?

22 SOLICITOR CHARBONNEAU: The State accepts 153.

23 THE CLERK: what says defendant number one?

24 MR. JOHNSON: Please excuse Juror 153.

25 THE CLERK: Please return to your seat.

1 Juror Number 148.

2 what says the State?

3 SOLICITOR CHARBONNEAU: The State accepts 148.

4 THE CLERK: What says defendant number one?

5 MR. JOHNSON: Please seat Juror 148.

6 THE CLERK: What says defendant number two?

7 MR. THOMPSON: Please seat Ms. 148.

8 THE CLERK: Please take a sheet from the clerk.

9 Juror Number 190.

10 what says the State?

11 SOLICITOR CHARBONNEAU: The State accepts 190.

12 THE CLERK: What says defendant number one?

13 MR. JOHNSON: Please strike Juror 190.

14 THE CLERK: Please return to your seat.

15 Juror Number 227.

16 MR. THOMPSON: I apologize.

17 THE CLERK: I'm sorry?

18 MR. THOMPSON: I apologize. I didn't hear you.

19 THE CLERK: 227.

20 what says the State?

21 SOLICITOR CHARBONNEAU: The State accepts 227.

22 THE CLERK: What says defendant number one?

23 THE COURT: Any challenge for cause?

24 THE CLERK: Do you have any challenge for cause?

25 MR. JOHNSON: I don't.

1 THE CLERK: What says defendant number two?

2 MR. THOMPSON: Please excuse this juror.

3 THE CLERK: Please return to your seat.

4 Juror Number 63.

5 What says the State?

6 SOLICITOR CHARBONNEAU: The State accepts 63.

7 THE CLERK: What says defendant number one?

8 MR. JOHNSON: No challenge for cause.

9 THE CLERK: What says juror -- defendant number two?

10 MR. THOMPSON: Please excuse this juror.

11 THE CLERK: Please return to your seat.

12 Juror Number 164.

13 What says the state?

14 SOLICITOR CHARBONNEAU: The State accepts 164.

15 THE CLERK: What says defendant number one?

16 MR. JOHNSON: We have no challenge for cause.

17 THE CLERK: What says defendant number two?

18 MR. THOMPSON: Please seat Mr. 164.

19 THE CLERK: Please take a sheet from the clerk.

20 Juror Number 114.

21 What says the State?

22 SOLICITOR CHARBONNEAU: The State accepts 114.

23 THE CLERK: What says defendant number one?

24 MR. JOHNSON: We have no challenge for cause.

25 THE CLERK: What says defendant number two?

1 MR. JOHNSON: Please seat Ms. 114.

2 THE CLERK: Please take a sheet from the clerk.

3 Juror Number 27.

4 what says the State?

5 SOLICITOR CHARBONNEAU: The State accepts 27.

6 THE CLERK: what says defendant number one?

7 MR. JOHNSON: we have no challenge for cause.

8 THE CLERK: what says defendant number two?

9 MR. THOMPSON: Please excuse this juror.

10 THE CLERK: Please return to your seat.

11 Juror Number 6.

12 what says the State?

13 SOLICITOR CHARBONNEAU: Please accept -- the State
14 accepts Number 6.

15 THE CLERK: what says defendant number one?

16 MR. JOHNSON: we have no challenge for cause.

17 THE CLERK: what says defendant number two?

18 MR. JOHNSON: Please seat Ms. Number 6.

19 THE CLERK: Please take a sheet from the clerk.

20 Juror Number 150.

21 what says the State?

22 SOLICITOR CHARBONNEAU: The State accepts 150.

23 THE CLERK: what says defendant number one?

24 MR. JOHNSON: we have no challenge for cause.

25 THE CLERK: what says defendant number two?

1 MR. THOMPSON: Please seat Ms. 150.

2 THE CLERK: Please take a sheet from the clerk.

3 Juror Number 47.

4 SOLICITOR CHARBONNEAU: What number, Bob?

5 THE CLERK: 47.

6 What says the State?

7 SOLICITOR CHARBONNEAU: The State accepts 47.

8 THE CLERK: What says defendant number one?

9 MR. JOHNSON: We have no challenge for cause.

10 THE CLERK: What says defendant number two?

11 MR. THOMPSON: Please excuse this juror.

12 THE CLERK: Please return to your seat.

13 Juror Number 69.

14 What says the state?

15 SOLICITOR CHARBONNEAU: State accepts 69.

16 THE CLERK: What says defendant number one?

17 MR. JOHNSON: No challenge for cause.

18 THE CLERK: What says defendant number two?

19 MR. THOMPSON: Please seat this juror.

20 THE CLERK: Please have a seat. Excuse me. Please
21 take a sheet.

22 Your Honor, I have that as 12 jurors.

23 Alternate number one strikes are one, two, and two?

24 THE COURT: Yes.

25 THE CLERK: Juror Number 149.

1 what says the State?

2 SOLICITOR CHARBONNEAU: Please excuse 149.

3 THE CLERK: Please return to your seat.

4 Juror Number 109.

5 what says the State?

6 SOLICITOR CHARBONNEAU: State accepts 109.

7 THE CLERK: What says defendant number one?

8 MR. JOHNSON: Please seat Juror 109.

9 THE CLERK: What says defendant number two?

10 MR. THOMPSON: Please seat Mr. 109.

11 THE CLERK: Please take a sheet from the clerk.

12 Alternate number two, strikes are one, two, and two.

13 Juror 199.

14 what says the State?

15 SOLICITOR CHARBONNEAU: The State accepts 199.

16 THE CLERK: What says defendant number one?

17 MR. JOHNSON: Please excuse Juror 199.

18 THE CLERK: Please return to your seat.

19 Juror Number 112.

20 what says the State?

21 SOLICITOR CHARBONNEAU: The State accepts 112.

22 THE CLERK: What says defendant number one?

23 MR. JOHNSON: Please accept the juror.

24 THE CLERK: What says defendant number two?

25 MR. THOMPSON: Please seat this juror.

1 THE CLERK: Please take a sheet from the clerk.

2 Your Honor, according to my records, that gives us a
3 jury.

4 THE COURT: Are there any matters of law regarding the
5 jury selection?

6 SOLICITOR CHARBONNEAU: Not from the State.

7 MR. JOHNSON: None on behalf of Mr. Jackson.

8 MR. THOMPSON: None on behalf of Mr. Dixon.

9 THE COURT: All right. Ladies and gentlemen, those of
10 you who were given sheets of paper, you have been selected
11 to be the jury in the trial of this case.

12 (WHEREUPON, the jurors not selected for this case were
13 dismissed at this time.)

14 THE CLERK: Juror Number 109, would you have a seat in
15 one of the two chairs in the back please, sir?

16 Juror Number 112, if you'd have a seat in the other
17 chair.

18 The rest of you, you might take seats where there are
19 green signs and two of you can sit in these two chairs lined
20 up here.

21 THE COURT: All right. Ladies and gentlemen, if
22 you-all will stand to be sworn.

23 (WHEREUPON, the jury was placed under oath at this
24 time.)

25 THE CLERK: If you were able to take the oath, you may

1 be seated.

2 (WHEREUPON, all jurors sit at this time.)

3 THE COURT: All right. Ladies and gentlemen, you've
4 now been selected and sworn to try this case and render a
5 true verdict according to the law and according to the
6 evidence so help you God. And if you-all -- if you'll hold
7 firm to that oath that you just took you will, at the end of
8 the week, have fulfilled your responsibility as to jurors
9 and no one will have the right to criticize your verdict.

10 I'll make -- I will make a few opening comments to give
11 you my guess at how we're going to proceed with this trial.
12 The defendants have been indicted on various charges as
13 referenced by the solicitor and as will be referenced
14 further in a few minutes by the solicitor.

15 The defendants have pled not guilty to each of these
16 charges and each defendant is presumed to be not guilty of
17 the charges, can not be found guilty unless the, the State
18 presents evidence which convinces you, the jury, of guilt
19 beyond a reasonable doubt and you must decide each element
20 of each offense against each defendant separate and apart
21 from considering any other charge for any other defendant.

22 Now, I want -- out of all the people who were summoned
23 for jury duty and out of all the folks who appeared here
24 today, only the 12 of you who will deliberate can decide the
25 facts of this case. So, your role, as jurors, will be to

1 determine the facts because you -- only you can determine
2 the facts of this case.

3 Likewise, as the presiding judge, I am the sole judge
4 of the case and you must accept as correct the law as I
5 state it to you at this time during the trial and in greater
6 detail at the end of the trial. In order for you to
7 determine the facts and to apply the law, it is critically
8 important that you stay engaged and stay focused into the
9 case as I'm sure you will because, in the end, the case will
10 be given to you to make a decision to deliberate toward
11 reaching a verdict.

12 Now, later in the process I will appoint one of you to
13 serve as foreperson of the jury. That person will have the
14 responsibility of presiding over the jury deliberations and
15 completing the verdict form, requisite forms representing
16 the unanimous verdict of the jury.

17 There's a very important rule that we use in Court and
18 that is that jurors are not allowed to discuss the case at
19 all during the jury room or when you leave the jury room
20 with anyone. You can only discuss the case after you've
21 heard the entire case and you've heard the instructions of
22 law and the first folks you will discuss the case with will
23 be your fellow jurors who have heard, who have heard the
24 same evidence and received the same evidence and testimony
25 that, that you received.

1 I look forward to working with you in this case. You
2 are to stay socially distanced. We reversed the courtroom
3 and we're having you sit where you sit as opposed to in the
4 normal jury box. If at anytime you can not hear the lawyers
5 or anything, please get our attention so that you can hear
6 everything that -- because you'll need to hear all the
7 testimony.

8 In a moment the lawyers will make opening statements,
9 at least the State will, and the defendant has -- will have
10 the -- the defendants will have the right to do so as well.
11 However, the defendants are not required to make opening
12 statements as the defendants are not required to prove
13 themselves innocent. Rather the State must prove guilt.

14 We'll then begin taking witnesses from this witness
15 stand and we'll have them project so that you can hear them.
16 Please get our attention if you can not hear them.

17 I believe those are all the preliminary instructions I
18 want to give at this time. There may be some others that I
19 will give you from time to time.

20 Just hold just for a moment.

21 (Pause.)

22 THE COURT: We'll now move to opening statements.
23 First by the State.

24 SOLICITOR CHARBONNEAU: Thank you, Your Honor.
25 May it please the Court?

1 THE COURT: Yes, ma'am.

2 SOLICITOR CHARBONNEAU: Opposing counsel.

3 Mom, I'm coming. Those are the last words that Derrick
4 Curry will ever say to his mother, Kenya Bush.

5 On Tuesday, April 30th, 2019, Derrick Curry was 20
6 years old. He had no idea that that would be his last
7 breath on earth. He had his whole life ahead of him.

8 Derrick Curry lived with his mother, Kenya Bush. They
9 lived in Graniteville/Aiken.

10 The morning of April 30th, 2019, Kenya Bush, his
11 mother, woke Derrick up and asked him to pull up the carpet
12 in the house cause they were replacing the carpet. He said
13 that he would and Kenya left for work.

14 At about 12:00 or 12:30 in the afternoon, Kenya calls
15 her son, Derrick Curry, again to find out about the progress
16 on the carpet, had it been done yet. She calls again about
17 1:45PM. She calls Derrick again. Now she's calling and
18 Derrick's not there.

19 So she says now, Derrick, what's going on with the
20 carpet and he said that he was getting a car from Shaniyah
21 and he would be back. He said mom, I'm coming. That's the
22 last communication with Kenya and her son, someone she lived
23 with and spoke to every single day.

24 That's at 1:45. Around 3:00PM Kenya gets a call from a
25 cousin that the streets are talking that Derrick is dead.

1 She starts getting more and more calls and Kenya goes to the
2 police station and tells them. She's calling Derrick, her
3 son's phone, over and over and there is no answer.

4 So she goes to the police station. She tells them what
5 she's heard and that he's missing and he hasn't been heard
6 from.

7 In the mean time, after she leaves the police station,
8 because he mentioned the name Shaniyah, he -- Kenya goes to
9 Derrick's Facebook account and she looked up, because she
10 doesn't know who Shaniyah is, and she looks up his Facebook
11 and finds a Shaniyah on there and starts messaging her about
12 have you seen Derrick, where is Derrick. Shaniyah Toney
13 gives Kenya the run around about where her son is.

14 At the same day, Tuesday, April 30th, 2019, I want to
15 start with Shaniyah's day. Shaniyah Toney is sleeping and
16 she's woken up by defendant number one, Denzell Jackson, is
17 texting her to come to his house. He lives at [REDACTED] Green
18 Street, that's in New Ellenton, and he wants her to come
19 over there.

20 She drives her white Toyota Avalon over there, and when
21 she gets there, Denzell Jackson is there. Sha'kel Dixon is
22 there. The co -- there's another codefendant, Christian
23 Barnwell, he's there, and there's a fourth codefendant in
24 this case, Altashaun Bacon.

25 You are the jury for these two defendants. The other

1 two defendants will have their own day and their own jury on
2 another day in another courtroom.

3 So, she gets there and the discussion is about how
4 they're going to get to Derrick Curry cause Derrick Curry is
5 an enemy of these two, and they are talking about how they
6 are going to get him, how they're gonna lure him somewhere
7 so they can kill him.

8 Denzell Jackson, Sha'Kel Dixon, they have guns on their
9 hip and they decide, the plan is -- comes together, that
10 they're gonna use Shaniyah Toney to -- as bait. They are
11 gonna have Derrick meet with Shaniyah some place where they
12 can get to him.

13 So, they tell Shaniyah Toney to text Derrick Curry and
14 then find out where he is and she'll go and pick him up and
15 meet him and these two defendants in front of you, the ones
16 that you are jurors for, they are gonna lay in wait for him.
17 So, the plan is that the -- Shaniyah Toney, Denzell Jackson,
18 and Sha'Kel Dixon -- actually Denzell Jackson drives
19 Shaniyah Toney's car where the three of them go to [REDACTED]
20 Nokesville Circle where Shaniyah lives with her family.

21 It's a Tuesday. Everyone's at work and in school. So
22 nobody's home.

23 The plan is that Jackson and Dixon are gonna hide in
24 that house and then Shaniyah is gonna go and pick up Derrick
25 cause he responded and said yes, he would meet Shaniyah.

1 She -- so they hide at Nokesville Circle and Shaniyah gets
2 back in her car and she drives to, to the McDonald's on
3 Richland Avenue in Aiken.

4 She sits there and waits and Derrick Curry shows up.
5 Pursuant to their plan, he thinks he's just meeting up with
6 Shaniyah. You will actually see this on video.

7 So, you'll see the white Toyota Avalon waiting in the
8 parking lot and then you will see Derrick Curry pull up in
9 another car with somebody and he actually gets in the
10 driver's side of Shaniyah Toney's car and he gets in and
11 they pull off. When they leave there, they go back to
12 Nokesville Circle.

13 Now, Denzell -- Derrick Curry has no idea of what he's
14 in for. He thinks he's hanging out with Shaniyah Toney.

15 They go into the house, and unbeknownst to Derrick,
16 Dixon and Jackson are hiding in the closet. Shaniyah and
17 Derrick Curry go into the house. They go into Shaniyah's
18 bedroom and Denzell Jackson and Sha'kel Dixon have gloves
19 on, hiding in the closet. They had their guns and they have
20 a pink rubber tote, the kind of tote that you use to pack
21 away Christmas decorations or your college kids clothes and
22 stuff. They have a pink tote with them and they have a
23 black trash bag.

24 The door is closed on the bedroom. Shaniyah and
25 Derrick are in the bedroom. These two defendants go to the

1 door. They bust open the door and Denzell Jackson shoots
2 twice.

3 The first shot goes into Derrick's eye. The second
4 shot goes into the wall. Derrick is dead. Mission
5 accomplished. The plan has worked.

6 Mr. Dixon is there standing right next to Mr. Jackson
7 at the doorway with the pink tote and the trash bags.
8 They're both wearing gloves. They go into that bedroom and
9 they gather all the bloody evidence. They put it in the
10 black, black trash bag and then they take Derrick Curry's
11 body and they put it in the pink rubber tote.

12 They then take that pink rubber tote with Derrick
13 Curry's body, they bring it to the garage. Denzell backs
14 Shaniyah's car into the garage next to the door and he puts
15 Derrick in the trunk of the car still in the pink tote.

16 Now, there's communication going on between these
17 defendants and the two codefendants I named earlier,
18 Christian Barnwell and Altashaun Bacon. It's communication
19 that they need to meet up.

20 So now Denzell Jackson and Sha'Kel Dixon and now
21 Shaniyah Toney get into her car, Denzell's driving, and they
22 drive to Christian Barnwell's house.

23 Now, Nokesville Circle is off -- it's in that
24 cornerstone neighborhood off of Whiskey Road behind right
25 there where the new Rancho's Restaurant is. That's the

1 neighborhood. That's where it happens.

2 Christian Barnwell lives just a short distance down
3 whiskey Road where Dukes Bar-B-Que is. Across the street is
4 a dirt road and that's where Christian Barnwell lives.

5 The plan is to meet up on that dirt road and Denzell
6 Jackson drives Mr. Dixon and Shaniyah Toney to that dirt
7 road and Altashaun Bacon and Christian Barnwell are waiting
8 for them in Altashaun Bacon's Honda Prelude.

9 when they get there, this is all very funny, they're
10 laughing and they take Derrick's body in that pink tote and
11 Dixon, Jackson, and Barnwell actually pick it up out of the
12 trunk and they put it, pink tote still, he's inside the pink
13 tote still, and they put him in the trunk of Bacon's Honda
14 Prelude.

15 The plan is to split up. So Barnwell and Bacon now
16 have Derrick's body and they go in one direction and the
17 original three, Dixon, Jackson, and Shaniyah Toney, get back
18 into Shaniyah's car. They go and get cleaning supplies and
19 they go back to Nokesville, Nokesville Circle where it all
20 happened, and they're cleaning up the evidence. They're
21 cleaning the rugs. They're cleaning the bedding, taking all
22 of that stuff, anything that they think has evidence on it.

23 The projectile that went into the wall actually made a
24 hole and somebody put tissue paper in the hole trying to
25 cover it up. They take all of that and they bring it back

1 to Barnwell's house and then they drop it off.

2 Shaniyah's suppose to be working. About three o'clock
3 she's suppose to be going to work at IHOP, which is also on
4 whiskey Road, a little further up north from Nokesville
5 Circle up by where Aiken Mall is here.

6 So, Jackson and Dixon are telling her she needs to go
7 to work and act like everything's fine. So, Denzell
8 Jackson, Sha'Kel Dixon, they get into Shaniyah's car and
9 they drive her to work at IHOP and they drop her off. Now
10 this is after 5:00PM on the same day.

11 Shaniyah goes to work and Dixon and Jackson take her
12 car and they leave her there. She's suppose to get off
13 around 11:00. They're suppose to pick her up. They're late
14 picking her up but they do eventually pick her up after that
15 night at 11:00. 11:20 is about when they pick her up and
16 all three of them go back to Barnwell's house, the one on
17 the dirt road across from Dukes Bar-B-Que. When they get
18 there, there's a bonfire and they are burning the evidence.

19 That night Shaniyah Toney leaves Barnwell's house. She
20 leaves Aiken County. Within a few days she has contacted
21 the Sheriff's Office through her attorney and she tells them
22 everything they did. She tells them what she did. She
23 tells them what Denzell Jackson does. She tells them what
24 Sha'Kel Dixon does and what Christian Barnwell did and what
25 Altashaun Bacon did.

1 Now the police know that it's a homicide and now they
2 know where the crime scene is. They had no idea yet. They
3 go to the -- the police go to Nokesville Circle and they
4 work the crime scene. They find evidence of wet tools
5 (phonetic) on the floor, on the mattress, on the box spring.
6 They find a projectile in the wall that was left behind.
7 They collect all of that item -- those items of evidence and
8 they send it to SLED, which is South Carolina Law
9 Enforcement Division, and that's where analysis is done for
10 DNA, things like that.

11 They also do a search warrant on Denzell Jackson's
12 home, the [REDACTED] Green Street, New Ellenton, and they recover
13 guns from that house and you are going to hear from Chad
14 Smith, the SLED firearms forensic scientist, and he's going
15 to tell you that one of the guns recovered under the bed of
16 Denzell Jackson is a Glock 9-millimeter and that the
17 projectile in the wall is -- was fired from a Glock
18 9-millimeter, same type of gun.

19 You will also hear from Adrienne Hefney, who's a
20 forensic scientist in the DNA division, and she's going to
21 tell you that she was sent items of evidence and that she
22 was sent blood swabs from the two trunks of the cars.
23 Shaniyah Toney gives consent to search her car. The police
24 work her car.

25 when they catch up with Altashaun Bacon and they get --

1 they do a search warrant on his Honda Prelude. They find
2 evidence of blood in his car. They had sent that to the --
3 to SLED for analysis as well and you will hear Adrienne
4 Hefney tell you that DNA profiles that were found in the
5 blood specimens in the trunk of Shaniyah Toney's car and the
6 Honda Prelude, which is Altashaun Bacon's car, and the crime
7 scene are all the DNA profile of Derrick Curry, same
8 connection I am told.

9 You will also hear from a special agent from SLED who
10 works in the missing persons division, Alex Schelble. She
11 will tell you that, in the missing persons division, it's
12 her job to track down people who are missing because, as of
13 this day, Derrick Curry's body has not been recovered. He
14 has not had a final burial two years later. And she will
15 tell you that there's no evidence that Derrick Curry's
16 living here or anywhere else and she has checked all
17 databases. That's her job.

18 Lastly you will hear from Regina Sailer. She works for
19 ATF and she -- there were many search warrants done in this
20 case including for the cell phone records, cell phone
21 records of Derrick Curry to try and find where he was,
22 search warrants of cell phone records for Denzell Jackson,
23 search warrant on the cell phone records of Sha'kel Dixon,
24 and she was able to map them and you'll see those maps for
25 yourself and see where those phones were so that they can

1 find and trace where they were all moving on April 30th,
2 2019, and she will tell you that 1:01Pm is the last
3 activity on Derrick Curry's phone outgoing. There's plenty
4 of calls going on or text messages or whatever but 1:01PM,
5 on April 30th, 2019, is the last time that Derrick Curry
6 used his phone.

7 She will also show you on the maps that the three
8 phones, Denzell Jackson's, Sha'Kel Dixon, and the victim,
9 Derrick Curry's phones, were all traveling around together
10 in Aiken County after he was dead. You will see those on
11 her PowerPoint. She will also tell you there's absolutely
12 no activity on his phone, not even a ping, past 9:00PM that
13 night. That phone no longer ever works.

14 Now, the judge is going to instruct you on the law and
15 he's going to tell you that it's my burden, as the State, to
16 prove to you the elements of the crime of the three charges.
17 Both defendants are charged with the same exact charges,
18 murder, kidnapping, possession of a weapon during a violent
19 crime.

20 The judge will tell you that murder -- the elements of
21 murder is the unlawful killing of another with malice
22 aforethought. Malice aforethought is the willful doing of
23 an illegal act without just cause and with a previous
24 informed intention to commit such act. Malice aforethought
25 may be inferred from reckless disregard in the

1 (indiscernible).

2 The elements of kidnapping is the unlawfully seizing,
3 confining, decoy, decoy, kidnap, abduct, or carry away
4 another person without authority of law and possession of a
5 weapon during a violent crime is just that. They possessed
6 the weapon during the violent crime. Both murder and
7 kidnapping are considered violent crimes in South Carolina.

8 The judge will also instruct you on a very important
9 law considering -- called the hand of one, and, under that
10 law, if a crime is committed by two or more people who are
11 acting together in committing a crime, the act of one is the
12 act of all. The hand of one is the hand of all. Where two
13 or more acting with a common plan or intent are present at
14 the commission of a crime, it does not matter who actually
15 commits the crime. They are all guilty.

16 The judge will also instruct you on reasonable doubt
17 and the elements must be proved to you beyond a reasonable
18 doubt, and a reasonable doubt is the kind of doubt that
19 would cause a reasonable person to hesitate to act. It is
20 proof that leaves you firmly convinced of the defendant's
21 guilt. There are very few things in the world that we know
22 with absolute certainty and, in criminal cases, the law does
23 not re -- require proof that overcomes every possible doubt.

24 After you've heard all the testimony this week and
25 you've seen all the evidence, you're not gonna have a

1 reasonable doubt and I'm going to ask you to return a
2 verdict of guilty on both defendants for all three crimes as
3 charged.

4 Thank you.

5 THE COURT: Mr. Johnson.

6 MR. JOHNSON: May it please the Court, opposing
7 counsel.

8 Your Honor, may I use the podium?

9 THE COURT: Yes, sir.

10 MR. JOHNSON: Thank you.

11 Good afternoon, everyone.

12 We're gonna agree on one thing, both sides. Shaniyah
13 Toney is a liar. That will be clear. That will be evident.
14 That will be embarrassing at times and she is their main
15 witness.

16 They have based their case on a foundation of lies and
17 you will see it for yourself. You'll see the messages that
18 Shaniyah Toney sent numerous times to the mother of Derrick
19 Curry, Kenya Bush. You'll hear what she says to his
20 girlfriend, Cordajiah Council, who was inquiring about the
21 whereabouts of Derrick Curry. You will hear what she says
22 the night that Derrick Curry went missing.

23 The State's gonna tell you that she's telling the truth
24 from the witness stand. The evidence will show that she
25 gave multiple versions of the events that night including

1 that nothing at all happened to Derrick Curry.

2 AS I stated, she told Cordajiah Council, when Cordajiah
3 is trying to figure out where her boyfriend is, she says
4 well, we had sex and it was good.

5 She also tells Kenya Bush, Derrick Curry's mother, that
6 Derrick Curry dropped her off at work and had her vehicle
7 from approximately 5:00PM to around 11:15PM when she clocked
8 out.

9 There is no testimony that Shaniyah Toney, when she
10 went to work that evening at IHOP, that she was emotionally
11 distraught. There's no evidence that she was acting
12 strangely. She's a waitress at, at IHOP on whiskey Road at
13 the time.

14 There's no evidence that she tried to contact law
15 enforcement. There's no evidence that she was doing
16 anything out of the ordinary after she allegedly witnessed
17 this brutal series of events. We believe that's important
18 information for you-all to know cause, contrary, the whole
19 time she's at work she is communicating with Ms. Kenya Bush.

20 She states that well, when Derrick comes to pick me up
21 I'll have him call you. Ms. Bush calls her. She doesn't
22 pick up the phone but she does call her back about two hours
23 later about two o'clock AM, and, at that point in time,
24 Shaniyah Toney tells Ms. Bush that she dropped off Derrick
25 Curry in the projects, low housing -- low income housing,

1 that she dropped him off with a caucasianed individual, and
2 that he seemed angry and that's what she said in real time.

3 You will find out that the State's case is built on
4 lies told by Shaniyah Toney. See what they didn't mention
5 is that Shaniyah Toney went off the rail for nine days. Did
6 not call the police. The next time she reappears is with
7 the defense attorney, and, at that point in time, she has
8 had time to concoct this statement or this story and that is
9 the basis for this prosecution.

10 You will hear about the inconsistencies in her story.
11 You will hear that there's no evidence of communication
12 between my client and Shaniyah Toney. You were just told
13 that she received a call that morning to set this up. There
14 would be no evidence of that. None.

15 Hundreds of pages of phone records were subpoenaed.
16 Multiple pages of Facebook records were subpoenaed by all
17 the parties. We know young people live on social media.
18 That's how we communicate now.

19 You will see that there's no record to corroborate or
20 to confirm Shaniyah Toney's written -- recollection of the
21 events. She also said that they went to her house as you
22 just heard and that this is where the crime scene occurred.
23 You will hear that there's no physical evidence of these
24 young men ever being in that home.

25 what do I mean by physical evidence?

1 You will hear there's no DNA found from Derrick Curry
2 or Sha'Kel Dixon about that. You'll hear there's no
3 finger -- there's no fingerprints.

4 You'll also hear that there is no neighbors who stated
5 that they heard a gunshot. No one sees a car driving down
6 the street at a high rate of speed. This is the middle of
7 the day.

8 So they'll be no evidence that her story is based in
9 anything other than trying to get out of trouble. She said
10 that Derrick Curry was shot and his body was placed in the
11 back of a vehicle. There is no evidence that my client ever
12 was around the vehicle, ever touched the vehicle, ever was a
13 part of any kind of crime.

14 The vehicle was processed. You'll hear about how
15 vehicles are processed and how that is an important law
16 enforcement technique in trying to piece together a story.
17 We'll go through all that evidence or lack of evidence
18 during the course of the trial.

19 She said that my client drove her car. Well, that car
20 was tested like I just said. Savanna Williams tested
21 everything. No evidence that my client was ever anywhere
22 around on this particular day.

23 You just heard that there was a bonfire that night in
24 the middle of a subdivision. No one saw a thing. No
25 neighbors were asked if they saw anything. No one visited

1 that home to confirm whether the grass was charred. You'll
2 hear about that.

3 You'll also hear she was asked if a fire pit was used
4 and she states no. You'll hear how -- about how that is
5 significant in confirming her lies to get herself out of
6 trouble.

7 Now, after she got off work she left town to be with
8 her boyfriend. You'll hear evidence of that. The same
9 boyfriend whom you'll see texted her just a few days earlier
10 saying if she cheated on him he'd kill her. He'd kill her.
11 You'll see it for yourself just six days before this event
12 happened. You'll hear evidence that she was, in fact,
13 cheating on her boyfriend that day.

14 You'll hear that she washed her car out in Greenville,
15 South Carolina. Excuse me. Greenwood, South Carolina. She
16 was asked specifically by the investigator well, did these
17 young men wash your car out and she states no. You'll hear
18 how that makes no sense if there was -- a crime had taken
19 place in that vehicle. She washes her car out two days
20 later, and, like I said, we don't hear from Shaniyah Toney
21 for over a week until the police report begins with a
22 meeting arranged by her defense attorney.

23 She was never charged with a crime in this case two
24 weeks later. Her being there wasn't collected (phonetic).
25 she was never treated like a suspect.

1 There is no ballistic evidence in this case, contrary
2 to what Ms. Charbonneau said, that links any firearm
3 possessed by my client or his parents at their home to this
4 crime. None. Anything else is speculation or just flat out
5 untruth and you will hear that from yourself.

6 There's no evidence a death has occurred and I say this
7 with all due respect, with all due respect. Mr. Curry did
8 have a warrant, an active warrant, for armed robbery at the
9 time that this occurred.

10 You'll hear from Ms. Bush. If her testimony is what we
11 believe it will be, that his friends were evasive when she
12 confronted them about where is Derrick, that they wouldn't
13 tell her anything, that they seemed to be not wanting to
14 talk. You'll also hear about how his own father asked if he
15 could be added to an insurance policy when she says our son
16 is missing. You'll hear from her -- Derrick Curry's father.

17 Pay close attention to the actions of the parties after
18 this allegedly occurred, and you'll have their main witness
19 who leaves town, who tells the mother everything's okay, and
20 who resurfaces with an attorney, and you'll hear that my
21 client was at home in his parent's house with his mom, with
22 his sister and his two nieces aged four and two, when he was
23 peacefully taken into custody.

24 You'll hear he didn't change appearance. He didn't
25 leave town. He didn't do anything to indicate guilt.

1 You'll hear that Sha'Kel Dixon turned himself in when he
2 became aware that somebody was looking for him.

3 But pay close attention, respectfully, to the actions
4 of the parties. You'll hear it from the witness stand.

5 So, while these are very disturbing allegations that
6 are made against these teenagers, we ask that you listen to
7 the evidence, that you scrutinize the evidence because the
8 State of Georgia has to prove its case beyond a reasonable
9 doubt, and we believe, at the conclusion of this evidence,
10 there will be only one true verdict in this case, and that
11 will be to return a verdict of not guilty on all counts for
12 Sha'Kel Dixon and Denzell Jackson.

13 Thank you.

14 THE COURT: Mr. Thompson, Mr. McKellar.

15 MR. THOMPSON: May it please the Court?

16 THE COURT: Yes, sir.

17 MR. THOMPSON: If y'all bear with me just a minute.
18 Just as long as I can get a little bit closer. This is not
19 quite as big and I'd like it to be. I'm gonna come around,
20 okay, so everybody will get a chance to look at this.

21 Can you see?

22 Sir, if you have any questions or problems, direct it
23 to the judge. I'm sorry. I would love to answer you but
24 I --.

25 THE JUROR: I apologize, Your Honor, but I'd like to,

1 to run to the restroom if that's all right. I'm having
2 trouble focusing.

3 THE COURT: Okay. Pardon?

4 THE JUROR: I kind of need to run to the restroom if
5 that's all right. I'm having trouble focusing.

6 THE COURT: All right. Ladies and gentlemen, we'll
7 take a break. Please do not discuss the case. If you-all
8 will go to the jury room and give everyone a break.

9 MR. THOMPSON: And --.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 THE COURT: We'll start back at the beginning --.

13 MR. THOMPSON: Yes, sir.

14 (WHEREUPON, a short recess was taken at this time.)

15 THE COURT: Ready for the jury?

16 MR. THOMPSON: Yes, sir, Your Honor.

17 (Pause.)

18 THE COURT: Let's see.

19 Mr. Thompson, what kind of poster is that you're
20 showing the jury?

21 MR. THOMPSON: Your Honor?

22 THE COURT: You don't have to explain it but just --
23 I'd like to---

24 MR. THOMPSON: This is just a demonstrative aid.

25 THE COURT: Well, I'll, I'll give you a speech about

1 what it means.

2 MR. THOMPSON: Yes, sir. Okay.

3 THE COURT: All right. Let's -- are we ready for the
4 jury?

5 SOLICITOR CHARBONNEAU: Yes, sir.

6 THE COURT: Bring them on.

7 (WHEREUPON, the following takes place within the
8 presence of the jury.)

9 MR. THOMPSON: Court's permission to proceed?

10 THE COURT: All right, sir. You may proceed.

11 MR. THOMPSON: (Indiscernible). This is not evidence
12 in the trial. I'm just -- I'm trying to demonstrate a point
13 to you.

14 THE COURT: Mr. Thompson, if you'd speak to the jury,
15 the court reporter needs to hear what you're saying.

16 MR. THOMPSON: Yes, sir.

17 I'm sorry. Yes, sir, Your Honor.

18 What I said was this is not evidence in the trial. I'm
19 just demonstrating a point.

20 Most of y'all can read this, probably all of you, even
21 though there are very few if any words on this page, on this
22 page whatsoever because your mind sees what it's looking
23 for. You do a lot of (indiscernible) recognition in your
24 life, and if you're looking for something specific,
25 especially -- you kind of -- you notice certain patterns and

1 your mind starts to look at things to get -- you see what
2 you're looking for.

3 It's not, it's not a mold. It's not bad. It's just --
4 it's human nature.

5 In this case the police saw what they were looking for.
6 They're not bad. They're not irresponsible. They see what
7 they're looking for. So, I want to talk for just a second
8 about that process and how that worked.

9 I, I will tell you -- I will tell you this. I -- I
10 vehemently disagree with one thing Mr. Johnson, Mr. Johnson
11 said, and that is about the State of Georgia had to prove
12 the evidence. He, he does both sides of the river.

13 Again, the State of South Carolina is the one that has
14 the burden to prove. But, but, other than that, he's right
15 in that the essence of this case is whether or not you
16 believe Miss Toney.

17 You're gonna hear a great big story as -- it's a
18 terrible story. It's about murder and entry and it's, it's
19 awful and horrible and here's a weird thing for a defense
20 attorney to say. If you believe that, beyond a reasonable
21 doubt, that Miss Toney is proven to be truthful, you should
22 convict both of these boys as charged.

23 Okay. The story that Ms. Charbonneau told, not whether
24 it's true or not, if it can be proven true beyond a
25 reasonable doubt, it makes these boys guilty.

1 She gave you a story in high definition, lots and lots
2 of details, and ask yourself where does the story come from?
3 where do these details come from?

4 99.99 percent of this story comes from Miss Toney.
5 Almost all of it.

6 So, I'm gonna talk for just a second about how we got
7 Miss Toney's story, and then I'm gonna talk about all of the
8 other forensic evidence that they're going to bring in,
9 they're gonna talk about in this case, and, and how that
10 either does or doesn't support Miss Toney's story.

11 what happens in this case?

12 Derrick Curry is missing. His mother's looking for
13 him. She hears all kinds of terrible things on social
14 media. And so she, on social media, goes looking for him,
15 and when she goes looking for him on social media, she gets
16 Miss Toney's name.

17 So, she goes to the police and she sits down with the
18 police like the day after all this happened. She says look,
19 I think something terrible's happened. I think my son is
20 missing and may be a victim of foul play.

21 Now, I, I want to talk for a minute about whether
22 that's true or not. I'm not, I'm not vouching for the
23 voracity of that story. Just as a police officer, if you
24 were the person sitting there at the desk, the first thing
25 you hear is this story about somebody's missing. So right

1 now this is a missing person's case. You start looking at
2 this missing person case and you start trying to figure out
3 whether or not you can find this person.

4 Now, this person's already wanted by the law anyway.
5 There's a warrant for armed robbery and he's -- so he's one
6 of the primary suspects in a murder case. But -- so the
7 police are actually interested in finding this person
8 anyway.

9 They get this story. He's been -- so they go and they,
10 they start concentrating more on how can we find him -- and
11 Ms. Bush is giving them Miss Toney's name.

12 So, they start trying to figure out well, where's
13 Miss Toney in this story and they end up finding some, I'll
14 let you hear it for yourself, but the McDonald's people have
15 a video where they, they find him getting into a car with
16 Miss Toney the day that he's (sic) disappears. So then this
17 story starts looking for Miss Toney.

18 Now, eight some odd days later, Miss Toney has thought
19 this whole thing through and she comes into their office and
20 essentially the story she lets the police know is this. I
21 like Mr. Curry. He's my friend. He and I are buddies. He
22 drives my car. We go into my bedroom and do things. We're
23 friends.

24 Those guys, they don't like Mr. Curry and they want to
25 get him. I tried to protect him. But they convince me that

1 what I needed to do was let them have my phone and other
2 people using my phone, other people set up this meeting with
3 me and him, and then they make me go and pick him up and
4 they make me let him drive me back to my home, and they make
5 me go into my room and we're doing whatever it is in my
6 room, and then Mr. Jackson busts in with a gun and kills him
7 and Mr. -- and Mr. Dixon busts in and he's got this tote,
8 and they put him in -- they, they take the body and they
9 make me give them my car to take this body away. And then
10 we go and we do this involved transfer or swap thing that I
11 really didn't have anything to do with and then I came back.

12 I went to work the next day. I get my entire shift at
13 work. Nobody's watching me. Nobody's baby-sitting me.
14 They're not sitting there at my job making sure I don't --
15 they don't and -- but I felt so afraid.

16 I felt so afraid that I couldn't do anything at all,
17 you know, and for eight days I feel just super, super
18 threatened and, and, and don't say anything about anything
19 to anybody. But then, all of a sudden, when I find that my
20 name's brought up into this, the police are looking at, at
21 me, somehow I get super unthreatened, go to the police, and
22 talk to the police about this really involved story that I
23 have nothing to do with.

24 Now, this story is not really believable.

25 How do we know?

1 I'm, I'm not really sure exactly what the truth is but
2 this story's not true, and Mr. Johnson talked to you about
3 all kinds of the reasons why we can tell she's lying. But
4 this, this super detailed story that they're basing their
5 entire case on is not true and, and frankly it's not
6 believable. It's not reasonable.

7 People don't act like that. You're either so scared
8 that you don't say anything at all or, the minute you get
9 away from these people, you're freaked out, call the police
10 amongst other things. I'm not gonna get into all that right
11 now but this story is not believable, which then begs the
12 question of okay, from the, from the prospective, if you
13 believe everything that Shaniyah Toney says is true, then
14 all these other things that we're gonna talk about, cell
15 phone records, DNA, and, and ballistics things that -- all
16 these other things support her story.

17 If you don't take her story at face value, and if you
18 do not believe that her story is true, then many of these
19 other pieces of physical evidence, many of these other
20 forensic evidence types of things, they don't necessarily
21 contradict her story but they don't prove her story either.
22 I, I will tell you sometimes people wonder what is the
23 lawyer looking for when he picks a jury.

24 I'm here to tell you. I was hoping to get a jury of
25 thinking people, of nonemotional thinking people who can sit

1 back and ask themselves okay, what does this mean and what
2 does it not mean.

3 How much of this evidence has to be looked at from the
4 prospective of the police and how much of it may not
5 necessarily prove their case at all?

6 For instance, we find DNA in his room. It belongs to
7 this person.

8 when did it get there?

9 If this person is having sex with this person I assume
10 in that room all the time, you may or may not know when this
11 happened. It may not help you-all in the timeline if it all
12 of a sudden happens at all. Thinking people that can sit
13 back and look at this because here's the deal.

14 If, if we were in the frontier old west and you were a
15 lynch mob, we wouldn't have to have a trial. We wouldn't
16 have to do any of this stuff. We could just say hey, let's
17 convict him based on probable cause.

18 Probable cause means it probably happened like this but
19 that's not the rules. You are a jury. This is a court and
20 what you're -- the standard that you're suppose to be
21 applying, if you follow the law, the standard you're suppose
22 to be applying is that you assume that they're not guilty.
23 That's what innocent until proven guilty means. We assume
24 that they're not guilty.

25 Burden of proof, the burden of proof being on the State

1 means we assume that any, any doubt, any kind of benefit of
2 the doubt there is out there, we give it to the defendants.
3 we, we look at things through the filter of we're gonna
4 assume that they're not guilty and assume that the State
5 hasn't proven this case until and unless they have evidence
6 to do so.

7 Now, if they do, you should convict them. But if,
8 after looking at the evidence, if you think to yourself
9 well, you know, they might have done this, they've given --
10 probably did, but they might not have, there are reasonable
11 ways to look at this evidence and reasonable ways to play
12 out the story where that's not what really happened, that's
13 reasonable doubt. That's what that means. And if you
14 follow the law, you should find him not guilty.

15 So, you're gonna hear a really good story from people
16 that are really sure about how you should look at the
17 evidence. But when you get in the jury room, I want you to
18 evaluate the evidence yourself. What does it actually say,
19 what does it prove, what does it mean, and what does it not
20 mean. And I think you're gonna find that there, there is a,
21 a, a reason to not really be sure exactly what happened in
22 this case and that you should find him not guilty.

23 Thank you.

24 THE COURT: Call your first witness.

25 SOLICITOR CHARBONNEAU: Kenya Bush.

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 THE COURT: Ms. Bush.

2 THE CLERK: Take the stand. Come forward please.

3 Please raise your right-hand.

4 KENYA BUSH, being first duly
5 sworn, testified as follows:

6 THE CLERK: Have a seat in the witness box. State your
7 full name for this Court spelling your last.

8 THE WITNESS: Kenya Danielle Bush. B-U-S-H.

9 DIRECT EXAMINATION

10 BY SOLICITOR CHARBONNEAU:

11 Q Ms. Bush, you can take your mask off. There's
12 plexiglass all around you. Just a reminder, the jury's all
13 the way to the back. Just speak into the microphone so we
14 can all hear you.

15 Please tell us your relationship to Derrick Curry.

16 A His mother.

17 Q All right. Who is his father?

18 A Victor Curry.

19 Q And did you have any other children with Victor Curry?

20 A No.

21 Q How old was Derrick Curry on April 30th, 2019?

22 A Twenty.

23 Q Can you tell me how tall he was?

24 A About 5'11".

25 Q And how much did he weigh?

Kenya Bush - Direct examination
By Solicitor Charbonneau

- 1 A About 120.
- 2 Q And where did Derrick live back on April 30th, 2019?
- 3 A [REDACTED] April Lane, Graniteville.
- 4 Q And who did he live with?
- 5 A Me.
- 6 Q Did you see him every day?
- 7 A Yes.
- 8 Q Did you speak to him either by phone, in person, text,
9 or did you have communication with Derrick every day?
- 10 A Yes.
- 11 Q Is April Lane in Graniteville did you say?
- 12 A It's kind of in-between Graniteville and Clear water.
- 13 Q Okay. How long did you live at this -- at that house?
- 14 A It's a mobile home.
- 15 Q How long did you live there?
- 16 A Ten years.
- 17 Q Back then did Derrick Curry have a girlfriend?
- 18 A Yes.
- 19 Q what was her name?
- 20 A Cordajiah Council.
- 21 Q when is the last time that you saw your son?
- 22 A The morning of April 30th.
- 23 Q And can you tell us -- back then, were you working?
- 24 A Yes.
- 25 Q what type of work did you do?

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 A Home healthcare and hospice.

2 Q And tell us about Tuesday April 30th, 2019.

3 when's the first time that you see Derrick that day?

4 A About seven o'clock that morning. I was leaving for
5 work.

6 Q And tell us about your communication with Derrick.
7 was he home?

8 A He was home. He was in bed. I went to his bedroom to
9 remind him to pull up his carpet.

10 Q And what were you guys doing with the carpet?

11 A I was getting some linoleum down on the floor.

12 Q So he suppose to pick---

13 A So he was suppose to pull his carpet up out of his
14 room.

15 Q Okay. And is that the very last time you ever see your
16 son?

17 A Yes.

18 Q Do you end up going to work?

19 A Yes.

20 Q Do you have any further communication with Derrick?

21 A Yes, I got off at 12:00. I called about 12:30 or so---

22 Q Did you call---

23 A ---and asked if he pulled the carpet up.

24 Q Okay. And had the carpet been pulled up yet?

25 A No.

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 Q Did you actually speak to him?

2 A Yes.

3 Q Any indication that, that anything was wrong with him?

4 A No.

5 Q Any fights, arguments between the two of you?

6 A No, just, just me every day fussing about doing stuff.

7 Q Okay. Do you, do you speak to Derrick again that day?

8 A Yes, I think it was around 1:30 or so. 1:30, 1:45,
9 somewhere in-between there.

10 Q Same day --

11 A Yes.

12 Q -- April 30th?

13 All right. And did you call him or he called you?

14 A I call him.

15 Q And where are you when this phone call's taking place?

16 A I'm at home.

17 Q And Derrick is not there?

18 A No.

19 Q And when you call, do you actually speak to Derrick?

20 A Yes.

21 Q And what is that conversation about?

22 A I asked him why he hadn't pulled the carpet up yet, and
23 he told me he'll be right back -- I mean he's coming home.
24 He's going to meet Shaniyah.

25 Q Okay. And then how would he get back home?

Kenya Bush - Direct examination
By Solicitor Charbonneau

- 1 A How would -- say that again.
- 2 Q How would Derrick get back home?
- 3 A Shaniyah's car I'm, I'm assuming.
- 4 Q Did Derrick have his own car at that time?
- 5 A No.
- 6 Q And does he say he's coming home?
- 7 A Yes.
- 8 Q At that time did you know who Shaniyah was?
- 9 A No.
- 10 Q Do you have any further communication with Derrick
- 11 Curry from that last phonecall until today?
- 12 A No.
- 13 Q What happens that afternoon that things change in your
- 14 house?
- 15 A Around 3:00 -- between 3:00 and 4:00 I start getting
- 16 phone calls --
- 17 Q What---
- 18 A -- saying he was deceased.
- 19 Q Meaning your son Derrick?
- 20 A Uh-huh. (Affirmative).
- 21 Q What do you do with that information?
- 22 A I wait around for a little while and then the phone
- 23 calls just kept flooding in and then I went to the police
- 24 department.
- 25 Q In the mean time, were you attempting to contact

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 Derrick?

2 A Yes.

3 Q Were you -- how were you doing that?

4 A Calling his phone. Texting his phone.

5 Q Any response?

6 A No.

7 Q Do you go to the police and tell them what you --

8 A Yes.

9 Q -- what you said?

10 A Yes.

11 Q After you leave the police station, what else do you do
12 to try and find where Derrick is?

13 A I get on Facebook and I'm looking for Shaniyah. I find
14 her page. I started calling her through Messenger and we
15 text back and forth.

16 Q And does Shaniyah Toney give you the run around about
17 where Derrick is?

18 A Yes, she said he had her car and that she would tell
19 him to call me when he picked her up from work.

20 Q Do you ever get that call?

21 A No.

22 Q Does she tell you when she's getting off work?

23 A Eleven o'clock.

24 Q Do you have any further communication with Shaniyah?

25 A Yes, we text back and forth all night and we even -- we

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 text on Messenger and we called each other on Messenger.

2 Q Now, you don't -- do you have her phone number?

3 A No.

4 Q This is---

5 A I---

6 Q ---through Facebook?

7 A Yes.

8 Q Okay. Does she give you another story after 11:00PM?

9 A Yes, I asked her if she told him to call me and she
10 said he was mad that I told her to tell him to call me.

11 Q Did she say where he was?

12 A She said -- she first told me she dropped him off in
13 Graniteville at the Men's Shop and then she said she dropped
14 him off in Gloverville in the projects. She had the
15 locations mixed up. And when I'm talking to her, I could
16 tell somebody was in the car with her like---

17 Q How did you---

18 A Cause she was getting information from somebody.

19 Q How could you tell that?

20 A I can hear somebody mumbling but I couldn't make out if
21 it was a male, female.

22 Q Okay. From that point forward, from April 30th,
23 2019, do you ever see or hear from your son again?

24 A No.

25 Q Has he -- is there any indication on that day or the

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 days before that, that he was leaving and going somewhere?

2 A No.

3 Q Do you have any friends or family who have told you
4 they've seen or contact -- or been contacted by Derrick?

5 A No.

6 Q Do you have any indication in any forum whatsoever that
7 your son is alive?

8 A No.

9 Q Do you know what Derrick was doing the night before
10 Tuesday that he was killed?

11 A He went to the movies with Shaniyah, Darren, and Raven
12 Turner in Augusta.

13 SOLICITOR CHARBONNEAU: If I may have a moment, Your
14 Honor?

15 (WHEREUPON, a photograph was marked as State's Exhibit
16 No. 1 for identification purposes only at this time.)

17 Q Ms. Bush, I'm gonna show you State's Exhibit 1.

18 Ms. Bush, do you recognize this?

19 A Yes.

20 Q Is that a photograph?

21 A Yes.

22 Q Who is it of?

23 A Derrick. Derrick.

24 Q And is it a fair and accurate depiction of what your
25 son looked like in 2019?

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 A Yes.

2 SOLICITOR CHARBONNEAU: At this time I'd move State's
3 Exhibit 1 into evidence.

4 THE COURT: Any objection?

5 MR. THOMPSON: Your Honor, I do object, Your Honor.

6 THE COURT: All right. I think I've got to see the
7 exhibit to know what you're talking about.

8 MR. THOMPSON: Would -- and, Your Honor, would you like
9 a speaking objection?

10 THE COURT: All right. The basis for the objection.

11 MR. THOMPSON: Would be relevance of this photograph,
12 Your Honor.

13 THE COURT: From the State.

14 SOLICITOR CHARBONNEAU: Your Honor, the jury has --
15 we're talking about Derrick Curry. He's not here to speak
16 on his behalf and the jury has a right to see who it is that
17 we're talking about and who the defendants are charged with
18 killing.

19 THE COURT: Anything further?

20 MR. THOMPSON: Your Honor, she has said that she is
21 the, the alleged victim in this case mother. I, I would
22 argue that the, the actual picture doesn't tend to prove or,
23 or disprove any of the elements of the crimes for which
24 these gentlemen are accused of.

25 THE COURT: Well, it's admitted over objection.

Kenya Bush - Direct examination
By Solicitor Charbonneau

1 (WHEREUPON, State's Exhibit No. 1 was received into
2 evidence at this time.)

3 SOLICITOR CHARBONNEAU: Your Honor, may I publish?

4 THE COURT: Yes.

5 Q Ms. Bush, does -- did Derrick Curry have a passport?

6 A No.

7 Q And, Ms. Bush, what are the last words that your son
8 said to you in that 1:45PM phone call?

9 A That he was coming home.

10 Q Thank you.

11 THE COURT: Cross-examination.

12 MR. JOHNSON: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q Afternoon, Ms. Bush.

16 A Hello.

17 Q Shaniyah was not Derrick's girlfriend.

18 Is, is that fair to say?

19 A Yes.

20 Q And his girlfriend was actually Cordajiah Council.

21 Is that correct?

22 A Yes.

23 Q And you had never met Shaniyah Toney, right?

24 A No.

25 Q You didn't have her contact information. I think you

Kenya Bush - Cross-examination
By Mr. Johnson

1 just said that you had to look her up.

2 Is that right?

3 A Yes.

4 Q And so, as we just heard, on that day, April 30th to
5 May 1st, you communicated with her via Facebook?

6 A Yes.

7 Q And is your Facebook account, or at the time, under
8 your name?

9 A Yes.

10 (WHEREUPON, the Facebook messages were marked as
11 Defendant's Exhibit No. 2 for identification purposes only
12 at this time.)

13 MR. JOHNSON: Your Honor, may I approach the witness
14 and show the witness an---

15 THE COURT: Yes.

16 MR. JOHNSON: ---an exhibit?

17 Thank you.

18 Ms. Bush, I'm just gonna ask you just to take a look at
19 the exhibit on -- see if you recognize your messages and
20 then, then please look up when you are finished.

21 A Yes.

22 Q And are those messages a fair and accurate
23 representation of the conversation that you had with Miss
24 Toney on the date in question?

25 A Repeat that.

Kenya Bush - Cross-examination
By Mr. Johnson

1 Q Sure.

2 Are those messages, based on your recollection, your
3 actual conversation with Ms. Bush on the date in question?

4 A Shaniyah, yes.

5 Q I'm sorry. Yes, Miss Toney. Yes.

6 Your Honor, at this time the defense would move to
7 admit the Defendant's Exhibit 2 into evidence.

8 THE COURT: What says the State?

9 SOLICITOR CHARBONNEAU: No objection, Your Honor.

10 MR. THOMPSON: No objection, Your Honor.

11 THE COURT: Admitted without objection.

12 (WHEREUPON, Defendant's Exhibit No. 2 was received into
13 evidence at this time.)

14 MR. JOHNSON: May I publish to the jury and go through
15 it with Ms. Bush please, Your Honor?

16 THE COURT: Any item in evidence may be published---

17 MR. JOHNSON: Thank you.

18 THE COURT: ---to the jury.

19 Q Ms. Bush, I'm gonna stand right here.

20 If I can direct your attention to the message that
21 appears to be sent on 5/1 towards the middle of the page.

22 Could you read what you are sending to Miss Toney?

23 A Hey, this is Derrick mom. I'm just wondering -- I'm
24 just worried about him. Everyone calling me. We haven't
25 heard from him. Will you please call me.

Kenya Bush - Cross-examination
By Mr. Johnson

1 Q Did she give a response on that page?

2 A No, I guess.

3 Q Okay. And do you recall if this is a message that was
4 sent the evening of April 30th or was it the following
5 day?

6 Do you recall?

7 A It says April 30th. I mean -- I'm sorry. May 1st.

8 Q Do you have any reason to, to, to doubt whether that's
9 an accurate timestamp?

10 A Yes, because, when I was calling her, some of the
11 screenshots that I have and they have, these dates -- the
12 dates that I have that were showing up was like [REDACTED]. She
13 said her phone was off and she was calling me off of wifi.
14 That's why she wouldn't give me her phone number.

15 Q But with regard to the substance of the message that I
16 showed you, do you recall sending that message, Ms., Ms.
17 Bush?

18 A Yes.

19 Q Okay. Let me show you Facebook Business Record 58 on
20 Defense Exhibit 2.

21 Do you recall sending this set of messages and, if so,
22 can you read those?

23 A Hey, you still haven't heard from him. Call me. Have
24 you gotten your car yet. Is he there.

25 Q And does, and does Miss Toney respond to that series of

Kenya Bush - Cross-examination
By Mr. Johnson

1 messages?

2 A No. But you could see the drop down. She's reading
3 the messages.

4 Q So she's -- you can tell she's read it but she's not
5 responding at this point in time.

6 Is that correct?

7 A Uh-huh. (Affirmative).

8 THE COURT: Let's use words, ma'am.

9 Yes, no?

10 THE WITNESS: Oh, yes.

11 THE COURT: Okay.

12 Q Turn your attention to Facebook Business Record 3 on
13 the defendant's second exhibit.

14 Can you read that to us starting at the bottom?

15 A Where the green is?

16 Q No, I'm sorry. That doesn't make any difference.
17 wherever you see your name at, ma'am.

18 A Oh. And that's no, I haven't heard from him. I'm---

19 Q That's what you're saying to Miss Toney?

20 A Yes, because I asked -- she asked -- when she asked me
21 if I heard from him, I accidentally said yes but -- and I
22 told her that was a no and I told her to call me and then we
23 did call each other but I don't see that on here. And I
24 said I'm sure you know why we're worried and things not
25 adding up, and you said he was mad because I'm looking for

Kenya Bush - Cross-examination
By Mr. Johnson

1 him. Can you meet me and show me where you dropped him off
2 at and tell me how to get there. This was all that night on
3 the 30th.

4 Q And did she respond?

5 A She called.

6 Q Did she respond in the message that you are holding?

7 A Not through a text. She called.

8 Q Okay.

9 A Uh-huh. (Affirmative).

10 Q And when she called, what was that?

11 A She said -- that's when she gave me the information she
12 dropped him off at the Men's Shop in Graniteville and then
13 she told me she dropped him off at the projects in
14 Gloverville but that's two different sides of town. And
15 that's why I told her her information wasn't adding up cause
16 she gave me locations on different sides of the town.

17 Q Okay. And was it your impression, after speaking with
18 Miss Toney, that, that Derrick had her vehicle while she was
19 at work?

20 A Yes.

21 Q And she gave you that information how?

22 A Through text.

23 Q And so would it be accurate to say that, based on your
24 conversations with Miss Toney, you believed that from likely
25 5:00PM that day till when she said he was gonna pick her up

Kenya Bush - Cross-examination
By Mr. Johnson

1 around 11:00 or 12:00 at night, that he had her vehicle?

2 A Yes.

3 Q And after that night going into the following day, did
4 Miss Toney ever send you a photograph of an individual that
5 she said she dropped Derrick off with?

6 A No.

7 Q Did she give a description of an individual?

8 A She just said a white boy named Jordan.

9 Q Had you ever heard his name before?

10 A I don't recall.

11 Q And you actually asked her to have Derrick give you a
12 call when he would -- when he picked her up from work that
13 evening just to make sure everything was okay.

14 Is that correct?

15 A Yes.

16 Q And did she indicate that she would, in fact, give a,
17 a -- pass that message along to him?

18 A Yes.

19 Q And when you called her, it was a little bit after the
20 midnight hour.

21 Is that right?

22 A After she got off from work?

23 Q Yes, ma'am.

24 A I think we called before, before she got off. I called
25 her before she got off and then I called her afterwards

Kenya Bush - Cross-examination
By Mr. Johnson

1 because she didn't -- it took her too long to call me back.

2 It was -- yeah, it was after midnight.

3 Q And so she never picked up those phone calls.

4 Is that correct?

5 Miss Toney, she -- Miss Toney never picked up the phone
6 calls after she supposedly got off of work.

7 Is that correct?

8 A No, she picked up -- she picked up probably around
9 midnight. She didn't call me exactly at 11:00. So that's
10 why I was calling and texting her.

11 Q And is this when she told you that she dropped him off?

12 A Yes.

13 Q And didn't she say that he appeared to be angry as
14 well?

15 A She said he was mad because she told me to call him.
16 Said for him to call me. I'm sorry.

17 Q And didn't she say that he had a, a gun in his
18 possession?

19 A No.

20 Q She didn't say that to you?

21 A No.

22 Q Now, you mentioned his father in your interview with
23 the police.

24 Is that correct?

25 A No, I don't think so. No.

Kenya Bush - Cross-examination
By Mr. Johnson

1 Q Okay. Well -- so you never said anything about the
2 father asking about insurance policy when you went to ask
3 him where his son was at?

4 A He asked -- when I went to file a missing person
5 report, he asked did we -- did I have insurance and I told
6 him yes and he said could he have -- could he get insurance
7 and I told him no.

8 Q Now, didn't you find this to be an odd question for a
9 father to ask about his missing child?

10 A No, cause we already knew he was deceased and he wanted
11 to make sure we had insurance to bury him.

12 Q So, you, you told the police that you spoke with the
13 father prior to going to the police.

14 So, at that point in time are you saying that you
15 already knew he was deceased a day later?

16 A Yes, I already knew he was deceased.

17 Q And didn't you say that he wasn't worried per your
18 interview?

19 A Can you say that again?

20 Q Yes, ma'am.

21 Didn't you tell the police that Victor wasn't worried.

22 SOLICITOR CHARBONNEAU: Judge, I'm gonna object to the
23 relevance and no personal---

24 THE WITNESS: I don't---

25 SOLICITOR CHARBONNEAU: ---knowledge of what Victor

Kenya Bush - Cross-examination
By Mr. Johnson

1 knew or didn't know.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Yes, sir, Your Honor.

4 I would argue that this is a statement that she
5 perceived based on her own senses and her own observations
6 and that she actually stated during her interview with the
7 police. And so it's a fact of their investigation that was
8 supplied to defense counsel.

9 SOLICITOR CHARBONNEAU: And, Your Honor, it's
10 irrelevant and it's hearsay.

11 THE COURT: What is the question?

12 MR. JOHNSON: The question is---

13 THE WITNESS: That's what I---

14 MR. JOHNSON: ---didn't Ms. Bush tell investigators,
15 when she spoke with them a day after the incident, that,
16 when she talked to his father, he was not worried and that
17 he asked about insurance also. That's the question.

18 THE COURT: And I sustain the objection.

19 Q You were also aware that Derrick had a warrant for
20 armed robbery?

21 A Afterwards, yes.

22 Q And you also told investigators that something wasn't
23 right with his friends when you went to go ask them what
24 they knew.

25 Do you recall saying that?

Kenya Bush - Cross-examination
By Mr. Johnson

1 A Yes.

2 Q Can you tell the jury what you meant by, by that
3 statement?

4 A They just didn't want to talk about it.

5 Q And how soon after do you recall reaching out to
6 friends that he was associated with?

7 A The next day. Well, the same, the same day but then I
8 went by their house the next day, May 1st.

9 Q And do you have family in the Beech Island, New
10 Ellenton area by any chance?

11 A Yes.

12 MR. JOHNSON: If I may just have one moment, Your
13 Honor?

14 (Pause.)

15 Q Ms. Bush, who is the codefendant in his -- in the armed
16 robbery case?

17 Do you know?

18 SOLICITOR CHARBONNEAU: Objection. Irrelevant.

19 THE COURT: Mr. --.

20 MR. JOHNSON: Your Honor, if, if -- the theory's that
21 Mr. Curry is deceased because he has not been found. There
22 is a motive to flee in this case given the fact that, if he
23 were to walk into this courtroom right now, there is an
24 active warrant. And so I'm just asking a follow-up to that
25 question. It is not irrelevant because of the facts of this

Kenya Bush - Cross-examination
By Mr. Johnson

1 case and that he has not been deemed to be nonliving,
2 deceased for lack of a better term.

3 THE COURT: I sustain the objection.

4 Q And so you do have family in the Beech Island, New
5 Ellenton area.

6 Is that correct?

7 A Yes.

8 Q No further questions. Thank you.

9 THE COURT: Mr. Thompson.

10 MR. THOMPSON: Your Honor, I don't think I have any
11 questions for this witness.

12 THE COURT: Any redirect?

13 SOLICITOR CHARBONNEAU: No, sir. Thank you.

14 THE COURT: All right. Thank you. You may step down.
15 Well, are y'all ready to recess for the day?

16 SOLICITOR CHARBONNEAU: Yes, sir.

17 THE COURT: All right. Ladies and gentlemen, that will
18 be it for today. We need you back in the jury room at
19 10:00AM tomorrow.

20 Please do not discuss the case with anyone at your home
21 or anyone else with your home. Please do not engage in any
22 form of Internet research. Please do not read any newspaper
23 articles or media accounts in this case. To do so may taint
24 your ability to remain as a juror on the case.

25 So, have a good evening and we'll see you-all tomorrow

1 at 10:00.

2 Addressing the jury only.

3 You-all may go.

4 And, as I've said, I'm addressing the jury only.

5 Everyone else remain seated.

6 (WHEREUPON, the following takes place outside the
7 presence of the jury.)

8 THE COURT: Everyone will remain in the courtroom for
9 five minutes giving the jury enough time to leave.

10 I want to put on the record further with regard to the
11 overruling the objection to the photograph.

12 The State alleges that the victim was placed in a body
13 bag, a body -- a garbage bag in the trunk of a car and I
14 think the size -- defendant's apparent size and that was
15 relevant on the issue of whether or not that's (sic) could
16 likely have been done. So, that's an additional basis for
17 sustaining or overruling the objection and that's the
18 Court's ruling.

19 Now, with regard to the next witness, we need a
20 hearing. So we're gonna convene at 9:30 to deal with the
21 hearing regarding identification.

22 SOLICITOR CHARBONNEAU: Thank you.

23 THE COURT: All right. See everyone tomorrow morning
24 at 9:30.

25

1 (WHEREUPON, Court was in recess for the evening.)
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1 Tuesday, August 17th, 2021

2

3 THE COURT: All right. Morning.

4 THE OFFICER: Your Honor, we have a group of folks from
5 the victim's family out front.

6 Can I just go ahead and bring them in to be seated?

7 THE COURT: Yes, sir.

8 (Pause.)

9 THE COURT: Are you ready to proceed?

10 SOLICITOR HAMMACK: Yes, Your Honor. I think we had
11 discussed doing a -- beginning with a Neil v. Biggers before
12 the jury arrives.

13 THE COURT: Yes.

14 SOLICITOR HAMMACK: I don't know if there's anything
15 else I need to address at this time.

16 THE COURT: Are we ready to proceed?

17 SOLICITOR HAMMACK: Yes.

18 THE COURT: All right. Let's proceed.

19 MR. THOMPSON: And, Your Honor, I, I do have a couple
20 of motions that I want to make the Court aware of---

21 THE COURT: Okay.

22 MR. THOMPSON: ---before today.

23 THE COURT: Go ahead.

24 MR. THOMPSON: First of all, the Court's ruling earlier
25 on Mr. Dixon's on -- motion to sever, since that ruling

1 there has been new information in the trial. The
2 codefendant's counsel has introduced material into evidence.

3 My understanding of the rules is that that precludes
4 the, the right of the accused to argue last, and my
5 understanding is that, because the co-counsel has done this,
6 that it also affects Mr. Dixon's right to argue last, which
7 I would argue is a substantive trial right that he has lost
8 based on being tried with co-counsel, and I would renew, for
9 that reason, renew the motion to sever at this time.

10 THE COURT: What did Mr. Johnson introduce?

11 MR. THOMPSON: There were Facebook records, Your Honor.
12 I believe that it was Defense Exhibit No. 2.

13 THE COURT: Okay. All right. What says the State?

14 SOLICITOR CHARBONNEAU: Your Honor, that evidence would
15 have come in whether it was a joint trial or a severed
16 trial. Either way that evidence would be introduced. So,
17 it doesn't change---

18 THE COURT: How do you know that?

19 SOLICITOR CHARBONNEAU: That it could.

20 THE COURT: Well, anything is possible. He says it has
21 been introduced and it affects his client's right to argue
22 last should he not present any evidence. That's the
23 question.

24 SOLICITOR CHARBONNEAU: Okay. Well, that is a decision
25 that the defense counsel makes. It has nothing to do with

1 what evidence can or can not legally come into the trial.

2 THE COURT: I don't follow what you're saying.

3 SOLICITOR CHARBONNEAU: He entered---

4 THE COURT: Is this on right here?

5 Turn the sound please.

6 All right. I have it. I, I have it. Thank you.

7 THE CLERK: You welcome.

8 SOLICITOR CHARBONNEAU: The evidence that was
9 introduced by Defense No. 1 --

10 THE COURT: Yes.

11 SOLICITOR CHARBONNEAU: -- Mr. Johnson, that evidence
12 could come in through the State in either a joint or a
13 severed case. Either way---

14 THE COURT: Okay.

15 SOLICITOR CHARBONNEAU: ---that evidence -- we would be
16 able to bring in and his, his argument---

17 THE COURT: Well, had, had the State introduced it, it
18 would not affect the procedural right to a can defendant who
19 offers no evidence to argue last. So, what could of
20 happened et cetera is irrelevant.

21 So, the issue that at -- is that currently exists is
22 his motion saying that his rights -- his client's right to
23 argue last is -- has it been affected by the codefendant's
24 introduction of exhibits.

25 SOLICITOR CHARBONNEAU: Your Honor, one of the four

1 cases that I argued at the motion to sever I believe
2 addressed that issue and it said that it was not sufficient
3 grounds for a --

4 THE COURT: All right.

5 SOLICITOR CHARBONNEAU: -- severance.

6 THE COURT: Which case is that?

7 SOLICITOR CHARBONNEAU: I'd have to look again.

8 THE COURT: Apparently Mr. Thompson hasn't read it if
9 that's what it says.

10 Do you know what she's talking about in --?

11 MR. THOMPSON: No, sir, Your Honor. I, I, I, I don't
12 but in, in fairness---

13 THE COURT: Well, you argue -- if you don't know then,
14 let's---

15 MR. THOMPSON: Yes, sir.

16 THE COURT: Then she needs to find it.

17 The first question is whether what Mr. Thompson says is
18 correct, whether -- if Mr. Johnson waives his right to argue
19 last through the introduction of evidence, whether or not
20 that affects Mr. Thompson's right to argue last should he
21 not introduce evidence. That's the question, whether his --
22 whether Mr. Thompson's assumption, presumption, speculation,
23 whether that's correct, that his client has lost his right
24 to argue last should his client not present a defense.

25 SOLICITOR CHARBONNEAU: Your Honor, I think it goes

1 back to, and I'm looking at State v. Hughes, it was a
2 Supreme Court of South Carolina the case -- that the State
3 had cited, 346 S.C. 554, decided August 2001 where it said
4 that's it's the burden of defense to prove and this is on---

5 THE COURT: State v. Hughes, that was from Williamsburg
6 County, wasn't it?

7 SOLICITOR CHARBONNEAU: Williamsburg County, yes, sir.

8 THE COURT: Yeah, that's a case that I was involved in,
9 that I've -- that I tried probably. Well, 2001 I would of
10 tried it or tried it before becoming a judge. I'm
11 intimately familiar with it.

12 SOLICITOR CHARBONNEAU: Okay.

13 THE COURT: So tell me what it says.

14 SOLICITOR CHARBONNEAU: On Page 559, it is the defense
15 burden, Mr. Thompson's burden, to prove that only if
16 reasonably probable that the defendant would have received a
17 more favorable outcome had he been tried separately. The
18 fact that he gets to argue first and last or just in the
19 middle is not one of the rights that is upheld when you're
20 talking about whether to sever or to---

21 THE COURT: Well, has, has it ever been addressed by
22 the Court?

23 You can't -- the fact that they talked about something
24 totally different in State v. Hughes, the Supreme Court has
25 been busy about -- on the question of who goes first and who

1 goes last and all of that.

2 So, has the question ever been addressed?

3 SOLICITOR CHARBONNEAU: I'm looking at my notes, Your
4 Honor.

5 (Pause.)

6 THE COURT: There's no case law on this subject. This
7 specific question about whether it -- if one defendant
8 introduces evidence, the other defendant loses his right to
9 argue last, in light of the more recent Supreme Court cases
10 on just a general question of when does, when does the
11 defendant get a right to go make the final -- the last
12 argument.

13 And so my conclusion on the whole -- on it is that it's
14 a -- Mr. Thompson does not lose his right to argue last
15 should he not present any -- a defense. So that Mr.
16 Thompson's contention that Mr. Johnson's offering in
17 evidence, if Mr. Johnson loses his right to go last, it --
18 that it automatically causes him to lose his rights to go
19 last, I disagree with that. Mr. Thompson still has the
20 right to argue last should he not present any testimony.

21 MR. THOMPSON: And, Your Honor, if, if, if that's the
22 Court's conclusion, then it, it would make the renewal of
23 the motion moot and I, I don't withdraw the earlier
24 objection --

25 THE COURT: I understand.

1 MR. THOMPSON: -- I, I would withdraw---

2 THE COURT: Yeah.

3 MR. THOMPSON: ---just---

4 THE COURT: Well, what Mr. Johnson does does not affect
5 your client's procedural rights.

6 MR. THOMPSON: Yes, sir.

7 The other -- the only other motion I would have is it
8 is my understanding that the State is, at some point in this
9 trial, possibly today, going to present expert testimony
10 that essentially boils down to a, a skip trace expert who
11 will say that, because there is no electronic footprint for
12 Mr. Curry in the last couple of years, that because that --
13 because that data does not exist that it proves that
14 Mr. Curry is dead, I would argue that that is a burden
15 shifting argument. The whole idea of the absence of
16 evidence would prove a, a vital element of the case is a
17 burden shifting argument, and, at the proper time, I would
18 ask that that evidence be proffered so that the Court would
19 be able to make a decision about whether or not that's a
20 burden shifting argument.

21 I would object to it at the proper time. I realize
22 this is not---

23 THE COURT: Okay.

24 MR. THOMPSON: ---the proper time to do that.

25 THE COURT: All right. Yeah, but you did say later

1 today you anticipate.

2 MR. THOMPSON: I -- my anticipation is that whatever
3 time that, that, that witness is called, I, I, I would -- I
4 intend to object to that, and out of economy of, of -- out
5 of judicial economy, I just wanted to make the Court aware
6 of that so that---

7 THE COURT: Well---

8 MR. THOMPSON: ---the proffer---

9 THE COURT: ---judicial economy typically did not
10 involve hearing witnesses twice.

11 MR. THOMPSON: Yes, sir.

12 THE COURT: Once before the jury comes in and then once
13 after the jury comes in. So --.

14 MR. THOMPSON: Yes, sir.

15 THE COURT: But we'll address---

16 MR. THOMPSON: All right.

17 THE COURT: ---that issue when that issue comes up.

18 MR. THOMPSON: Yes, sir.

19 THE COURT: But it's not up right now.

20 what else before we proceed?

21 SOLICITOR CHARBONNEAU: Your Honor, I had sent the -- a
22 proposed order when you denied the motion to sever
23 originally last wednesday.

24 THE COURT: Yes.

25 SOLICITOR CHARBONNEAU: I have a paper copy if you

Savanna Williams - Direct examination
By Solicitor Hammack

1 prefer that.

2 THE COURT: Okay. Okay. This first witness.

3 SOLICITOR HAMMACK: State calls Savanna Williams.

4 THE CLERK: Please raise your right-hand.

5 SAVANNA WILLIAMS, being first duly
6 sworn, testified as follows:

7 THE CLERK: Please have a seat in the witness box
8 stating your full name.

9 THE WITNESS: My name is Savanna Williams.

10 DIRECT EXAMINATION

11 BY SOLICITOR HAMMACK:

12 Q And, Investigator Williams, what do you do for a
13 living?

14 A I'm a criminal investigator with Aiken County Sheriff's
15 office.

16 Q How long have you been doing that?

17 A Since 2018.

18 Q And in your job duties, were you involved in the
19 investigation of this case back in 2019?

20 A Yes.

21 Q Were you the lead investigator on this case in 2019?

22 A Yes.

23 Q And as part of being the investigator on this case, did
24 you have a chance to obtain and show photo lineups to a
25 witness in this case?

Savanna Williams - Direct examination
By Solicitor Hammack

1 A Yes.

2 Q Investigator Williams, when you show a lineup or when
3 you obtain a photo lineup to use in an investigation, how do
4 you get that lineup?

5 A We fill out a form and send it to SLED.

6 Q And you say when you fill out a form, what do you put
7 on that form?

8 A The information of the defendant and their identifiers.

9 Q And the purpose of you filling out this form with the
10 name and identifiers of the defendant, is that so that you
11 can get a SLED photo lineup of similarly looking people?

12 A Yes.

13 Q And do you generate that lineup?

14 A No.

15 Q SLED generates that lineup?

16 A Yes.

17 Q They do it with some type of fancy computer thing that
18 matches all the characteristics?

19 A Yes.

20 Q And did you do that in this case?

21 A I did.

22 Q Did you obtain more than one photo lineup in this case?

23 A I did.

24 Q Who did you obtain photo lineups for in this case?

25 A Denzell Jackson, Sha'Kel Dixon, Christian Barnwell, and

Savanna Williams - Direct examination
By Solicitor Hammack

1 Altashaun Bacon.

2 Q And did you show these lineups to anyone?

3 A I did.

4 Q Who did you show these lineups to?

5 A Shaniyah Toney.

6 Q And, Investigator Williams, I know we don't have a jury
7 in here but we do have a whole bunch of people. So I'm
8 gonna ask you to talk a little louder in that microphone for
9 me.

10 A Okay.

11 Q When you show a photo lineup to someone, do you give
12 them instructions on what to do or what not to do?

13 A Yes.

14 Q And what do you tell somebody when you show them a
15 lineup?

16 A To look carefully at the lineup. The person may or may
17 not be present in the lineup.

18 Q When you show a lineup to somebody, do you ever tell
19 them who they need to pick out?

20 A No.

21 Q Do you ever suggest to them that one person may be more
22 important than another?

23 A No.

24 Q When you show a lineup to somebody, do you allow for
25 them to ask questions if they have any questions about the

Savanna Williams - Direct examination
By Solicitor Hammack

1 procedure?

2 A Yes.

3 Q In this case, did you show a lineup of Denzell Jackson
4 to Shaniyah Toney?

5 A I did.

6 Q Was that on May 10th?

7 A Yes.

8 Q And, Investigator Williams, in just a moment I'm gonna
9 show you what's going to be marked as Court's Exhibit 1 for
10 purposes of this hearing.

11 (WHEREUPON, the photo lineup of Denzell Jackson was
12 marked as Court's Exhibit No. 1 for identification purposes
13 only at this time.)

14 SOLICITOR HAMMACK: Thank you.

15 Investigator Williams, do you recognize that?

16 A I do.

17 Q What is it?

18 A It's a photo lineup of Denzell Jackson.

19 Q Is that the photo lineup of Denzell Jackson that you
20 showed to Shaniyah Toney on May 10th of 2019?

21 A Yes.

22 Q And when you showed that lineup to Shaniyah Toney, did
23 you tell her who to select out of that lineup?

24 A No.

25 Q Did you suggest to her in any way that she should

Savanna Williams - Direct examination
By Solicitor Hammack

1 select somebody out of that lineup?

2 A No.

3 Q Did you point out anybody to her one over the other?

4 A No.

5 Q When you showed her this lineup, did she have any
6 questions for you?

7 A She did not.

8 Q Did she appear to be unsure about how you had
9 instructed her in this?

10 A No.

11 Q And, Investigator Williams, when you showed Shaniyah
12 Toney this lineup, did she make a selection from this
13 lineup?

14 A She did.

15 Q And when she made that selection, was it absent
16 hesitation?

17 A Yes.

18 Q And when you showed her this lineup, and she made that
19 selection, did she appear to be unsure about her selection?

20 A No.

21 Q Had she appeared to have been unsure about her
22 selection, would you of allowed her to make that selection?

23 A No.

24 Q And when you showed Shaniyah Toney this lineup and she
25 made a selection in this particular lineup, which number

Savanna Williams - Direct examination
By Solicitor Hammack

1 photo did she select?

2 A She selected number three.

3 Q Do you know the identity of the person shown in Photo
4 Number 3?

5 A I do.

6 Q who is that?

7 A Denzell Jackson.

8 SOLICITOR HAMMACK: Your Honor, at this time we would
9 move Court's Exhibit 1 into evidence for purposes of this
10 hearing.

11 THE COURT: What says the defense?

12 MR. JOHNSON: No objection on behalf of Mr. Jackson.

13 MR. THOMPSON: No objection on behalf---

14 THE COURT: It's admitted.

15 MR. THOMPSON: ---of Mr. Dixon.

16 (WHEREUPON, Court's Exhibit No. 1 was received into
17 evidence for purposes of this hearing only at this time.)

18 Q And, Investigator Williams, during the course of your
19 investigation, did you also show Shaniyah Toney a photo
20 lineup containing the image of Sha'Kel Dixon?

21 A I did.

22 Q Did you do that on May 10th, 2019?

23 A I did.

24 (WHEREUPON, the photo lineup of Sha'Kel Dixon was
25 marked as Court's Exhibit No. 2 for identification purposes

Savanna Williams - Direct examination
By Solicitor Hammack

1 only at this time.)

2 Q Investigator Williams, I'm showing you what's been
3 premarked as Court's Exhibit 2 for purposes of this hearing.

4 Do you recognize that?

5 A Yes, ma'am.

6 Q What is it?

7 A It's a photo lineup of Sha'kel Dixon.

8 Q Is that the one that you had produced for the
9 investigation of this case?

10 A Yes, ma'am.

11 Q And is that the lineup of Sha'kel Dixon that you showed
12 to Shaniyah Toney on May 10th of two -- 2019?

13 A Yes, ma'am.

14 Q And when you showed Shaniyah Toney that lineup
15 containing the image of Sha'kel Dixon, did you suggest to
16 her who she should select out of that lineup, if anyone?

17 A No.

18 Q Did you suggest to her that she should pick anybody out
19 of that lineup?

20 A No.

21 Q Did you tell her in any way or highlight in any way any
22 photo in that lineup?

23 A No.

24 Q And when you showed that lineup to Shaniyah Toney, did
25 she make a -- did you identify anyone out of that lineup?

Savanna Williams - Direct examination
By Solicitor Hammack

1 A She did.

2 Q And when she did so, did she do that absent hesitation?

3 A No.

4 Q Did she appear to be unsure of her selection?

5 A No.

6 Q Would you of allowed her to make a selection had she
7 appeared unsure or hesitated?

8 A No.

9 Q And can you tell us what number photo she identified in
10 that lineup?

11 A She picked number three.

12 Q And do you know the identity of the person in Photo
13 Number 3 in that lineup?

14 A I do.

15 Q And who is that?

16 A Sha'kel Dixon.

17 SOLICITOR HAMMACK: Your Honor, at this time we would
18 move Court's 2 into evidence for purposes of this hearing.

19 MR. JOHNSON: No objection, Your Honor.

20 MR. THOMPSON: No objection.

21 THE COURT: Admitted.

22 (WHEREUPON, Court's Exhibit No. 2 was received into
23 evidence for purposes of this hearing only at this time.)

24 Q Investigator Williams, during the course of your
25 investigation, did you show, show Shaniyah Toney a photo

Savanna Williams - Direct examination
By Solicitor Hammack

1 lineup on May 20th, 2019?

2 A I did.

3 Q And who was that photo lineup of?

4 A Christian Barnwell.

5 (WHEREUPON, the photo lineup of Christian Barnwell was
6 marked as Court's Exhibit No. 3 for identification purposes
7 only at this time.)

8 Q Investigator Williams, I'm showing you what's been
9 premarked as, as Court's Exhibit 3 for purposes of this
10 hearing.

11 Do you recognize that?

12 A Yes.

13 Q And what is that?

14 A It's a photo lineup with Christian Barnwell.

15 Q And did you use that photo lineup in this
16 investigation?

17 A Yes.

18 Q Did you show that lineup to Shaniyah Toney on May
19 20th, 2019?

20 A Yes.

21 Q And when you showed her that lineup, did you in any way
22 suggest any particular photo in that lineup?

23 A No.

24 Q Did you tell her that she needed to pick someone out of
25 that lineup?

Savanna Williams - Direct examination
By Solicitor Hammack

1 A No.

2 Q When you showed her that lineup, did she have any
3 questions or appear unsure about what she was suppose to be
4 doing?

5 A She did not.

6 Q And when you showed her that lineup, did she make a
7 selection in that case?

8 A She did.

9 Q And when she made that selection, did she do so absent
10 hesitation?

11 A Yes.

12 Q And when she made that selection, did she appear unsure
13 or have any questions about who she was picking?

14 A No.

15 Q If she appeared unsure about who she was picking, would
16 you have let her?

17 A No.

18 Q And when she made the selection in this lineup that you
19 showed her on May 20th, which image did she select?

20 A She selected Photo Number 3.

21 Q And do know who that identity of the person contained
22 in Photo Number 3?

23 A I do.

24 Q And who is that?

25 A Christian Barnwell.

Savanna Williams - Direct examination
By Solicitor Hammack

1 SOLICITOR HAMMACK: Your Honor, at this time we would
2 move Court's 3 into evidence for purposes of this hearing.

3 MR. JOHNSON: No objection, Your Honor.

4 MR. THOMPSON: No objection.

5 THE COURT: It's admitted.

6 (WHEREUPON, Court's Exhibit No. 3 was received into
7 evidence for purposes of this hearing only at this time.)

8 Q And, lastly, Investigator Williams, did you obtain a
9 photo lineup of Altashaun Bacon as part of your
10 investigation in this case?

11 A I did.

12 Q And when you obtained that photo lineup of Mr. Bacon,
13 did she show it to Shaniyah Toney on July 3rd, 2019?

14 A Yes.

15 (WHEREUPON, the photo lineup of Altashaun Bacon was
16 marked as Court's Exhibit No. 4 for identification purposes
17 only at this time.)

18 Q Investigator Williams, I'm showing you what's been
19 premarked as Court's Exhibit 4 for purposes of this hearing.

20 Do you recognize that?

21 A I do.

22 Q And what is it?

23 A It's a photo lineup of Altashaun Bacon.

24 Q Is that the photo lineup that you showed Shaniyah Toney
25 for purposes of this case?

Savanna Williams - Direct examination
By Solicitor Hammack

1 A It is.

2 Q And when you showed that photo lineup to Shaniyah
3 Toney, did she have any questions about what you were asking
4 her to do?

5 A She did not.

6 Q Did you suggest to her which photo she should, she
7 should -- she should select?

8 A No.

9 Q And did you tell her that she needed to pick any of the
10 photos?

11 A No.

12 Q At the time that you showed her this lineup, did she
13 make a selection from it?

14 A She did.

15 Q And did she make that selection absent hesitation?

16 A She did.

17 Q Did she have any questions or appear unsure about the
18 selection she made?

19 A No.

20 Q Would you of allowed her to make a selection had she
21 appeared unsure or had questions about her choice?

22 A No.

23 Q And which image did she select in this lineup?

24 A She selected Number 5.

25 Q And do you know the identity of the person contained in

Savanna Williams - Direct examination
By Solicitor Hammack

1 lineup number or Photo Number 5 in that lineup?

2 A I do.

3 Q Who is it?

4 A Altashaun Bacon.

5 SOLICITOR HAMMACK: Your Honor, at this time we would
6 move Court's 4 into evidence for purposes of this hearing.

7 MR. JOHNSON: No objection, Your Honor.

8 MR. THOMPSON: No objection, Your Honor.

9 THE COURT: It's admitted.

10 (WHEREUPON, Court's Exhibit No. 4 was received into
11 evidence for purposes of this hearing only at this time.)

12 Q I don't have any further questions for you for purposes
13 of this hearing at this point, Investigator Williams. Thank
14 you.

15 THE COURT: Any questions by the defense, Mr. Johnson?

16 MR. JOHNSON: Yes, sir, Your Honor. Thank you.

17 CROSS-EXAMINATION

18 BY MR. JOHNSON:

19 Q Morning, investigator.

20 A Morning.

21 Q So, you are not responsible for generating the photo
22 lineups of this.

23 Is that accurate?

24 A Yes, sir.

25 Q And so is it always done by SLED?

Savanna Williams - Direct examination
By Solicitor Hammack

1 A Yes, sir.

2 Q And so with regards to Mr. Jackson, Mr. Dixon, and
3 Mr. Barnwell, is it just a coincidence that all three are in
4 the third slot on the photo lineups?

5 A Yes, sir.

6 Q And do you find this to be in any way suggestive?

7 A No, sir.

8 Q Were Mr. Barnwell -- excuse me.

9 were Mr. Dixon and Mr. Jackson's photos shown for the
10 same date to Miss Toney?

11 A Yes.

12 Q And were they shown back to back to Miss Toney?

13 A Yes.

14 Q And had there been any prior discussion off-the-record
15 about the process for selecting a photograph?

16 A Only other than just your basic instructions.

17 Q Just -- so those basic instructions were not recorded?

18 A No.

19 Q Any reason why they were not recorded?

20 A It was just we were through with the statement from her
21 and then we proceeded to show the photo lineups.

22 Q And what were those basic instructions based on your
23 recollection?

24 A That we were gonna show her a photo lineup and that she
25 could or does not or does or does not have to choose anybody

Savanna Williams - Direct examination
By Solicitor Hammack

1 from this lineup.

2 Q Okay. So, that conversation took place after she had
3 given a statement or before?

4 A After.

5 Q And so what was her reason that you turned off the tape
6 recorder for that part?

7 A It's just a normal practice that I do.

8 Q And at this point in time you had been an investigator
9 for about a year.

10 Is that correct?

11 A A year and a couple of months.

12 Q And did you, did you also turn off the tape recorder on
13 July 3rd, 2019, when Miss Toney was shown the photographs
14 that contained Altashaun Bacon?

15 A I believe so, yes.

16 Q And did you turn off the recorder after the substantive
17 interview as well?

18 A Yes.

19 Q Have there been any more photo lineups shown to Miss
20 Toney in association with this case?

21 A Yes.

22 Q And were those on dates that we've already discussed,
23 which would be May of 2019 and/or July of 2019?

24 A Yes, sir.

25 Q And did she make an additional selection?

Savanna Williams - Direct examination
By Solicitor Hammack

1 A No, sir.

2 Q Is it still your practice to turn off the tape recorder
3 when explaining the instructions on how to choose an
4 individual in a photo lineup?

5 A Yes, sir, that's, that's how I normally do them, yes.

6 Q Thank you.

7 No further questions.

8 THE COURT: Mr. Thompson.

9 MR. THOMPSON: Your Honor, may it please the Court.

10 CROSS-EXAMINATION

11 BY MR. THOMPSON:

12 Q Investigator Williams, I understand that you've shown
13 other lineups to Miss Toney on, on different days, but the
14 day that she picks these four people, were there other
15 lineups shown to her on that day?

16 A Just the first day with --.

17 Q Maybe I don't understand.

18 A The -- so, the first day I showed her the photo lineups
19 of Sha'kel Dixon and Denzell Jackson there were others shown
20 that day, yes.

21 Q And there were others shown asking her whether or not
22 she recognized specific people or asking her whether she
23 recognized anybody at all?

24 A Specific people involved in the crime.

25 Q Okay. So you -- beg the Court's indulgence and I'm

Savanna Williams - Cross-examination
By Mr. Thompson

1 gonna --.

2 (Pause.)

3 Q So when you, when you showed lineup number one --

4 A Uh-huh. (Affirmative).

5 Q -- you asked her what question?

6 A I asked her if she recognized anybody in the photo
7 lineups pertaining to this crime.

8 Q Anybody.

9 And she said yes, I recognize somebody and you said
10 circle which one you recognize?

11 A She, she didn't say anything. She initialed.

12 Q Okay. And then same question for lineup number two.

13 Just right afterwards you said hey, do you recognize
14 anybody in this lineup?

15 A Do you recognize anybody, yes, and, of course, if you
16 see somebody that was involved in the incident, of course,
17 select them. But if, if not, then don't select anybody.

18 Q Okay. And she, she selected somebody off this lineup?

19 A Yes, sir.

20 Q Okay. And then the third one you said hey, do you see
21 anybody off this lineup?

22 A That was a separate day but yes.

23 Q This is -- okay. So this is a separate day.

24 Is this a separate day?

25 A Yes, sir.

Savanna Williams - Cross-examination
By Mr. Thompson

1 Q Okay. Were these on the same day?

2 A No.

3 Q Okay. So, so you came up to her and you said hey,
4 look, we been talking about Sha'kel Dixon and Denzell
5 Jackson, do you recognize anybody off these lineups?

6 A Uh-huh. (Affirmative).

7 Q And she identified somebody?

8 A Yes.

9 Q And then the -- like the second day you said hey, you
10 know we were talking about this guy and you rec -- do you
11 recognize anybody in this lineup?

12 A Yes.

13 Q And then on the next day you said hey, you recognize
14 anybody on this one, we were talking about this guy?

15 A Yes.

16 MR. THOMPSON: Okay. So -- I have no further
17 questions, Judge.

18 THE COURT: All right. Officer, have you -- did you --
19 had you discussed with the -- Miss Toney whether or not she
20 knew these two defendants?

21 THE WITNESS: She knew them by their nicknames, sir.

22 THE COURT: And how long or how well did she know them?

23 THE WITNESS: For at least some months if not years.

24 THE COURT: So, aside from showing photographs, did she
25 already know the people, she just didn't know their real,

Savanna Williams - Redirect examination
By Solicitor Hammack

1 their real names?

2 THE WITNESS: Yes, sir.

3 THE COURT: Further questions?

4 REDIRECT EXAMINATION

5 BY SOLICITOR HAMMACK:

6 Q The only further question I have, Investigator
7 Williams, is the reason you showed these particular photo
8 lineups to this witness is because she had already talked
9 about these people to you.

10 Is that correct?

11 A Yes.

12 SOLICITOR HAMMACK: That's all I have.

13 THE COURT: Further questions?

14 MR. JOHNSON: No, sir, Your Honor.

15 MR. THOMPSON: Nothing from Mr. Dixon, Your Honor.

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

17 Any defense witnesses -- any further witnesses by the
18 State?

19 SOLICITOR HAMMACK: Your Honor, I would call the
20 identifying witness if you'd like to hear from her.

21 THE COURT: Well, I'm -- I have no desires. It's your
22 case.

23 Do you have any other witnesses?

24 SOLICITOR HAMMACK: State calls Shaniyah Toney.

25 THE COURT: All right.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 THE CLERK: Please raise your right-hand.

2 SHANIYAH TONEY, being first duly
3 sworn, testified as follows:

4 THE CLERK: Have a seat in the witness box. State your
5 full name for the Court spelling your last if you'll please.

6 THE WITNESS: My name is Shaniyah Toney.

7 DIRECT EXAMINATION

8 BY SOLICITOR HAMMACK:

9 Q And, Shaniyah, can you spell your last name so that our
10 court reporter can make sure she spells it right?

11 A Yes, ma'am. It's T-O-N-E-Y.

12 Q And, Shaniyah, let me ask you this.

13 Do you know Denzell Jackson?

14 A Yes, ma'am.

15 Q Do you know Sha'Kel Dixon?

16 A Yes, ma'am.

17 Q Do you know Christian Barnwell?

18 A Yes, ma'am.

19 Q Do you know Altashaun Bacon?

20 A I didn't know him by his real name until you know---

21 Q Until---

22 A ---I had to talk to him.

23 Q ---now?

24 A Yes, ma'am.

25 THE COURT: Madam Clerk, is the volume turned up to the

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 maximum on that?

2 You just want to talk, ma'am?

3 SOLICITOR HAMMACK: Thank you, Judge.

4 THE WITNESS: Yes.

5 Q Okay. Shaniyah, when you talk, just make sure you get
6 close to that microphone for me.

7 Okay?

8 A Yes, ma'am.

9 Q So, you knew all of these people. Didn't know
10 Altashaun's name.

11 were these all people that you had been around before?

12 A Yes, ma'am.

13 Q Had you hung out with them more than once?

14 A Yes, ma'am.

15 Q Had you been to Denzell Jackson's house?

16 A Yes, ma'am.

17 Q Have you been to Christian Barnwell's house?

18 A Yes, ma'am.

19 Q Have you been to Sha'Kel Dixon's house?

20 A No, ma'am.

21 Q How about Altashaun Bacon's house?

22 A No, ma'am.

23 Q About how long would you say you've known each of those
24 people?

25 A About three to four years.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Three to four years.

2 Okay.

3 A Uh-huh. (Affirmative).

4 Q Now, Shaniyah, on the day of April 30th, 2019, did
5 you see Denzell Jackson that day?

6 A Yes, ma'am.

7 Q Did you see Sha'kel Dixon that day?

8 A Yes, ma'am.

9 Q Did you see Christian Barnwell that day?

10 A Yes, ma'am.

11 Q And did you see Altashaun Bacon that day?

12 A Yes, ma'am.

13 Q About how long were you around Denzell Jackson on
14 April 30th---

15 THE COURT: Now---

16 A ---2019?

17 THE COURT: ---solicitor, are you -- you're---

18 A The whole day---

19 THE COURT: Just a moment, ma'am.

20 The issue before the Court is the question of the
21 motion to suppress the identification. Not the general
22 testimony about the case itself.

23 SOLICITOR HAMMACK: Yes, sir. In asking her how long
24 she was around each of the people she identified on the
25 incident date, I'm just going to the reliability of her

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 identification.

2 THE COURT: Okay. Proceed.

3 Q How long were you around Denzell Jackson that day?

4 A Just that morning.

5 Q Were you around him that afternoon too before you went
6 to work?

7 A Yes, ma'am.

8 Q Were you around him after work that evening?

9 A Yes, ma'am.

10 Q How about Sha'Ke'l Dixon?

11 A Yes, ma'am.

12 Q About the same time, morning, afternoon, night?

13 A Yes, ma'am.

14 Q Did you see Christian Barnwell that day?

15 A Yes, ma'am.

16 Q About how long were you around him?

17 A Only about 10 minutes.

18 Q And how about Altashaun Bacon?

19 A Only about 10 minutes.

20 Q Okay. Now, after all of this happened, did you talk to
21 the police in this case?

22 A Yes, ma'am.

23 Q And when you talked to the police, did they show you
24 photo lineups of a sheet with a bunch of different pictures
25 on it?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q And did they ask you to pick out anybody that you
3 recognized?

4 A Yes, ma'am.

5 Q Shaniyah, I'm gonna show you what's already been
6 entered as Court's 1.

7 Is this one of the lineups that the police showed you?

8 A Yes, ma'am.

9 Q And did you pick somebody out of that lineup?

10 A Yes, ma'am.

11 Q Did anybody tell you who to pick?

12 A No, ma'am.

13 Q Did you make the decision by yourself?

14 A Yes, ma'am.

15 Q And did you pick somebody out of that lineup?

16 A Yes, ma'am.

17 Q I know it's kind of hard to see but are those your
18 initials right there on photo three?

19 A Yes, ma'am.

20 Q Did you write those?

21 A Yes, ma'am.

22 Q And who'd you pick out of this lineup?

23 A (WHEREUPON, there was no audible response.)

24 Q Photo three, is that Denzell Jackson?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, I'm showing you Court's 2.

2 Is this one of the lineups that police showed you in
3 this case?

4 A Yes, ma'am.

5 Q And did you pick somebody out of this lineup that had
6 to do with this case?

7 A Yes, ma'am.

8 Q Did anybody tell you who to pick?

9 A No, ma'am.

10 Q Did you know who you were picking?

11 A Yes, ma'am.

12 Q And who did you pick in this one?

13 A (WHEREUPON, there was no audible response.)

14 Q Photo number three?

15 A Yes, ma'am.

16 Q I don't know if you can see it again. It's kind of
17 hard to see.

18 But are those your initials on photo number three?

19 A Yes, ma'am.

20 Q And is that the photo of Sha'kel Dixon?

21 A Yes, ma'am.

22 Q Shaniyah, I'm gonna show you Court's Exhibit 3. Well,
23 let me switch to this one.

24 Is that one of the photo lineups that law enforcement
25 showed you in this case?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q And did anybody tell you who to pick out of that
3 lineup?

4 A No, ma'am.

5 Q Did you pick somebody all by yourself?

6 A Yes, ma'am.

7 Q Okay. And who did you pick in that lineup?

8 A (WHEREUPON, there was no audible response.)

9 Q Photo number three.

10 Are those your initials on photo number three?

11 A Yes, ma'am.

12 Q And is that a picture of Christian Barnwell?

13 A Yes, ma'am.

14 Q And, Shaniyah, I'm gonna show you Court's Exhibit 4.

15 Is this a lineup that law enforcement showed you in
16 this case?

17 A Yes, ma'am.

18 Q And when they showed you this lineup, did you pick
19 somebody out of this lineup having to do with this case?

20 A Yes, ma'am.

21 Q Did anybody tell you who to pick?

22 A No, ma'am.

23 Q Was it your decision who to pick?

24 A Yes, ma'am.

25 Q And who did you pick, Shaniyah?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A (WHEREUPON, there was no audible response.)

2 Q Is that your circle and your initials around photo
3 number five?

4 A Yes, ma'am.

5 Q Is that a photo -- tell me who you knew that person as.
6 Did you know that person's name?

7 A No, ma'am.

8 Q Is that somebody that you later learned was named
9 Altashaun Bacon?

10 A Yes, ma'am.

11 Q Shaniyah, I don't have any more questions for you right
12 now about that.

13 okay?

14 A Yes, ma'am.

15 THE COURT: By the defense, Mr. Johnson?

16 MR. JOHNSON: Your Honor, I don't have any witnesses,
17 excuse me, any questions for this witness for the purposes
18 of this hearing.

19 THE COURT: Mr. Thompson.

20 MR. THOMPSON: No questions for the purposes of this.

21 THE COURT: All right. Thank you, ma'am. You may step
22 down.

23 I find that -- finding of the out-of-court
24 identification was not unduly suggestive and that, in
25 addition to that, the witness knew the defendants and they

1 had known these two defendants for a period of time, and
2 they're no substantial likelihood to misidentification.

3 So, the motion to suppress is denied unless you want
4 me -- to present some witnesses for me to consider.

5 MR. JOHNSON: I don't have any witnesses on behalf of
6 Mr. Jackson.

7 MR. THOMPSON: Nothing from Mr. Dixon, Your Honor.

8 THE COURT: All right. Anything further before the
9 jury comes?

10 SOLICITOR HAMMACK: Not from the State, Your Honor.

11 THE COURT: All right. We'll take a two minute stretch
12 and you can bring the jury.

13 (WHEREUPON, a short recess was taken at this time.)

14 THE COURT: All right. We're ready for them to come
15 in.

16 All right. Come to order.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: Good morning.

20 Anyone out there?

21 Good morning.

22 (WHEREUPON, the jurors respond good morning.)

23 THE COURT: Welcome back. Day number two. State's
24 case.

25 You may proceed.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 SOLICITOR CHARBONNEAU: Thank you, Your Honor.

2 We call Cordajiah Council.

3 THE COURT: You can step right up, ma'am.

4 THE CLERK: Please raise your right-hand.

5 CORDAJIAH COUNCIL, being first duly
6 sworn, testified as follows:

7 THE CLERK: Have a seat in the witness box. State your
8 full name for the Court spelling your last name.

9 THE BAILIFF: Watch your step and speak into that mic
10 and slide up to that microphone when you -- thank you.

11 THE WITNESS: State my name, right?

12 THE CLERK: Yes.

13 THE WITNESS: Cordajiah Council.

14 THE CLERK: Spell your last name.

15 THE WITNESS: C-O-U-N-C-I-L.

16 DIRECT EXAMINATION

17 BY SOLICITOR CHARBONNEAU:

18 Q Miss Council, good morning.

19 A Morning. Good morning.

20 Q Can you please tell us do you know Derrick Curry?

21 A Yes.

22 Q How did you know him?

23 A We were together.

24 Q You were his girlfriend?

25 A Yes.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 Q For how long?

2 A Two years.

3 Q In April of 2019 were you actually living together?

4 A No.

5 Q And before that were you?

6 A Yes.

7 Q For how long did you live with him?

8 A Two years.

9 Q And was that with his mother, Kenya Bush, as well?

10 A Yes.

11 Q As his girlfriend, did the two of you have a phone plan
12 together?

13 A Yes.

14 Q And we're talking about a cell phone, right?

15 A Yes, ma'am.

16 Q Do you remember Derrick Curry's phone number in April
17 of 2019?

18 A Yes.

19 Q What was it please?

20 A [REDACTED].

21 Q Going to the -- Tuesday, April 30th, 2019, did you
22 see or speak to Derrick Curry?

23 A Yes.

24 Q Which was it?

25 A I spoke to him.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 Q Do you remember approximately what time that day you
2 spoke to him?

3 A 9:30 in the morning.

4 Q In the morning?
5 AM?

6 A Yes, ma'am.

7 Q Okay. And when you spoke to him, did the two of you
8 make any plans for later?

9 A Yes.

10 Q Do you know about what time you would see him or what
11 you were gonna do?

12 A I didn't know what time I was gonna see him but we was
13 just gonna be together that day.

14 Q Did you ever see Derrick Curry again after that phone
15 conversation?

16 A No.

17 Q Did you ever hear from Derrick Curry again after that
18 phone conversation at 9:30 in the morning?

19 A No.

20 Q On April 30th, 2019, do you start hearing from his
21 mother, Kenya Bush, about Derrick?

22 A Yes, ma'am.

23 Q Do you end up speaking to the police about this phone
24 plan that you have?

25 A Yes.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 Q And do you remember who you spoke to?

2 A No, ma'am.

3 Q Was it the female investigator?

4 A Yes.

5 Q Investigator Williams, Savanna?

6 A Yes, ma'am.

7 Q Okay. When you met with Investigator -- did you
8 actually meet with her?

9 A Yes.

10 Q And were you able to access your phone plan?

11 A Yes.

12 Q How did you do that?

13 A I went on -- well, they showed me. Went on the app and
14 just looked.

15 Q On the app on your phone?

16 A Yes, ma'am.

17 Q And you're able to access his phone because you're on
18 the same plan?

19 A Yes.

20 Q And what was that it you were able to determine when
21 you looked on the app?

22 A Phonecalls and the times.

23 Q Were you able to see if there was any phonecalls or
24 outgoing messages from Derrick Curry's phone after
25 April 30th, 2019?

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 A No.

2 Q were you able to see the last phone call?

3 A Yes.

4 Q Do you remember approximately how -- what time it was?

5 A It was around like 2:30.

6 Q And that was on April 30th, 2019?

7 A Yes.

8 Q when you spoke to Derrick at 9:30 in the morning,
9 what -- did you guys have any type of argument or
10 disagreement, anything along those lines?

11 A No.

12 Q was there any indication from Derrick that he was gonna
13 leave town or, or get away?

14 A No.

15 Q Is there any reason, based on your conversation with
16 Derrick on that day, that you would think he would not show
17 up later for your plans?

18 A No.

19 Q Before April 30th, 2019, did you see Derrick Curry or
20 speak to him everyday?

21 A Yes.

22 Q Did -- have you gotten any indication from any friends,
23 close friends, or relatives, that they have heard or spoken
24 to Derrick Curry since April 30th, 2019?

25 A No.

Cordajiah Council - Direct examination
By Solicitor Charbonneau

1 Q Do you know who Denzell Jackson is and Sha'kel Dixon
2 are?

3 A Yeah.

4 Q Were they friends with Derrick Curry?

5 A No.

6 Q Thank you.

7 Nothing further.

8 THE COURT: Mr. Johnson.

9 MR. JOHNSON: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Good morning.

13 Do you recall on the afternoon/evening of April 30th,
14 2019, communicating with Shaniyah Toney?

15 A Yes.

16 Q And you communicated with her via Facebook.
17 Is that correct?

18 A Yes.

19 Q And you have a Facebook account that is under your full
20 name of Cordajiah Council?

21 Is that accurate --

22 A Yes.

23 Q -- at the time?

24 A (WHEREUPON, there was no audible response.)

25 Q And do you recall asking Miss Toney if 60 is driving

Cordajiah Council - Cross-examination
By Mr. Johnson

1 her car?

2 Do you recall that?

3 A Yes.

4 Q And who was -- was is 60?

5 A Derrick.

6 Q And is that a nickname that he was referred to?

7 A Yes.

8 Q Now, before this day, had you had any interaction with
9 Miss Shaniyah Toney?

10 A No.

11 Q Did you know who she was?

12 A No.

13 Q How did you get her information that day?

14 A I just looked her up via Facebook.

15 Q And, and what, what made you believe she would have
16 information about Derrick?

17 A word of mouth I guess.

18 Q And do you recall telling Miss Toney that everybody is
19 looking for him and he's not responding?

20 A Yes.

21 Q Do you recall stating that they said he was last seen
22 in your car?

23 A Yes.

24 Q Do you recall her saying that he dropped her off at
25 work?

Cordajiah Council - Cross-examination
By Mr. Johnson

1 A Yes.

2 Q Do you recall telling Miss Toney tell him to call his
3 mama ASAP?

4 A Yes.

5 Q Do you recall her response to you?

6 A I can't remember it word for word but yeah.

7 Q What was, what was the gist of her response, Miss
8 Council?

9 A They had sexual intercourse and that was it.

10 Q And she actually was taunting you about that, right?

11 A Yeah.

12 Q I mean she said that we F-U-C-K and he gives good oral
13 sex?

14 Do you remember that?

15 A Yes.

16 Q And this is in the midst of you trying to find out
17 where he was, right?

18 A Yes.

19 Q And you continued to ask her or did you continue to
20 just ask her to have him call his mother?

21 A Yes.

22 Q At any point in time did Miss Council, excuse me, did
23 Miss Toney tell you that Derrick was in harms way?

24 A No.

25 Q At any point in time did she tell you that she set

Cordajiah Council - Cross-examination
By Mr. Johnson

1 Derrick up?

2 A No.

3 Q At any point in time did she tell you that he did not
4 drop her off at the IHOP?

5 A No.

6 Can you rephrase it like I said?

7 Q At any point in time did Miss Toney tell you that
8 she -- that Derrick did not drop her off at work?

9 A No.

10 Q So based on your conversation with Miss Toney, were you
11 led to believe that her and Derrick had, had spent some time
12 together that day?

13 A Yes.

14 Q And that after they were intimate that he took her to
15 work?

16 A Yes.

17 Q And at any point in time do you have any further
18 contact with Miss Toney?

19 A No.

20 Q Now you said that the phone was in your name.
21 Is that correct?

22 A Yes.

23 Q And how long had Derrick had that phone?

24 A Probably not no longer than a year.

25 Q And how long was your relationship with Derrick?

Cordajiah Council - Cross-examination
By Mr. Johnson

1 A You said how long?

2 You said how long?

3 Q Yes.

4 A Like two years.

5 Q Did you know if Derrick had a fake -- a Facebook page
6 as well?

7 A Yes.

8 Q Do you know if Derrick had a bank account?

9 A No.

10 Q No you don't know or no he didn't?

11 A No, I don't know.

12 Q Was Derrick working?

13 A No.

14 Q Were you aware that Derrick had a warrant for armed
15 robbery?

16 A No.

17 Q You were not aware of it?

18 A No.

19 Q Do you recall around what time of day you had the
20 conversation with Miss Toney?

21 A No, I don't.

22 Q Would it be fair to say that -- well, do you know
23 what -- whether it was morning, afternoon, or evening?

24 A Probably like evening time.

25 Q And you had no idea that he was seeing her, right?

Cordajiah Council - Cross-examination
By Mr. Thompson

1 A No.

2 Q Thank you.

3 THE COURT: Mr. Thompson, cross.

4 MR. THOMPSON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. THOMPSON:

7 Q Miss Council, very briefly.

8 Mr. Curry was not in the habit of communicating with
9 you when he was spending time with other women, was he?

10 A No.

11 Q And you're not really aware of the details of his
12 finances and how he made his money, right?

13 A No.

14 Q You just know that he didn't have a full-time job?

15 A What's a full-time job mean?

16 Q A place that he reports to work like a---

17 A No, I didn't.

18 Q Okay. No further questions.

19 THE COURT: Any redirect?

20 A Yes, briefly.

21 REDIRECT EXAMINATION

22 BY SOLICITOR CHARBONNEAU:

23 Q Did Derrick Curry make rap music?

24 A Yes.

25 Q Is that where the nickname 60 came from?

Cordajiah Council - Redirect examination
By Solicitor Charbonneau

1 A Yes.

2 Q That was his performer name?

3 A Yes.

4 Q Thank you.

5 Nothing further.

6 THE COURT: Anything further?

7 MR. JOHNSON: No further questions, Your Honor.

8 MR. THOMPSON: Nothing from Mr. Dixon.

9 THE COURT: Thank you. You may step down.

10 Next witness.

11 SOLICITOR HAMMACK: State calls Shaniyah Toney.

12 THE CLERK: Please raise your right-hand.

13 SHANIYAH TONEY, being first duly
14 sworn, testified as follows:

15 THE CLERK: Have a seat in the witness box. State your
16 full name for the Court spelling your last.

17 THE WITNESS: My name is Shaniyah Toney. T-O-N-E-Y.

18 DIRECT EXAMINATION

19 BY SOLICITOR HAMMACK:

20 Q And, Shaniyah, I'm gonna stand back here to talk to
21 you. I'm gonna need you to lean into that microphone when
22 you answer cause they got to be able to hear you all the way
23 in the back.

24 okay?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, can you tell everybody where you're from
2 originally?

3 A Aiken, South Carolina.

4 Q Did you grow up in Aiken?

5 A No, ma'am, I grew, grew up in Blowven (phonetic) but
6 then I moved to Aiken.

7 Q Okay. And tell me this, where'd you go to high school?

8 A Aiken High and South Aiken.

9 Q After high school, did you go to school anywhere else?

10 A Lander University.

11 Q Where's Lander at?

12 A In Greenwood, South Carolina.

13 Q And how long did you spend at Lander?

14 A Two years.

15 Q What'd you study?

16 A Nursing.

17 Q And after you spent two years at Lander, did you come
18 back to Aiken?

19 A Yes, ma'am.

20 Q About when was that?

21 A Around November.

22 Q Is that November of 2018?

23 A Yes, ma'am.

24 Q And when you came back to Aiken in November of 2018,
25 where did you live?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A In Aiken, South Carolina.

2 Q Did you live on Nokesville Circle?

3 A Yes, ma'am.

4 Q What -- do you remember the house number?

5 A [REDACTED].

6 Q And, Nokesville Circle, is that on the south side of
7 Aiken?

8 A Yes, ma'am.

9 Q What's that near?

10 A It's by Cinco De Mayo and close to New Ellenton.

11 Q You say it's close to New Ellenton.

12 What, what main road is Nokesville Circle off of?

13 A I don't know that road. I forgot the name of it.

14 Q Is it the, the biggest main road that runs through
15 Aiken?

16 A Yes, ma'am.

17 Q Okay. Is it the main road that you take to get to New
18 Ellenton from Aiken?

19 A Yes, ma'am.

20 Q And the neighborhood where Nokesville Circle is, is it
21 behind that Mi Rancho right there on the main road?

22 A Yes, ma'am.

23 Q And is that here in Aiken County?

24 A Yes, ma'am.

25 Q And when you were living at Nokesville Circle when you

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 came back in November of 2018, who were you living with?

2 A My mother.

3 Q Anybody else living with you?

4 A My little sister, and my little brother, and we had a
5 dog.

6 Q All right. And when you were living at Nokesville
7 Circle with your family, what did you do?

8 Did you get a job?

9 Did you go to school?

10 what did you do?

11 A I had to wait to start a new semester cause I kind of
12 ended in November. So, you couldn't start in, you know,
13 another -- you couldn't just go to another school in the
14 middle of the semester but I got a job at IHOP.

15 Q Is that the IHOP on Whiskey Road?

16 A Yes, ma'am.

17 Q Is it over there near Chick-Fil-A and Outback?

18 A Yes, ma'am.

19 Q And tell me -- what kind of hours did you work at the
20 IHOP?

21 A It would vary but most of the time it was like 3:00 to
22 10:00, 2:00 to 10:00.

23 Q And is that 3:00AM or 3:00PM?

24 A 3:00PM.

25 Q To ten o'clock PM?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Now, Shaniyah, were you living at Nokesville Circle in
3 April of 2019?

4 A Yes, ma'am.

5 Q And you were living with your mama and your sister and
6 your brother and your dog?

7 A Yes, ma'am.

8 Q Were you still working at IHOP in April of 2019?

9 A Yes, ma'am.

10 Q Shaniyah, did you know Derrick Curry?

11 A Yes, ma'am.

12 Q How long had you known Derrick Curry?

13 A Only about -- November, December, January, February.
14 So only about four to five months.

15 Q And did you meet him because y'all had mutual friends?

16 A Yes, ma'am.

17 Q And after you met Derrick Curry, did y'all hang out
18 sometimes?

19 A Yes, ma'am.

20 Q Did you have his phone number?

21 A Yes, ma'am.

22 Q He had your phone number?

23 A Yes, ma'am.

24 Q Do you know Denzell Jackson?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q How long have you known Denzell Jackson?

2 A About three to four years but I never really hung with
3 him at the beginning of those years.

4 Q Did y'all go to the same school at any point?

5 A No, ma'am.

6 Q How about Sha'Kel Dixon?

7 Did you know him?

8 A Yes, ma'am.

9 Q How long have you known Sha'Kel Dixon?

10 A About three to four years.

11 Q Tell me this, Shaniyah. You said that before you never
12 really hung out with Denzell Jackson.

13 when you came back home from Lander in November of
14 2018, did you start hanging out with Denzell Jackson?

15 A Yes, ma'am.

16 Q Did you start hanging out with Sha'Kel Dixon?

17 A Yes, ma'am.

18 Q And when you would hang out with them, where would
19 y'all hang out?

20 A At Denzell house. well, his mother's house.

21 Q Do you know where Denzell's mama's house is?

22 A I can't like name the street but I would be able to
23 show somebody.

24 Q If you were going from your house to Denzell's mama's
25 house, which way would you go?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A I would make a right and just go straight down through
2 New Ellenton.

3 Q Is Denzell's mama's house in New Ellenton?

4 A Yes, ma'am.

5 Q Okay. So, you would hang out with Denzell and Sha'kel
6 at, at Denzell's house or at his mama's house.

7 Did you ever hang out with Christian Barnwell?

8 A Yes, ma'am.

9 Q Did you ever hang out with Altashaun Bacon?

10 A Only like twice when he was at Christian's house.

11 Q So, Denzell Jackson and Sha'kel Dixon, do they know
12 each other?

13 A Yes, ma'am.

14 Q Are they friends?

15 A Yes, ma'am.

16 Q Christian Barnwell, to your knowledge, is he friends
17 with Denzell Jackson and Sha'kel Dixon?

18 A Yes, ma'am.

19 Q Altashaun Bacon, you said you hung out with him at
20 Denzell Jackson's house.

21 To your knowledge, is he friends with Denzell Jackson
22 and Sha'kel Dixon?

23 A Yes, ma'am.

24 Q So all of them were kind of a group together?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Tell me, Shaniyah, were they friends with Derrick
2 Curry?

3 A No, ma'am.

4 Q To your understanding, did any of those four guys like
5 Derrick Curry?

6 A No, ma'am.

7 Q To your understanding, Shaniyah, was there, for lack of
8 a better word, a beef between Derrick Curry and these four
9 other guys?

10 A Yes, ma'am.

11 Q Shaniyah, I want to talk to you about April of 2019,
12 and I want to talk to you about April 30th, 2019, but
13 first I want to talk to you about the day before that.

14 The day before that on April 29th, did you see Denzell
15 Jackson that day?

16 A Yes, ma'am.

17 Q Did you see Sha'kel Dixon that day?

18 A Yes, ma'am.

19 Q And on April 29th, 2019, did you see Derrick Curry?

20 A Yes, ma'am.

21 Q And did you do something with Derrick Curry that day?

22 A We were going to but I wasn't feeling it.

23 Q How about going over to Augusta?

24 Did y'all go over to Augusta with some people?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q And where'd y'all go over in Augusta?

2 A We went to the movies.

3 Q And when you say you went to the movies in Augusta, are
4 you talking a big fancy theater right there on the river?

5 A Yes, ma'am.

6 Q And who did you go to the movies with that day?

7 A Derrick and I don't know his other two friends' names
8 that were with us.

9 Q Do you remember what y'all watched?

10 A It was Avengers.

11 Q The Avengers?

12 A Yes, ma'am.

13 Q Okay. You said that you saw Denzell Jackson and
14 Sha'kel Dixon that day.

15 Did you see them before you went to the movies with
16 Derrick?

17 A Yes, ma'am.

18 Q And while you were at the movies with Derrick, were
19 either Denzell Jackson or Sha'kel Dixon in touch with you?

20 A Yes, ma'am.

21 Q Who was in touch with you while you were at the movies?

22 A It was Kel.

23 Q And when you say Kel, who would -- who are you
24 referring to as Kel?

25 A Sha'kel.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Okay. I just want to make sure we're talking about the
2 same people. I want to use your words but I want everybody
3 to know who you're talking about.

4 So, when you say Kel, you're talking about Sha'Kel
5 Dixon?

6 A Yes, ma'am.

7 Q And how was he in touch with you while you were at the
8 movies?

9 A Through his cell -- he was texting me.

10 Q And were y'all texting on like text messages on the
11 phone or was it Facebook Messenger or an app if you
12 remember?

13 A I don't.

14 Q Okay. When Sha'Kel Dixon was, was texting you while
15 you were at the movies, was he texting you about the movie?

16 A No, ma'am.

17 Q Was he texting you about you?

18 A No, ma'am.

19 Q What was he texting you about?

20 A To see what time the movie ended so he can be at the
21 movies.

22 Q And was Sha'Kel Dixon texting you to find out what time
23 the movie was over so that he could come meet you after the
24 movie?

25 A No, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Do you know why Sha'Ke1 Dixon was asking you about what
2 time the movie ended so he could be there?

3 A Yes, ma'am.

4 Q And what do you know as far as why he wanted to do
5 that?

6 MR. THOMPSON: Objection, Your Honor.

7 THE COURT: Basis for the objection?

8 MR. THOMPSON: Calls for speculation.

9 THE COURT: Objection's overruled.

10 THE WITNESS: I can answer the question?

11 THE COURT: Yes, ma'am.

12 A Okay. Because he wanted to kill 60.

13 Q And, Shaniyah, when you say he wanted to kill 60, who
14 is 60?

15 A Derrick.

16 Q Derrick Curry?

17 A Yes, ma'am.

18 Q Did you know what was gonna happen when y'all came out
19 of the movies?

20 A No, ma'am.

21 Q When you came out of the movies, did you see either
22 Sha'Ke1 Dixon or Denzell Jackson?

23 A No, ma'am.

24 Q Do you know whether the two of them were together that
25 day?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q You do know?

3 A Uh-huh. (Affirmative).

4 Q And were Denzell Jackson and Sha'kel Dixon together at
5 that time?

6 A Yes, ma'am.

7 Q Shaniyah, I want to talk to you about that next day,
8 April 30th of 2019.

9 okay?

10 A Yes, ma'am.

11 Q The morning of April 30th, 2019, did you sleep in
12 your bed?

13 A Yes, ma'am.

14 Q what happened that morning?

15 A I woke up to Den texting me a lot asking me to come to
16 his mother's house.

17 Q Okay. Let's take that step-by-step.

18 Okay. You said you woke up to Den texting you a lot,
19 and when you say Den, who are you talking about?

20 A Denzell.

21 Q Denzell Jackson?

22 A Yes, ma'am.

23 Q Okay. And we can use your name for him, but, again, I
24 just want to make sure everybody knows who we're talking
25 about.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 okay?

2 A Yes, ma'am.

3 Q So you said you woke up that morning to Den texting you
4 a lot about coming to his mama's house?

5 A Yes, ma'am.

6 Q And that's the house you'd been to before in New
7 Ellenton?

8 A Yes, ma'am.

9 Q Shaniyah, what did you have to do that day?

10 A I had to go to work.

11 Q An when you say you had to go to work, you, you were
12 still working at IHOP?

13 A Yes, ma'am.

14 Q And do you remember what hours you were suppose to work
15 that day?

16 A Yes, ma'am.

17 Q what hours were you suppose to work that day?

18 A 3:00 to 10:00.

19 Q And when you got -- when you woke up to Den texting you
20 a lot, do you remember about what time of day that was when
21 you woke up?

22 A Around 9:00.

23 Q 9:00 in the morning?

24 A Yes, ma'am.

25 Q Now, Shaniyah, this was on April 30th of 2019.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 when you woke up that morning, do you know what your
2 mama was doing?

3 A At work.

4 Q She was at work.

5 what about your sister and your brother?

6 were they at the house when you woke up?

7 A No, ma'am.

8 Q Where were they?

9 A In school.

10 Q So were you the only person at your house other than
11 the dog?

12 A Yes, ma'am.

13 Q So when you woke up to Den texting you a lot about
14 coming over to his house, do you know why he wanted you to
15 come over to his house?

16 A No, ma'am.

17 Q And when I say his house -- you called it his mama's
18 house.

19 Do you know if Denzell Jackson lived at his mama's
20 house in New Ellenton?

21 A Yes, ma'am.

22 Q And did he?

23 A Yes, ma'am.

24 Q Okay. So, if I say his house, and we're talking about
25 his mama's house, is that the same place?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Okay. Now, Shaniyah, after you got all these text
3 messages from Den about coming over to his mama's house, did
4 you go over there?

5 A Yes, ma'am.

6 Q How did you get there?

7 A I drove my car.

8 Q And, Shaniyah, back then, in 2019, what kind of car
9 were you driving?

10 A A white Toyota.

11 Q And when you say a white Toyota, are we talking about a
12 truck, an SUV, a car?

13 what, what kind of vehicle?

14 A Toyota Avalon. It's like an '04.

15 Q Okay. Has it got two doors or four doors?

16 A Four.

17 Q Okay. And it's just a, a normal car, not an SUV, or a
18 truck?

19 A Yes, ma'am.

20 Q Okay. So you drove your white Toyota Avalon over to
21 Denzell's house after he was texting you a lot and woke you
22 up?

23 A Yes, ma'am.

24 Q And tell me, Shaniyah, when you got to his house,
25 where'd you park your car?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Behind his mother's house.

2 Q And when you got to his house, what did you see?

3 A Den and Kel and Tiga and Christian. They were all
4 standing outside.

5 Q And when you say Den and Kel and Tiga and Christian,
6 again, when you say Den, you're talking about Denzell
7 Jackson.

8 Is that right?

9 A Yes, ma'am.

10 Q And Kel is Sha'Kel Dixon?

11 A Yes, ma'am.

12 Q Do you know Tiga's real name?

13 A No, ma'am.

14 Q And Christian, when you say Christian, are you
15 referring to Christian Barnwell?

16 A Yes, ma'am.

17 Q And when you got to Den's mama's house and pulled up
18 behind it, the four of them, what were they doing?

19 A They were just sitting outside talking.

20 Q And when you pulled up, did you get out of the car?

21 A No, ma'am.

22 Q well, what did they do when you pulled up?

23 A Den walked to, to my car.

24 Q And when Den walked to your car, did you roll the
25 window down?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Did he get in?

2 Did you get out?

3 what happened?

4 A He got in the passenger side.

5 Q And when he got in the passenger's side, are we talking
6 about the front passenger side?

7 A Yes, ma'am.

8 Q So he's sitting right next to you?

9 A Yes, ma'am.

10 Q Do you remember what he was wearing?

11 A No, ma'am.

12 Q Okay. Do you remember if he had anything with him when
13 he got in your car?

14 A He always keep a gun on him.

15 Q And did you see a gun with him that day?

16 A Yes, ma'am.

17 Q Can you tell me what that gun looks like?

18 A It was a black like small normal handgun.

19 Q Okay. Any fancy colors to it?

20 A No, ma'am.

21 Q Shaniyah, when, when you talk about a handgun, do you
22 know brands of guns or anything like that?

23 A No, ma'am.

24 Q Okay. But it was a, a small black handgun?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q And where did you see that gun with Den when he got in
2 your car?

3 A On his hip.

4 Q When Den got in your car, what did y'all do?

5 A He just start talking to me.

6 Q Did y'all talk about the weather?

7 A No, ma'am.

8 Q What was he specifically talking to you about?

9 A How he wanted me to get Derrick.

10 Q And when you say how he wanted you to get Derrick, what
11 did he want you to do?

12 A He wanted me to pick Derrick up.

13 Q And what were you suppose to do with Derrick?

14 A Pick him up and take him to my mother's house.

15 Q Whose idea was it for you to pick Derrick up and take
16 him to your mother's house?

17 A Den.

18 Q Did you have plans to do that before he told you to do
19 that?

20 A No, ma'am.

21 Q And did he tell you what you were to do after you took
22 Derrick to your mother's house?

23 A Yes, ma'am.

24 Q What did he tell you to do?

25 A He told me to walk in the house and pretend like I want

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 to have sex with him.

2 Q And then what?

3 A And then they were just gonna walk in and beat him up.

4 Q And, Shaniyah, when you say they were just going to
5 walk in and beat him up, who was they?

6 A Den and Kel.

7 Q And when Den was telling you this, was it still just
8 the two of you in the car?

9 A Yes, ma'am.

10 Q Do you know how Den and Kel were suppose to be at your
11 mama's house to beat Derrick up?

12 A Yes, ma'am.

13 Q How were they suppose to be there?

14 A They wanted me to drop them off.

15 Q So, Den and Kel wanted you to drop them off at your
16 house and then go get Derrick and bring him to your house so
17 they would beat him up?

18 A Yes, ma'am.

19 Q And that's what Den told you?

20 A Yes, ma'am.

21 Q At any point while you're in the car, did anybody else
22 get in the car?

23 A Den got out of the car and walked to Kel and then they
24 both came back to the car and got in.

25 Q And when they got back in the car, who sat where?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Den sat beside me and Kel sat in the back.
- 2 Q Do you know if Kel sat behind you, behind the driver,
3 or if he sat behind Den in the passenger seat?
- 4 A He sat behind Den in the passenger seat.
- 5 Q Do you remember what Kel was wearing that day?
- 6 A Black.
- 7 Q Did you see if Kel had anything with him when he got in
8 your car?
- 9 A Yes, ma'am.
- 10 Q What did he have with him?
- 11 A A gun.
- 12 Q Do you know what Kel's gun looked like?
- 13 A It was black as well.
- 14 Q Did it look about the same or was it a little different
15 from Den's gun?
- 16 A It looked kind of like the same where the bullet hold
17 guns.
- 18 Q When Kel got in your car with Den, was there any more
19 talk about Derrick Curry?
- 20 A No, ma'am.
- 21 Q At this point had you reached out to Derrick?
- 22 A Yes, ma'am.
- 23 Q And how did you reach out with him?
- 24 A Through Messenger.
- 25 Q And that's Facebook Messenger?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Was anybody right there with you when you messaged
3 Derrick?

4 A Yes, ma'am.

5 Q Who was right there with you?

6 A Den.

7 Q Did he know what you were typing?

8 A Yes, ma'am.

9 Q And how did he know what you were typing?

10 A Cause he was looking at the phone.

11 Q So, after you messaged Derrick with Den looking at the
12 phone as you typed, what happened next?

13 A We left Den's mom's house and we drove to my house and
14 I dropped them off.

15 Q Shaniyah, had, had Den or Kel ever been to your house
16 before?

17 A No, ma'am.

18 Q When you dropped them off, did you go inside with them?
19 Did they go inside?

20 A I backed into the garage and just let them in and then
21 I left.

22 Q And when you left, where'd you go?

23 A To go pick up Derrick.

24 Q Where were you suppose to pick Derrick up from?

25 A The first place was at McDonald's.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Okay. Do you know where the McDonald's is at?

2 A In Graniteville.

3 Q What's around that McDonald's?

4 A A grocery store, a bank, and a liquor store across the
5 street.

6 Q Okay. Did you pick Derrick up from that McDonald's?

7 A Yes, ma'am.

8 Q When you picked Derrick up from that McDonald's, what
9 were you driving?

10 A My Toyota Avalon.

11 Q And when you got to that McDonald's, was Derrick there?

12 A No, ma'am.

13 Q Did Derrick ever show up to the McDonald's?

14 A Yes, ma'am.

15 Q How long did you have to wait on him?

16 A About 30 to 40 minutes.

17 Q What'd you do while you were waiting on him?

18 A I kept texting him.

19 Q Kept texting Derrick?

20 A Yes, ma'am.

21 Q Okay. While you were waiting on him, did you receive
22 any messages from Den or Kel?

23 A No, ma'am.

24 (WHEREUPON, a video was marked as State's Exhibit No. 6
25 for identification purposes only at this time.)

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, I'm gonna show you what's been premarked as
2 State's Exhibit 6.

3 Do you recognize that?

4 A Yes, ma'am.

5 Q Is that a video from that McDonald's?

6 A Yes, ma'am.

7 Q Have you had a chance to watch that video?

8 A Yes, ma'am.

9 Q And do you recognize what's on that video?

10 A Yes, ma'am.

11 Q What's it a video of?

12 A 60 getting in my car.

13 Q Do you see your car on that video?

14 A Yes, ma'am.

15 Q And is that video of the parking lot of the McDonald's
16 that -- on April 30th, 2019?

17 A Yes, ma'am.

18 SOLICITOR HAMMACK: Your Honor, at this time we would
19 move State's Exhibit 6 into evidence.

20 MR. JOHNSON: No objection, Your Honor.

21 MR. THOMPSON: No objection.

22 THE COURT: Admitted without objection.

23 (WHEREUPON, State's Exhibit No. 6 was received into
24 evidence at this time.)

25 SOLICITOR HAMMACK: And, Your Honor, at this time we'd

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 I like to publish State's 6.

2 THE COURT: You may do that.

3 Q And, Shaniyah, in this video, where is your car parked?

4 A Beside the -- I don't know what that kind of car is.
5 It's the last one on the right.

6 Q On the, on the far side in the top corner of the
7 screen?

8 A Yes, ma'am.

9 Q And, Shaniyah, as we're watching, is that while you're
10 waiting for Derrick?

11 A Yes, ma'am.

12 Q As this video plays I'll have you explain to the jury
13 when, when Derrick pulls up and, and what we see.
14 okay?

15 A Yes, ma'am.

16 Q Did you know where Derrick was coming from when he met
17 you at McDonald's?

18 A No, ma'am.

19 Q Shaniyah, what did you, what did you tell Derrick about
20 meeting you at McDonald's?

21 A what do you mean by that?

22 Q what did you -- did you offer him anything of yours to
23 get you to meet him that day?

24 A My car.

25 Q Your car?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Did Derrick have his own car?

3 A No, ma'am.

4 Q And you -- when you say you offered your car, were you
5 offering to give him your car or just let him use it?

6 A Just let him use it.

7 Q Shaniyah, you said that you woke up about -- I can't
8 remember if you said 9:00 or 9:30, and I don't want to put
9 words in your mouth.

10 A Around 9:00.

11 Q Around 9:00 and then you went to Den's house. Now
12 you're sitting at McDonald's waiting on Derrick.

13 About what time of day was this?

14 A It's still in the morning but I don't remember the
15 exact time.

16 Q Are we getting closer to lunchtime at this point?

17 A Yes, ma'am.

18 Q And, Shaniyah, you had to be at work at -- your, your
19 shift started at three o'clock.

20 What time were you suppose to be at work?

21 A Like 10 minutes before my actual start time.

22 Q So at this point as you're waiting on Derrick, and he's
23 taking a while to get there, you said you were texting him
24 and asking him where he was.

25 Is it getting closer and closer to the time that you've

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 got to show up for work?

2 A Yes, ma'am.

3 Q Shaniyah, I just want to stop this for just a second.

4 Can you tell us what's going on in the top right corner
5 of the screen at this point?

6 A 60 is getting in my car.

7 Q And he walked up from offscreen.

8 Is that correct?

9 A Yes, ma'am.

10 Q And when you say 60's getting in your car, are you
11 talking about the top right corner of the screen?

12 A Yes, ma'am.

13 Q What color shirt is he wearing?

14 A White.

15 Q Is he getting in the driver's side of your car?

16 A Yes, ma'am.

17 Q Shaniyah, when -- and, again, I want to make sure we're
18 talking about the same people.

19 When you say 60, you're talking about Derrick Curry?

20 A Yes, ma'am.

21 Q When he got in your car, did he have anything in his
22 hand?

23 A He had his book bag and his --.

24 Q What -- go ahead. I'm sorry.

25 A And his phone.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q what color book bag did he have?

2 A It was black.

3 Q All black?

4 A Yes, ma'am.

5 Q And is that your car pulling out driving through the
6 McDonald's parking lot right now?

7 A Yes, ma'am.

8 Q And did y'all stay in the McDonald's or did y'all leave
9 after y'all just drove through?

10 A We left.

11 Q Shaniyah, you said that 60 had his black book bag and
12 his phone with him?

13 A Yes, ma'am.

14 Q Do you know if he had anything in that book bag?

15 A His gun.

16 Q And how did you know his gun was in that book bag?

17 A Cause it was sticking out.

18 Q And when you say it was sticking out, what, what did
19 that mean to you about the size of his gun?

20 A It was a -- big and long.

21 Q Was it a handgun like you talked about the earlier guns
22 or is this a different kind of gun?

23 A It's different.

24 Q Shaniyah, when y'all left McDonald's, where did y'all
25 go?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A We stopped at a gas station and then we went to my
2 house.

3 Q Do you remember where y'all parked the car when y'all
4 got to your house?

5 A The drive through.

6 Q Is that right there by the garage?

7 A Yes, ma'am.

8 Q What did y'all do when you got to your house?

9 A We went inside through the front door.

10 Q And when you go in the front door of your house, what's
11 the first room you get to?

12 A The living room.

13 (WHEREUPON, three photographs were marked as
14 Plaintiff's Exhibit Nos. 7 through 9 for identification
15 purposes only at this time.)

16 Q Shaniyah, I want to show you what's been premarked as
17 State's Exhibits 7, 8, and 9.

18 Will you take a look at these for me?

19 A Yes, ma'am.

20 Q Shaniyah, what are those pictures of?

21 A My mom's house.

22 Q State's Exhibit 7 specifically, what's that view of
23 your mom's house?

24 A The front of it.

25 Q And what's been premarked as State's Exhibit 8, what is

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 it specifically a picture of?

2 A As soon as you walk in.

3 Q As soon as you walk in.

4 As soon as you walk in, which door, Shaniyah?

5 A The front door.

6 Q Is that how you walked in with Derrick on April 30th?

7 A Yes, ma'am.

8 Q And will you look at State's -- what's been premarked
9 as State's 9 for me?

10 A (WHEREUPON, the witness complies.)

11 Q What's that a picture of?

12 A The living room and the kitchen.

13 Q Now, Shaniyah, I know those may not look exactly the
14 same as it looked on April 30th as far as where a book is
15 sitting or, or where a dog toy is but is, is that what your
16 house looked like on April 30th, 2019?

17 A Yes, ma'am.

18 Q And is that how you came in the house with Derrick that
19 day?

20 A Yes, ma'am.

21 SOLICITOR HAMMACK: Your Honor, at this time we would
22 move State's 7, 8, and 9 into evidence.

23 MR. JOHNSON: No objection, Your Honor.

24 MR. THOMPSON: No objection.

25 THE COURT: They are admitted.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 (WHEREUPON, State's Exhibit Nos. 7 through 9 were
2 received into evidence at this time.)

3 Q Shaniyah, you said you came in the front door with
4 Derrick and y'all came into the living room.

5 Did y'all stay in the living room?

6 A No, ma'am.

7 Q where'd you go?

8 A To my room.

9 Q Had Derrick ever been to your house before?

10 A No, ma'am.

11 Q Did he know where your room was?

12 A No, ma'am.

13 Q So how'd y'all get to your room?

14 A He followed me.

15 Q And when you're in the living room of your house, how
16 do you walk to get to your bedroom?

17 A You turn left and get to it when you get to the
18 hallway, and then my room is like right next to the last
19 one.

20 Q So, if you're in the living room, you go down a hall to
21 your left and there's multiple bedrooms down that hall?

22 A It's two.

23 Q Two bedrooms and yours is the first one you get to?

24 A It's like the first one is my sister's room and then my
25 room is right here.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Okay. So, if I'm looking down your hallway, am I gonna
2 look straight into your sister's room?

3 A Yes, ma'am.

4 Q And then your room was to the left of that?

5 A Yes, ma'am.

6 (WHEREUPON, three photographs were marked as State's
7 Exhibits 10 through 12 for identification purposes only at
8 this time.)

9 Q Shaniyah, I'm gonna show you what's been premarked as
10 State's Exhibits 10, 11, and 12.

11 will you take a look at those for me real quick?

12 A Yes, ma'am.

13 Q Do you recognize what those are pictures of?

14 A Yes, ma'am.

15 Q What are those pictures of?

16 A The hallway and the -- it's just the front of my
17 sister's room.

18 Q So for what's been premarked as State's Exhibit 10,
19 what specifically -- where would you be standing if you took
20 that picture?

21 A In the living room.

22 Q And what is that picture facing or looking at?

23 A The hallway.

24 Q And State's Exhibit 11, where would you be standing if
25 you took that picture?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A In the hallway at the beginning.

2 Q At the beginning of the hallway.

3 what is it looking at?

4 A My sister's room.

5 Q And then State's Exhibit 12, where would you be
6 standing if you took that picture?

7 A Getting closer to my room and her room.

8 Q And what can you see in State's Exhibit 12?

9 A My sister's room and my room.

10 Q So you can see the doorways to both your room and your
11 sister's room?

12 A Yes, ma'am.

13 Q Is that how the house was laid out on April 30th,
14 2019?

15 A Yes, ma'am.

16 Q And is that the dir -- the direction that you and
17 Derrick took to your bedroom that day?

18 A Yes, ma'am.

19 SOLICITOR HAMMACK: Your Honor, at this time we would
20 move State's 10, 11, and 12 into evidence.

21 MR. JOHNSON: No objection, Your Honor.

22 MR. THOMPSON: No objection.

23 THE COURT: They're admitted.

24 (WHEREUPON, State's Exhibit Nos. 10 through 12 were
25 received into evidence at this time.)

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, when you and Derrick came in the front door
2 of your house, did you know where Denzell Jackson was?

3 A No, ma'am.

4 Q Did you know where Sha'Kel Dixon was?

5 A No, ma'am.

6 Q Did you know what was going to happen?

7 A No, ma'am.

8 Q When you were walking with Derrick to your bedroom, did
9 you know where Denzell Jackson was?

10 A No, ma'am.

11 Q Did you know where Sha'Kel Dixon was?

12 A No, ma'am.

13 Q Did you and Derrick go into your bedroom?

14 A Yes, ma'am.

15 Q Shaniyah, what did you have in your bedroom back then?

16 A It was a canopy bed with pink covers.

17 Q Did you have like a little table or dresser or
18 anything?

19 A Yes, I had -- it go with the canopy bed. It had a
20 mirror.

21 (WHEREUPON, five photographs were marked as State's
22 Exhibit Nos. 13 through 17 for identification purposes only
23 at this time.)

24 Q Shaniyah, I'm showing you what's been premarked as
25 state's Exhibits 13, 14, 15, 16, and 17. Take a look at

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 those for me.

2 A (WHEREUPON, the witness complies.)

3 Q Do you recognize what's in those pictures?

4 A Yes, ma'am.

5 Q Generally what are all of those pictures of?

6 A My room.

7 Q On State's Exhibit -- what did I say, 13?

8 State's Exhibit 13, will you tell us what we're looking
9 at in that picture?

10 A A picture of my bed.

11 Q State's Exhibit 14.

12 A A picture of my closet.

13 Q And is that what your bed and your closet looked like
14 on April 30th, 2019?

15 A Yes, ma'am.

16 Q Let's look at State's Exhibit 15.
17 what's that a picture of?

18 A My bed.

19 Q State's Exhibit 16.

20 A The mirror that goes with my bed.

21 Q Is that a IHOP card on the table?

22 A Yes, ma'am.

23 Q Is that yours?

24 A Yes, ma'am.

25 Q And the next one, State's Exhibit 17, what's that a

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 picture of?

2 A My front -- the room door.

3 Q So if you were taking that picture, where would you be
4 standing?

5 A Beside the bed.

6 Q And what are you looking at?

7 A The hallway.

8 Q So you're standing in your bedroom looking back out?

9 A Yes, ma'am.

10 Q And that's what your bedroom looked like back on
11 April 30th, 2019?

12 A Yes, ma'am.

13 SOLICITOR HAMMACK: Your Honor, at this time we would
14 move State's 13, 14, 15, 16, and 17 into evidence.

15 MR. JOHNSON: No objection, Your Honor.

16 MR. THOMPSON: No objection.

17 THE COURT: They're admitted.

18 (WHEREUPON, State's Exhibit Nos. 13 through 17 were
19 received into evidence at this time.)

20 Q Shaniyah, when you took Derrick into your bedroom, did
21 you leave the door open?

22 A Yes, ma'am.

23 Q Do you remember how the door in your sister's room was?

24 A It was open as well.

25 Q As you were going to your bedroom, did you see Denzell

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Jackson?

2 A No, ma'am.

3 Q Did you see Sha'kel Dixon?

4 A No, ma'am.

5 Q When you and Derrick went into your room, did you know
6 where they were in your house?

7 A No, ma'am.

8 Q Shaniyah, once y'all first walked into your bedroom,
9 did you both stay in there?

10 A No, ma'am.

11 Q What happened?

12 A He started trying to kiss me and we---

13 Q Shaniyah, I'm sorry.

14 When you say he, who are you talking about?

15 A Derrick.

16 Q Okay.

17 A And we started kissing and touching and then he went to
18 the restroom to put on a condom.

19 Q And when you say he went to the restroom, where is that
20 in your house?

21 A In -- directly in front of my room.

22 Q So you can get to it from that same hallway?

23 A Yes, ma'am.

24 Q If your room is on the left as you're going down the
25 hall, is the bathroom on the right?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Can you say it again?
- 2 Q So if you're, if you're coming from the living room --
- 3 A Uh-huh. (Affirmative).
- 4 Q -- to your room, and your room is on your left, is the
- 5 bathroom across the hall on the right?
- 6 A No, ma'am, it's like right there.
- 7 Q So it's right next to your room?
- 8 A Uh-huh. (Affirmative).
- 9 kind of in front of it.
- 10 Q Okay. All right. Did Derrick come back to your room
- 11 from the bathroom?
- 12 A Yes, ma'am.
- 13 Q What did he do with the door when he came back in?
- 14 A He shut it.
- 15 Q While he was in the bathroom, did you see Denzell
- 16 Jackson?
- 17 A I walked into my sister's room to get a pin for my hair
- 18 and I saw them in the closet.
- 19 Q When you say you saw them in the closet, who is them?
- 20 A Den and Kel.
- 21 Q You saw both of them in your sister's closet?
- 22 A Yes, ma'am.
- 23 Q And when you saw them, what did they do?
- 24 A Den just pointed for me to get out. So, I got out and
- 25 went back to my room.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q You said Derrick came in your room and shut the door.
2 Did you see Denzell or Kel after that?

3 A No, ma'am.

4 Q What happened when Derrick came back in the room and
5 shut the door?

6 A We started to get sexually and we were both laying --
7 he got on top of me and he pulled down his pants and pulled
8 down mine, and, for some reason, I just couldn't have sex
9 with him. So, I told him I didn't want to. So --.

10 Q After you told him you didn't want to, did you stay on
11 the bed?

12 A No, ma'am.

13 Q Where did you go?

14 A I got off the bed and opened my closet door to get my
15 shirt and pants for work.

16 Q At this point is it about time for you to be at work?

17 A It's past time probably.

18 Q And, Shaniyah, when, when you went to your closet to
19 get your clothes for work, where was Derrick?

20 A He was still sitting on the bed fixing to put back on
21 his pants that he had took off.

22 Q So he wasn't laying down?

23 He was sitting on the bed?

24 A At the edge.

25 Q Was he sitting on the edge of your bed closer to the

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 closet where you were?

2 A Yes, ma'am.

3 Q And you said he was sitting on that pink bedspread.

4 Is that right?

5 A Yes, ma'am.

6 Q what happened then, Shaniyah?

7 A AS I was putting on my shirt and pants the door just
8 opened and, and Den and Ke'l was at the door and Den pointed
9 his gun and he shot 60 in the eye and he just, he just
10 started crying blood and fell over on the floor.

11 Q Shaniyah, when the door just came open, and Den and Ke'l
12 were standing there at your bedroom door, were they wearing
13 anything different from what they were wearing when they
14 first got in your car?

15 A Yes, ma'am.

16 Q what were they wearing different?

17 A They had on gloves.

18 Q what did Den have in his hands?

19 A The gun.

20 Q was that the gun you had seen on his hip in your car?

21 A Yes, ma'am.

22 Q Did Sha'Ke'l have anything in his hands?

23 A Yes, ma'am.

24 Q what did Sha'Ke'l have?

25 A A pink tote and a bag.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, when you say a pink tote, can, can you help
2 the jury understand what we're talking about?

3 Is it -- about how big is it?

4 A It's like a -- like a -- if you fixing to put like
5 winter clothes up or something, you would use that kind of
6 tote. It's big and pink.

7 Q Okay. Is it soft or is it---

8 A It's---

9 Q ---a hard sided thing?

10 A It's plastic.

11 Q Is it the kind of thing -- you said you would put your
12 winter clothes.

13 Is it something you can put up in the attic or in a
14 closet?

15 A Yes, ma'am.

16 Q And you said that Sha'kel had a bag with him.
17 what kind of bag?

18 A A black trash bag.

19 Q You said that they were wearing gloves.

20 were both Denzell Jackson and Sha'kel Dixon wearing
21 gloves?

22 A Yes, ma'am.

23 Q Shaniyah, how many times did Den shoot his gun?

24 A Twice.

25 Q where did the first one go?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Into 60 left eye.
- 2 Q where did the second one go?
- 3 A Into the wall.
- 4 Q Shaniyah, what did Derrick do when Den shot him in the
5 face?
- 6 A He just started crying blood and just fell over.
- 7 Q was there blood anywhere else?
- 8 A It got on my wall and on my white shirt and all on the,
9 the bed and floor.
- 10 Q was it a little bit of blood or was it a lot of blood,
11 Shaniyah?
- 12 A A lot.
- 13 Q After Derrick fell over, did you see him move?
- 14 A No, ma'am.
- 15 Q Did you hear him say anything?
- 16 A No, ma'am.
- 17 Q Could you see if he was breathing?
- 18 A He wasn't.
- 19 Q He wasn't breathing?
- 20 A (WHEREUPON, there was no audible response.)
- 21 Q Shaniyah, when Derrick was on the floor of your bedroom
22 after he'd been shot in the face and you said there was a
23 lot of blood, did you think Derrick was still alive?
- 24 A No, ma'am.
- 25 Q Did you see anything else on the floor after this

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 happened?

2 A Yes, ma'am.

3 Q Did you know what it was on the floor?

4 A No, ma'am.

5 Q Did you find out what it was on the floor?

6 A Yes, ma'am.

7 Q How?

8 A Cause Kel laughed about it and told me what it was.

9 Q And after Kel laughed about it, what did he tell you
10 that was on the floor?

11 A His eyeball.

12 Q Derrick's eyeball?

13 A Yes, ma'am.

14 Q Shaniyah, what were you doing when this was happening?

15 A Crying.

16 Q After Den shot Derrick in the face, and fired a shot
17 into the wall, what did he and Kel do?

18 A They were -- hurried up and walked in the room and they
19 both picked up his body and put it in the tote.

20 Q Did Derrick's body fit in that tote?

21 A Yes, ma'am.

22 Q Did his whole body fit in that tote?

23 A Yes, ma'am.

24 Q Could you of put a lid on it and closed it?

25 A No, ma'am, his legs were hanging out.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Derrick's legs were hanging out the top of the tote?

2 A Yes, ma'am.

3 Q What did they do -- well, tell me this. You said they
4 put his body in the tote.

5 Again, when you say they, are you talking about Den and
6 Kel?

7 A Yes, ma'am.

8 Q How did they get his body in the tote?

9 A Den grabbed him by the arms and Kel grabbed him by the
10 legs.

11 Q When they put him in the tote, how did, how did they
12 arrange his body in the tote?

13 A His arms and legs -- like his arms and his upper body
14 was in the tote and his legs, from his knee, it was hanging
15 out.

16 Q Did Den and Kel do anything else in your room after
17 they put Derrick's body in the tote?

18 A Yes, ma'am.

19 Q What else did they do?

20 A They took my covers off my bed, put it in the trash
21 bag, and his clothes.

22 Q Did they take your bedsheets too or just your covers?

23 A Everything.

24 Q And they took Derrick's clothes?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did they take all of his clothes?

2 A Yes, ma'am.

3 Q Did they put all of his clothes in the trash bag?

4 A Yes, ma'am.

5 Q What about his shoes?

6 A He said he was gonna keep them.

7 Q He said he was gonna keep Derrick's shoes?

8 A Yes, ma'am.

9 Q Shaniyah, you said when Derrick got in the car that he
10 had a bag with him and his phone.

11 Did he bring that bag in the house with him?

12 A No, ma'am.

13 Q Where did that bag stay?

14 A In the car.

15 Q How about Derrick's phone?

16 A He left it in the car as well.

17 THE COURT: Ms. Hammack, we're gonna take a break now.

18 Ladies and gentlemen, if you would go to the jury room.

19 Please do not discuss the case while in the jury room.

20 Everyone remain seated and the jury will go to the jury
21 room.

22 (WHEREUPON, the following takes place outside the
23 presence of the jury.)

24 THE COURT: We're gonna take about 15 minutes. First
25 to give the victim's family an opportunity to leave. We're

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 gonna take about 15 minutes. First the victim's family can
2 leave. We'll be back in about 10 minutes.

3 If you'll wait two or three minutes, then the other
4 people can leave. We will try to reconvene about 10 after
5 12:00.

6 UNIDENTIFIED SPEAKER: Judge, may I be excused to go to
7 the restroom?

8 THE COURT: Yes, sir. We'll be in recess for 15
9 minutes.

10 Oh, ma'am, you may step down. You can not have any
11 conversations with anyone while -- during this break but you
12 can step down.

13 (WHEREUPON, a short recess was taken at this time.)

14 THE COURT: Are you ready to proceed?

15 SOLICITOR HAMMACK: Yes, Your Honor.

16 THE COURT: Is there any reason why you-all want an
17 opportunity to keep the Court in the dark as far as
18 following the evidence?

19 SOLICITOR HAMMACK: I apologize, Your Honor.

20 What, what do we need to do to rectify that?

21 THE COURT: Well, while you're presenting exhibits and
22 having the witnesses testifying concerning things that --
23 but you're not providing the Court, the Court a copy of it
24 to follow the testimony.

25 SOLICITOR HAMMACK: Yes, sir. I can give Your Honor a

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1 thumb drive of the proposed photos saved by the exhibit
2 number that Your Honor can follow along on your computer.
3 Not all of those have been entered into evidence yet. I
4 don't have copies of the physical evidence but I do have
5 copies of the photos for Your Honor.

6 THE COURT: Just when evidence is presented, then the
7 witness is testifying and sharing it with counsel, I need to
8 follow the evidence in the trial. So --.

9 SOLICITOR HAMMACK: Yes, sir.

10 would you---

11 THE COURT: All right.

12 SOLICITOR HAMMACK: would you like this digital copy of
13 those---

14 THE COURT: Yes, that would be fine.

15 SOLICITOR HAMMACK: ---would you like me to hand the --
16 yes, sir.

17 THE COURT: Are we ready for the jury?

18 SOLICITOR HAMMACK: Yes, sir.

19 THE COURT: Bring them on.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE COURT: The jury's back.

23 Ladies and gentlemen, someone has inquired as to
24 whether the jury can take notes. There are two schools of
25 thought on note taking and, and it's one school of thought

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By Solicitor Hammack

1 is, of course, let the jury take notes. Other thoughts are
2 that it's a -- too much of a distraction. Of course, some
3 people are better note takers than, than others, and in no
4 instance should a person's note be given more credibility or
5 reliability than someone else's recollection.

6 when we have note taking, the bailiffs distribute
7 notepads to the jurors, the jury, and the jury -- they
8 collect the notepads when the jury leaves the courtroom,
9 reissue them when the juror comes back into the courtroom,
10 then give them to you to use during jury deliberations.

11 So, if you want to take notes, we'll have the bailiffs
12 get up some pads to distribute to the jurors along with the
13 pens. And, and it's certainly fine with me for you to take
14 notes if that's what you want to do.

15 And we've discovered that, in many instances, we see a
16 lot of doodling and a lot of things -- people tabulating
17 what bills they have to pay and all of that rather than
18 anything of substance in many of the notes that I've seen
19 over the years. But if you'd like to take notes, you, you
20 can do so and we'll have the bailiffs gather them up just in
21 case and pass them out at a convenient time.

22 You may proceed.

23 SOLICITOR HAMMACK: Thank you, Your Honor.

24 CONTINUED DIRECT EXAMINATION

25 BY SOLICITOR HAMMACK:

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, when Derrick was sitting on your bed and Den
2 and Kel came in the room and Kel shot Derrick in the face,
3 from the time they opened your bedroom door to the time that
4 Derrick got shot, did Derrick have a chance to say anything?

5 A No, ma'am.

6 Q Did he have a chance to move?

7 A No, ma'am.

8 Q Did Derrick have a chance to run?

9 A No, ma'am.

10 Q Did Derrick have a chance to fight back?

11 A No, ma'am.

12 Q And, Shaniyah, did you testify earlier that Derrick had
13 left his bag in your car?

14 A Yes, ma'am.

15 Q Before the break, Shaniyah, you were telling the jury
16 about how Den and Kel were working to get rid of the items
17 in your room. You stated that they put your covers and
18 everything from the bed and Derrick's clothes in a black
19 trash bag.

20 what did they do with that trash bag?

21 A They put it in the trunk.

22 Q In what trunk?

23 A In my trunk.

24 Q And where was your car when they put that in your
25 trunk?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A They moved it into the garage.

2 Q Do you remember who moved your car into the garage?

3 A Yes, ma'am.

4 Q who did that?

5 A Den.

6 Q who carried the trash bag to the trunk of your car?

7 A Ke'l.

8 Q Shaniyah, you testified before the break that Den and
9 Ke'l put Derrick's body in a pink tote.

10 what did they do with that pink tote?

11 A They put it in the trunk.

12 Q How did they get it to the trunk?

13 A They both carried it.

14 Q when they were putting things in a -- your things and
15 Derrick things in a trash bag, and carrying those things to
16 your car, and carrying Derrick's body to your car, what were
17 you doing?

18 A Just watching.

19 Q After Den and Ke'l put that black trash bag and that
20 tote with Derrick's body in your trunk of your car, what did
21 they do next?

22 A Drive to meet Christian and I can't remember the other
23 dude's name again.

24 Q where were you?

25 A In the car as well.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q why were you in the car with them?

2 A Because they had to take me to work.

3 Q Did you say anything to them about what happened?

4 A After it happened I kept asking them why did they do
5 that.

6 Q Did they tell you to get in your car?

7 A Yes, ma'am.

8 Q who was driving your car?

9 A Den.

10 Q where was Kel?

11 A In the back seat.

12 Q where were you?

13 A Next to Den.

14 Q In the front passenger seat?

15 A Yes, ma'am.

16 Q Did they say anything to you about telling anybody what
17 happened?

18 A No, ma'am, the ride was quiet.

19 Q And where did y'all go on that quiet ride?

20 A To meet Christian and the other dude on the dirt road.

21 Q How'd you get to the dirt road?

22 A when we left out of the house we made a right turn and
23 just went straight and the dirt road was behind Christian's
24 mom house.

25 Q So, when you came out of the neighborhood, you took a

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 right turn.

2 was that a right turn onto whiskey Road?

3 A Yes, ma'am.

4 Q And were you traveling south down whiskey Road towards
5 New Ellenton?

6 A Yes, ma'am.

7 Q Did you get all the way to New Ellenton?

8 A No, ma'am.

9 Q You said y'all were going to the dirt road by
10 Christian's mama's house.

11 Do you know where Christian's mama's house is?

12 A Yes, ma'am.

13 Q You've been there before?

14 A Yes, ma'am.

15 Q What is Christian's mama's house near?

16 A It's a barbecue place. Dukes Bar-B-Que.

17 Q And where is Christian's mama's house in relationship
18 to Dukes Bar-B-Que?

19 A On the right side of the road.

20 Q So across the street from Dukes?

21 A Yes, ma'am.

22 Q And where is that dirt road in relationship to
23 Christian's mama's house?

24 A It's not directly behind it -- her house but it's
25 behind her house.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did it take y'all long to get there?

2 A No, ma'am.

3 Q Do you know why y'all were going there?

4 A No, ma'am.

5 Q So at the time that you're riding in your car with Den
6 and Kel and Derrick's body in the trunk, you did not know
7 why y'all were going to Christian's mom's house?

8 A No, ma'am.

9 Q You said it was a quiet ride.

10 was anybody talking to Christian or anyone else in that
11 ride?

12 A No, ma'am, Den had made a phonecall.

13 Q Did he make that phonecall back at your house or once
14 y'all got in the car?

15 A Once we got in the car.

16 Q Do you know who he was talking to?

17 A His mom.

18 Q Now, when you got to the dirt road behind Christian's
19 mama's house, what did you see?

20 A Christian and I don't know his name. I can't -- I keep
21 forgetting it but they was already there parked.

22 Q They were waiting on y'all at that dirt road?

23 A Yes, ma'am.

24 Q Do you know what kind of car they were sitting there
25 with?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A It was like a silver two door.

2 Q Were they sitting in a car or were they outside the
3 car?

4 A Outside the car.

5 Q And what were they doing when y'all pulled up?

6 A They were just standing there.

7 Q And when y'all pulled up, where did y'all pull up in
8 relationship to that car?

9 A In the front of it.

10 Q So y'all pulled in front of that car.

11 Do you know whose car that was?

12 A I don't know his name.

13 Q Was it Christian's car?

14 A No, ma'am.

15 Q Was it the car belonging to the guy that was with
16 Christian?

17 A Yes, ma'am.

18 Q Is that the guy you later learned to be Altashaun
19 Bacon?

20 A Yes, ma'am.

21 Q When y'all pulled up in front of their car, what did
22 everybody do?

23 A Den and Kel got out and they walked up to Christian,
24 and Den said I got something for you, and then they opened
25 the trunk.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q what did Christian and the other dude do when Den
2 opened the trunk?

3 A Started saying oh, shit and started laughing.

4 Q were Den and Kel laughing?

5 A Yes, ma'am.

6 Q what were you doing?

7 A Trying not to cry.

8 Q Did any of them say anything to you about crying?

9 A Yes, ma'am.

10 Q who said something to you about crying?

11 A Kel.

12 Q what did Kel say to you about crying?

13 A You better hush before -- you better stop crying before
14 we kill you too.

15 Q Is that why you were trying not to cry?

16 A Yes, ma'am.

17 Q After Den opened the trunk and showed Christian and the
18 other guy what was inside, what did they all do?

19 A They were just laughing and joking and then they say he
20 was gonna have fun with him. He was gonna use his body as a
21 target and he was gonna chop him up.

22 Q was everything still inside the trunk of your car when
23 Den was saying that?

24 A Yes, ma'am.

25 Q Did the pink tote and the black trash bag stay in your

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 car?

2 A No, ma'am.

3 Q what happened to them?

4 A Christian and the other guy put it in all -- Treshon's
5 (phonetic) back truck -- I mean back trunk.

6 Q who carried the black trash bag?

7 A I can't remember.

8 Q Do you remember who carried the pink tote?

9 A Christian and the dude Altashaun.

10 Q were Derrick's legs still hanging out?

11 A Yes, ma'am.

12 Q were they able to fit the pink tote in the other trunk?

13 A Yes, ma'am.

14 Q were they able to fit the black trash bag in the other
15 trunk?

16 A Yes, ma'am.

17 Q what were you doing while they were transferring the
18 tote and the bag to the other car?

19 A Just looking.

20 Q when they finished moving everything to the other car,
21 what happened after that?

22 A we got in -- me, Kel, and Den, we got back into the car
23 and went to his mother's house.

24 Q whose mother house did you go to?

25 A Den.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q And I think, Shaniyah, you testified before that Den's
2 mom's house is in New Ellenton.

3 How long did it take y'all to get from that dirt road
4 to his mom's house?

5 A No more than 10 minutes.

6 Q Tell me this, Shaniyah, did y'all go back in your car?

7 A Yes, ma'am.

8 Q Who was driving your car?

9 A Den.

10 Q Where was Kel sitting?

11 A In the back seat.

12 Q And where were you sitting?

13 A In the passenger.

14 Q So, after -- since y'all left your house, and Den had
15 shot Derrick in the face, were you ever allowed to drive
16 your own car?

17 A No, ma'am.

18 Q And when y'all got in your car to leave, what was
19 Christian and Altashaun doing with Altashaun's car?

20 A They had -- they didn't leave yet. They was just
21 sitting there.

22 Q When y'all left the dirt road, had they left yet?

23 A No, ma'am.

24 Q Do you have any idea what they did after y'all left?

25 A No, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Do you have any idea where they went with that car
2 after you left?

3 A No, ma'am.

4 Q Do you have any idea where they took Derrick's body?

5 A No, ma'am.

6 Q So where did y'all go -- well, I'm sorry. You said
7 y'all went to Den's mama's house.

8 Did you make it there?

9 A Yes, ma'am.

10 Q And what happened when y'all got there?

11 A Den got out to get something to clean up blood out of
12 the carpet with.

13 Q What carpet?

14 A Mines.

15 Q In your bedroom?

16 A Yes, ma'am.

17 Q Did he go in his house to get cleaning supplies to
18 clean up the blood in the carpet?

19 A Yes, ma'am.

20 Q How do you know that's what he was going to do?

21 A Because he called his mom and asked was there
22 anything -- did she have anything in the house to clean
23 blood out of carpet with.

24 Q Did he come back out of his house with cleaning
25 supplies?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q What were you and Kel doing while Den went in his
3 house?

4 A Just sitting in the car.

5 Q So, up until this point since Derrick has been killed,
6 have you been by yourself at any point?

7 A No, ma'am.

8 Q Has Den or Kel one been with you every second since
9 then?

10 A Yes, ma'am.

11 Q When Den came out of the house with the cleaning
12 supplies, what did y'all do?

13 A We went straight back to my house.

14 Q Who drove?

15 A I don't remember.

16 Q You testified that, going to Den's house, that Den was
17 driving, you were in the front passenger seat, and Sha'Kel
18 was in the back seat.

19 Did anybody move seats before you went back to your
20 house?

21 A No, ma'am.

22 Q When you got back to your house, do you remember about
23 what time it was?

24 A It was around 4:00 or 5:00 ish.

25 Q In the afternoon?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q So, Shaniyah, at this point are you late for work?
- 3 A Yes, ma'am.
- 4 Q What did y'all do when you got back to your house?
- 5 A We parked in the garage again and went into the room
- 6 and they started cleaning it up.
- 7 Q Now you say it's about 4:00 or 5:00 on a Tuesday.
- 8 Where was your mama?
- 9 A At work.
- 10 Q Still?
- 11 A Yes, ma'am.
- 12 Q So she wasn't home?
- 13 A No, ma'am.
- 14 Q How about your brother and sister?
- 15 Where were they at this point?
- 16 A After school programs.
- 17 Q So, when y'all came back to your house for Den and Kel
- 18 to start cleaning up, was anybody else home in your house?
- 19 A No, ma'am.
- 20 Q What were Den and Kel doing?
- 21 A They were spraying the stuff on the floor and using a
- 22 rag.
- 23 Q Where'd they get a rag from?
- 24 A Out of the closet in the hallway.
- 25 Q So, your family's cloth or rag?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A Yes, ma'am.
- 2 Q where all did they have to clean blood from?
- 3 A The wall, and the bed, the mattress, and the carpet.
- 4 Q Do you have any idea how long it took for the two of
- 5 them to try to clean this blood off of the wall, the bed,
- 6 the mattress, and the carpet?
- 7 A No, ma'am.
- 8 Q what were you doing?
- 9 A They had asked me to help.
- 10 Q Did you help?
- 11 A Yes, ma'am.
- 12 Q How did you help clean the blood out of your room?
- 13 A I got a rag as well.
- 14 Q From your closet?
- 15 A Yes, ma'am.
- 16 Q were y'all able to clean the blood up?
- 17 A It looked clean.
- 18 Q what did y'all do with the rags and the stuff that you
- 19 used to clean the blood?
- 20 A They put it in a bag.
- 21 Q what kind of bag?
- 22 A A black trash bag.
- 23 Q Is this a different trash bag than the one that they
- 24 put in Altashaun's trunk?
- 25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Shaniyah, you, you testified earlier that when you
2 first picked them up from Den's house that morning that they
3 didn't have gloves on, but that, when you saw them in your
4 house before Den shot Derrick, that both Den and Kel had
5 gloves on.

6 what did they do with those gloves the first time?

7 A They put it in the black trash bag.

8 Q The black trash bag with your covers and bedsheets and
9 Derrick's clothes?

10 A Yes, ma'am.

11 Q Were Den and Kel wearing gloves when they cleaned the
12 blood out of your room?

13 A Yes, ma'am.

14 Q Were those different gloves than they wore the first
15 time?

16 A Yes, ma'am.

17 Q What did they do with those gloves?

18 A They put it in the black trash bag.

19 Q Shaniyah, do you remember what you were wearing that
20 day?

21 A My white shirt and black pants and black shoes for
22 work.

23 Q And did anything happen to your clothes that day?

24 A Yes, ma'am.

25 Q What happened to your clothes?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Blood squirted all over me.

2 Q when did blood squirt all over you?

3 A After he shot 60.

4 Q when y'all were cleaning the blood out of your room,
5 were you still wearing your clothes with his blood on them?

6 A Yes, ma'am.

7 Q Did you do anything about those clothes?

8 A Yes, ma'am.

9 Q what did you do?

10 A They went back to Christian house and Christian mom
11 gave me her boyfriend's shirt to put on.

12 Q And when you say they, Shaniyah, who are you talking
13 about?

14 A Christian mom and her boyfriend.

15 Q No.

16 when you said they took you to Christian's mama's, who
17 took you to Christian's mom's house?

18 A Den and Kel.

19 Q Did that happen before or after they took you back to
20 your house to clean up your room?

21 A After.

22 Q So, when you're at your house and you clean up your
23 room, we've got a second black trash bag with bloody things
24 in it.

25 what happened to that trash bag of things?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A I don't know.

2 Q Did you keep it?

3 A No, ma'am.

4 Q Did it stay in your house?

5 A No, ma'am.

6 Q How did it get out of your house?

7 A They took it back with them when we went to Christian's
8 house to get a shirt.

9 Q They being Den and Kel?

10 A Yes, ma'am.

11 Q So did y'all go straight from cleaning up your room to
12 Christian's mama's house?

13 A Yes, ma'am.

14 Q And is that back near that dirt road where you met
15 Christian and Altashaun?

16 A Yes, ma'am.

17 Q At this point are you very late for work?

18 A Yes, ma'am.

19 Q So when y'all got to Christian's mama's house, you've
20 got your bloody clothes that you're wearing, and a black
21 trash bag with bloody rags in it.

22 Did you see what happened to that black trash bag with
23 bloody stuff in it?

24 A No, ma'am.

25 Q And how did you go about getting fresh clothes from

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Christian's mom?

2 A Christian went in the house and asked his mom did she
3 have a white shirt.

4 Q And, Shaniyah, tell the jury why it needed to be a
5 white shirt.

6 A Because you have to wear a white shirt at IHOP.

7 Q Were you still trying to go to work that day?

8 A Yes, ma'am.

9 Q And why were you trying to go to work that day after
10 everything that had happened?

11 A Because I cared about my job.

12 Q Did you want to keep hanging around Den and Kel at that
13 point?

14 A No, ma'am.

15 Q Were you worried about what they would think if you
16 didn't go to work?

17 A Yes, ma'am.

18 Q How long did y'all stay at Christian's mama's house?

19 A It wasn't that long. About no more than 10 minutes.

20 Q Who all was at Christian's mama's house when y'all got
21 there?

22 A It was just Christian, me, Den, Kel, and I don't know
23 who was in the mother's house cause I never went in there.

24 Q When you got to Christian's mama's house, did you see
25 Altashaun's car?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A No, ma'am.
- 2 Q And when I say Altashaun's car, the car that you saw
3 them put Derrick's body in, was it there when you got there?
- 4 A No, ma'am.
- 5 Q Did you know where it was?
- 6 A No, ma'am.
- 7 Q Did you know where Derrick's body was?
- 8 A No, ma'am.
- 9 Q After y'all were at Christian's mama's house for no
10 more than 10 minutes, where'd y'all go from there?
- 11 A They dropped me off to work.
- 12 Q And if they dropped you off, who was driving?
- 13 A Den.
- 14 Q So you still weren't allowed to drive your own car?
- 15 A Yes, ma'am.
- 16 Q where was Kel?
- 17 A He was in the front seat. The passenger.
- 18 Q And when they dropped you off at work, did they leave
19 your car with you?
- 20 A No, ma'am.
- 21 Q what did they do with your car?
- 22 A I don't know.
- 23 Q But it didn't, it didn't stay at IHOP?
- 24 A No, ma'am.
- 25 Q Do you remember about what time you got to IHOP?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A I know I had to be at least two to three hours late.
- 2 Q And what did you do when you got there?
- 3 A I just went to the back and sat down.
- 4 Q why'd you have to sit down?
- 5 A Cause it was on my mind.
- 6 Q Did you need a minute before you could go do your job?
- 7 A Yes, ma'am.
- 8 Q And did you work your shift, Shaniyah?
- 9 A Yes, ma'am.
- 10 Q And while you were working, did you say anything to
- 11 anybody about what had just happened?
- 12 A Yes, ma'am.
- 13 Q who'd you talk to?
- 14 A His mother and Cordajiah.
- 15 Q Did you say anything to anybody at work about what
- 16 happened?
- 17 A No, ma'am.
- 18 Q why?
- 19 A I didn't want to.
- 20 Q what were you feeling at that point?
- 21 A Hurt.
- 22 Q were you scared?
- 23 A Yes, ma'am.
- 24 Q You say you talked to Cordajiah, Derrick's mom while
- 25 you were working.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 were they looking for Derrick?
- 2 A Yes, ma'am.
- 3 Q Did you tell them what happened?
- 4 A No, ma'am.
- 5 Q why didn't you tell them what happened?
- 6 A Cause I was scared.
- 7 Q what were you scared of?
- 8 A what they were gonna do to me.
- 9 Q what who was gonna do to you?
- 10 A Den and Kel.
- 11 Q Did you see Den and Kel again that day?
- 12 A Yes, ma'am.
- 13 Q when did you see Den and Kel?
- 14 A when they picked me up.
- 15 Q was that at the end of your shift?
- 16 A No, ma'am.
- 17 Q when did they pick you up then?
- 18 A They were late.
- 19 Q Do you remember about what time they came and picked
- 20 you up?
- 21 A It was getting close to like 12:00.
- 22 Q when they picked you up, who was driving your car?
- 23 A Den.
- 24 Q where was Kel?
- 25 A In the passenger seat.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q where did you get in the car?

2 A In the back seat.

3 Q Did you know where Den was going from there once you
4 got in the car?

5 A No, ma'am.

6 Q where did y'all go?

7 A To Christian's mom house.

8 Q what was going on at Christian's mama's house when
9 y'all got there?

10 A Den was taking off like my wheel cover and he was
11 cleaning, like wiping the door and, and the seats, and he
12 was -- they had like a fire.

13 Q So when, when y'all pulled up at Christian's mom's
14 house, what did you see when you first got there?

15 A They were all outside.

16 Q And who all was they at this point?

17 A It was, I don't know how to say his name, Altashaun,
18 Den, Kel and I can't think of the other person name that was
19 driving.

20 Q Was Christian there?

21 A Yes, ma'am.

22 Q Did you see Altashaun's car there?

23 A No, ma'am.

24 Q So did you know where his car was?

25 A No, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 Q And you said there was a fire?
- 2 A Yes, ma'am.
- 3 Q What kind of fire?
- 4 A It was in the dirt. Like they made a fire.
- 5 Q So like an outside fire?
- 6 A Yes, ma'am.
- 7 Q Not like in a fireplace?
- 8 A No, ma'am.
- 9 Q Were they doing anything with the fire?
- 10 A Something was burning and then they took the wheel
- 11 cover off and put it in the fire. And after he wiped the
- 12 car, he put the rag in the fire.
- 13 Q And when you say your wheel cover, will you explain to
- 14 the jury what you're talking about?
- 15 A It's like the furry wheel cover that go around the
- 16 wheel.
- 17 Q And when you say wheel, are you talking about your
- 18 steering wheel?
- 19 A Yes, ma'am.
- 20 Q So, the, the furry cover that was -- covered your
- 21 steering wheel, Den took it off and put it in the fire?
- 22 A Yes, ma'am.
- 23 Q Did you have anything on your gearshift?
- 24 A I don't remember.
- 25 Q At, at some point did you have a matching pink cover on

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 your gearshift?

2 MR. JOHNSON: Your Honor, I, I would object and I can
3 give the basis.

4 THE COURT: All right.

5 MR. JOHNSON: I would object to that question. I can
6 give the basis for that objection.

7 THE COURT: All right. Give me the legal basis for the
8 objection.

9 MR. JOHNSON: That question has been asked and already
10 answered by the witness with regard to the gearshift.

11 THE COURT: Ms., Ms. Hammack.

12 SOLICITOR HAMMACK: The follow-up question to that was
13 at some point other than that night did she have something
14 on her gearshift or did she remember having something---

15 THE COURT: The objection---

16 MR. JOHNSON: ---on her gearshift.

17 THE COURT: The objection's sustained as to the leading
18 nature of the question.

19 You may proceed.

20 Q Shaniyah, you said that Den was wiping the car down. I
21 want to make sure we're talking about the right thing.

22 which car was he wiping down?

23 A My car.

24 Q And what was he using to wipe it down?

25 A A rag.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did he have anything on his hands when he was wiping it
2 down?

3 A No, ma'am.

4 Q And after he wiped your car down with a rag, what did
5 he do with the rag?

6 A Threw it in the fire.

7 Q Do you know where all he wiped down in your car?

8 A Just where he was sitting.

9 Q Shaniyah, you stated that back when everything happened
10 in -- at your house that Derrick had left his book bag and
11 phone in your car.

12 Did you see his book bag and his phone in your car
13 after he got shot?

14 A Yes, ma'am.

15 Q When did you see Derrick's book bag and phone in your
16 car?

17 A When they picked me up.

18 Q When they picked you up from work?

19 A Yes, ma'am.

20 Q Did Derrick's book bag still have the gun in it?

21 A It was out of the book bag. Kel was holding it.

22 Q Did anybody say anything about Derrick's book bag or
23 gun?

24 A No, ma'am.

25 Q What about his shoes?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 You mentioned shoes in the house.

2 Did you see his shoes again?

3 A Yes, ma'am.

4 Q Where were Derrick's shoes when you saw them again?

5 A Ke'l had them.

6 Q And that was after they picked you up from work?

7 A Yes, ma'am.

8 Q Do you know what happened to Derrick's book bag?

9 A No, ma'am.

10 Q Do you know what happened to Derrick's gun?

11 A No, ma'am.

12 Q Do you know what happened to Derrick's shoes?

13 A No, ma'am.

14 (WHEREUPON, a Glock 9-millimeter was marked as State's
15 Exhibit No. 107 for identification purposes only at this
16 time.)

17 Q Shaniyah, I'm gonna show you what's been premarked as
18 State's 107.

19 Will you take a look at that for me?

20 A (Witness complies.)

21 Q What does that look like to you?

22 A The gun that Den would carry around.

23 Q And I need you to speak into that microphone loud and
24 clear for me.

25 Okay. You said the gun that Den would carry around?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q The gun that he was carrying that day?

3 A Yes, ma'am.

4 (WHEREUPON, the Anderson Arms firearm was marked as
5 State's Exhibit No. 106 for identification purposes only at
6 this time.)

7 Q Shaniyah, I'm gonna show you what's been premarked as
8 State's Exhibit 106.

9 will you take a look at that for me?

10 A (Witness complies.)

11 Q what does that look like to you?

12 A 60 gun.

13 Q And when you say 60's gun, you're talking about
14 Derrick?

15 A Yes, ma'am.

16 Q The gun that he had in his book bag that day?

17 A Yes, ma'am.

18 Q Shaniyah, after you got off of work and they took you
19 back to Christian's mama's house, you said it was almost
20 midnight when they came and got you.

21 while you're at Christian's mama's house, is it now
22 after midnight?

23 A Yes, ma'am.

24 Q So, wednesday, May 1st, 2019?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did you stay at Christian's mama's house?

2 A No, ma'am.

3 Q How were you able to leave?

4 A well, I had to call 60's mom first.

5 Q You said you had to call 60's mom first.

6 why did you have to?

7 A Cause Den told me I shouldn't of never texted her at
8 work.

9 Q So had Den told you to text 60's mom at work?

10 A No, ma'am.

11 Q was he happy that you had texted 60's mom while you
12 were at work?

13 MR. JOHNSON: Objection, Your Honor. That calls for
14 speculation.

15 THE COURT: Re -- restate the question please.

16 Q Do you know how Den felt about you texting 60's mom at
17 work?

18 A Yes, ma'am.

19 Q And how did he feel?

20 A He was mad at me. He said I shouldn't of texted her.

21 Q And so, because of that, he made you call 60's mom?

22 A Yes, ma'am.

23 Q Did he tell you what to say to her?

24 A Yes, ma'am.

25 Q And what did Den tell you to say to 60's mom?

Shaniyah Toney - Direct examination
By Solicitor Hammack

- 1 A That I dropped him off on the street.
- 2 Q Did he tell you what street to tell her?
- 3 A Yes, ma'am.
- 4 Q Did you know anything about that street?
- 5 A No, ma'am.
- 6 Q Did you know where that street was?
- 7 A No, ma'am.
- 8 Q So did Derrick's mama ask you about that street?
- 9 A Yes, ma'am.
- 10 Q And were you able to give her any answers about that
- 11 street that you didn't know anything about?
- 12 A No, ma'am.
- 13 Q Was anybody sitting right there with you when you were
- 14 communicating with Derrick's mom?
- 15 A Yes, ma'am.
- 16 Q Who was right there with you?
- 17 A All of them.
- 18 Q Does all of them include Denzell Jackson?
- 19 A Yes, ma'am.
- 20 Q Sha'kel Dixon?
- 21 A Yes, ma'am.
- 22 Q Christian Barnwell?
- 23 A Yes, ma'am.
- 24 Q Altashaun Bacon?
- 25 A No, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q So just the first three?

2 A Yes, ma'am.

3 Q Was anybody looking at what you were saying to
4 Derrick's mom?

5 A Yes, ma'am.

6 Q Who was looking at what you were saying?

7 A All of them.

8 Q And did anybody else tell you what to say?

9 A Yes, ma'am.

10 Q Who all told you what to say?

11 A It was just Den.

12 Q Would he read what you said before you sent it?

13 A Yes, ma'am.

14 Q Did he ever ask you to make any changes or attempt --
15 or alter what you were saying to Derrick's mama?

16 A Yes, ma'am.

17 Q Did he give you the words to say to text Derrick's mom?

18 A Yes, ma'am.

19 Q After that, what happened, Shaniyah?

20 A They jumped into -- his name was Turk. They jumped
21 into Turk's car and I asked them did they know a road I can
22 go on to get to Greenwood so that I wouldn't have to go
23 through Aiken cause I was scared.

24 Q Did they give you a road to go on to get to Greenwood?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Do you know if that road actually goes to Greenwood?

2 A No, ma'am.

3 Q Did they let you take your car?

4 A Yes, ma'am.

5 Q Did you have to get your keys from somebody so you
6 could have your car back?

7 A They were already still in the ignition.

8 Q Did you see anything when you pulled out of Christian's
9 mom's house?

10 A No, ma'am.

11 Q Was there anything that worried you as you left
12 Christian's mama's house?

13 A Yes, ma'am.

14 Q What worried you?

15 A That if I went down the road they told me to that they
16 were gonna follow me and try to kill me.

17 Q When you left out of Christian's mom's house, you said
18 they were all in Turk's car.

19 Did Turk stay at Christian's mama's house?

20 A No, ma'am.

21 Q Where did Turk's car, with all of them in it, go?

22 A They were behind me but I didn't make the right turn
23 that they told me to.

24 Q So you were scared they were gonna follow you, and when
25 you left Christian's mama's house, they followed you.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Is that correct?

2 A No, ma'am.

3 Q Well, when you left Christian's mama's house, did they
4 pull behind you?

5 A Yes, ma'am.

6 Q And were they driving on the road behind you?

7 A Like the dirt road to get to the main road, yes, ma'am.

8 Q And then you didn't turn the way they told you to turn?

9 A No, ma'am.

10 Q And when you didn't turn the way they told you to turn,
11 what happened?

12 A I just drove as fast as I could.

13 Q And when you didn't turn the way they told you to turn,
14 did they stay behind you or did they leave?

15 A They left.

16 Q When you left and drove as fast as you could, where'd
17 you go?

18 A To Greenwood.

19 Q Why did you go to Greenwood instead of staying in
20 Aiken?

21 A Cause I didn't want to go back to that house.

22 Q After you went to Greenwood, did you ultimately talk to
23 law enforcement?

24 A Not until I got a lawyer.

25 Q And why'd you get a lawyer?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Cause my grandmother told me to.

2 Q Because of what you had just seen happen?

3 A Yes, ma'am.

4 Q Did your lawyer reach out to the police for you?

5 A Yes, ma'am.

6 Q And after your lawyer reached out to the police, did
7 you talk to the police?

8 A Yes, ma'am.

9 Q Did you talk to the police more than once?

10 A Yes, ma'am.

11 Q Did you tell the police what happened?

12 A Yes, ma'am.

13 Q Now, Shaniyah, when you were talking to the police and
14 you told them what happened, were they asking questions like
15 I am now and you would answer their questions?

16 A Yes, ma'am.

17 Q So when they would come back to you a second time or a
18 third time, would they ask you different questions?

19 A Kind of.

20 Q Okay. Well, when they would come back to you, would
21 you answer those questions at that point that they had?

22 A Yes, ma'am.

23 Q And, Shaniyah, in May of 2019, did the police show you
24 some photo lineups?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 (WHEREUPON, the photographic lineup of Denzell Jackson
2 was marked as State's Exhibit No. 2 for identification
3 purposes only at this time.)

4 Q Shaniyah, I'm gonna start with what's been premarked as
5 State's Exhibit 2.

6 Do you recognize that?

7 A Yes, ma'am.

8 Q What is that?

9 A A picture of six different dudes.

10 Q And is that picture of six different dudes, is that one
11 of the ones that the police showed you in May of 2019?

12 A Yes, ma'am.

13 Q And did they ask you if you saw anybody in those
14 pictures that was related to what happened?

15 A Yes, ma'am.

16 Q Did you pick anybody out of those pictures?

17 A Yes, ma'am.

18 Q Who'd you pick out of those pictures?

19 A Den.

20 Q And that's Denzell Jackson?

21 A Yes, ma'am.

22 Q And did you initial showing who you picked out?

23 A Yes, ma'am.

24 Q Are those your initials right there at the top of photo
25 number three?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 SOLICITOR HAMMACK: Your Honor, at this time we would
3 move State's 2 into evidence.

4 MR. JOHNSON: No objection, Your Honor.

5 MR. THOMPSON: No objection, Your Honor.

6 THE COURT: Admitted.

7 (WHEREUPON, State's Exhibit No. 2 was received into
8 evidence at this time.)

9 (WHEREUPON, the photograph lineup of Sha'Ke'l Dixon was
10 marked as State's Exhibit No. 3 for identification purposes
11 only at this time.)

12 Q Shaniyah, I want to show you what's been premarked as
13 State's Exhibit 3.

14 will you look at that for me?

15 A (WHEREUPON, the witness complies.)

16 Q Do you recognize that?

17 A Yes, ma'am.

18 Q And what is that?

19 A A picture of six different dudes.

20 Q And did law enforcement show you that set of pictures
21 in May of 2019?

22 A Yes, ma'am.

23 Q And did law enforcement ask you if you saw anyone in
24 those pictures related to what happened?

25 A Yes, ma'am.

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 Q Did you pick anybody out of those pictures?

2 A Yes, ma'am.

3 Q Who did you pick out of those pictures?

4 A Ke'l.

5 Q And that's Sha'Ke'l Dixon?

6 A Yes, ma'am.

7 Q And did you write your initials on his picture showing
8 which one you picked?

9 A Yes, ma'am.

10 SOLICITOR HAMMACK: Your Honor, at this time we would
11 move State's 3 into evidence.

12 MR. JOHNSON: No objection, Your Honor.

13 MR. THOMPSON: No objection.

14 THE COURT: Admitted.

15 (WHEREUPON, State's Exhibit No. 3 was received into
16 evidence at this time.)

17 Q Shaniyah, at some point did the police come back to you
18 and show you some more pictures?

19 A Yes, ma'am.

20 (WHEREUPON, the photograph lineup of Christian Barnwell
21 was marked as State's Exhibit No. 4 for identification
22 purposes only at this time.)

23 Q I'm gonna show you what's been premarked as State's
24 Exhibit 4.

25 Will you look at that for me?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A (Witness complies.)

2 Q Is that another set of pictures that the police showed
3 you during this investigation?

4 A Yes, ma'am.

5 Q And did they ask you to pick anybody out if you saw
6 anybody in those pictures related to what happened?

7 A Yes, ma'am.

8 Q Did you pick anybody?

9 A Yes, ma'am.

10 Q Who'd you pick?

11 A Christian.

12 Q And did you put your initials on Christian's picture to
13 identify him?

14 A Yes, ma'am.

15 SOLICITOR HAMMACK: Your Honor, at this time we would
16 move State's 4 into evidence.

17 MR. JOHNSON: No objection.

18 MR. THOMPSON: No objection, Your Honor.

19 THE COURT: It's admitted.

20 (WHEREUPON, State's Exhibit No. 4 was received into
21 evidence at this time.)

22 (WHEREUPON, the photographic lineup of Altashaun Bacon
23 was marked as State's Exhibit No. 5 for identification
24 purposes only at this time.)

25 Q And, Shaniyah, I want to show you what's been premarked

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 as State's Exhibit 5.

2 what is that?

3 A It's those, it's those six different pictures.

4 Q And did the police show you that set of pictures in
5 July of 2019?

6 A Yes, ma'am.

7 Q And did you pick anybody out of those pictures as being
8 involved in what happened in April?

9 A Yes, ma'am.

10 Q Who'd you pick out of those pictures?

11 A Altashaun. I don't know how to say his name.

12 Q Is that the guy whose car was on the dirt road behind
13 Christian's mama's house?

14 A Yes, ma'am.

15 Q And did you identify him by circling his picture and
16 putting your initials on it?

17 A Yes, ma'am.

18 SOLICITOR HAMMACK: Your Honor, at this time we would
19 move State's 5 into evidence.

20 MR. JOHNSON: No objection, Your Honor.

21 MR. THOMPSON: No objection, Your Honor.

22 THE COURT: Admitted.

23 (WHEREUPON, State's Exhibit No. 5 was received into
24 evidence at this time.)

25 Q Shaniyah, after all of this happened, and you talked to

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 the police, did you keep your car?

2 A No, ma'am.

3 Q what happened to your car?

4 A we had to give it to y'all.

5 Q And when you say y'all, do you mean the police?

6 A Yes, ma'am.

7 Q Okay. Do you know who took your car up to the police?

8 A No, ma'am.

9 Q Tell me this.

10 who's Elijah Sloan?

11 A My child's father.

12 Q And how long have you known Elijah?

13 A Three and a half years.

14 Q So you knew Elijah back in April and May of 2019?

15 A Yes, ma'am.

16 Q Elijah ever been in your car before?

17 A Yes, ma'am.

18 Q Shaniyah, we've talked a whole bunch today about Den
19 and Kel.

20 Do you see Den in the courtroom today?

21 A Yes, ma'am.

22 Q Can you identify him for me by telling me where he's at
23 and what he's wearing?

24 A He got on a white suit.

25 Q He's wearing a white suit?

Shaniyah Toney - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q And is that the Den that you said shot Derrick in his
3 eye?

4 A Yes, ma'am.

5 SOLICITOR HAMMACK: Your Honor, at this time, let the
6 record reflect that the witness has identified Defendant 1.

7 THE COURT: It does.

8 Q And, Shaniyah, you talked a lot about Kel.

9 Do you see Kel in the courtroom?

10 A Yes, ma'am.

11 Q Can you identify him for me by telling me what he's
12 wearing and where he's sitting?

13 A He got on a plaid shirt.

14 Q A plaid shirt.

15 where's he at in the courtroom about?

16 A Right there.

17 Q And you're pointing at that first table closest to you?

18 A Yes, ma'am.

19 Q And is -- when you say Kel that you've just identified,
20 is that Sha'Kel Dixon?

21 A Yes, ma'am.

22 Q That was with Den when he shot Derrick, had the bag,
23 had the tote?

24 A Yes, ma'am.

25 SOLICITOR HAMMACK: Your Honor, at this time let the

Shaniyah Toney - Direct examination
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1 record reflect that the witness has identified Defendant 2.

2 THE COURT: It does.

3 Q Shaniyah, I don't have any more questions for you right
4 now. Please answer any questions that these other two
5 lawyers may have for you.

6 okay?

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: Your Honor, may I approach with the
9 attorneys?

10 THE COURT: All right. Ladies and gentlemen, we're
11 gonna break for lunch now. We're going, we're going to
12 resume at 2:30. Please do not discuss the case. The jury
13 and the jury only I believe that, at this time, I know we
14 ordered lunch and I'm not sure when it will get here, if
15 it's here, but hopefully it won't be long.

16 (WHEREUPON, the following takes place outside the
17 presence of the jury.)

18 THE COURT: Someone grab that door back there for me.

19 Yes, sir.

20 MR. JOHNSON: Your Honor, I was just going to ask if I
21 could start my cross-examination after lunch --

22 THE COURT: Okay.

23 MR. JOHNSON: -- right after lunch.

24 THE COURT: All right. Well, we'll reconvene at 2:30.

25 Now, ma'am, again, you can step down but do not discuss

1 your testimony with anyone and we're breaking for -- until
2 2:30.

3 The victim's family can leave first. The others wait
4 three or four minutes. First the victim and then the
5 witness.

6 (WHEREUPON, Court was in recess for the lunch hour.)

7 THE COURT: You can bring the jury.

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 THE COURT: Jurors want to take notes?

11 Any requests?

12 Cross examination, you may proceed.

13 MR. JOHNSON: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. JOHNSON:

16 Q How you doing, Miss Toney?

17 A (WHEREUPON, there was no audible response.)

18 Q Are you on Facebook?

19 A Yes, sir.

20 Q Okay. And were you on Facebook in April of 2019?

21 A Yes, sir.

22 Q And were you on Facebook under a name of Shaniyah
23 Marie?

24 A Yes, sir.

25 Q Now, ma'am, I'm gonna show you what's already been

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 admitted into evidence as Defense Exhibit 2.

2 If you would just take a look and see if you recognize
3 your, your name in that message thread.

4 A Yes, sir.

5 Q All right. Miss Toney, now as you were previously
6 asked, you actually communicated with Ms. Kenya Bush
7 somewhere around April 30th, May 1st, correct?

8 A Yes, sir.

9 Q And what you had just reviewed are messages that you
10 exchanged at various times with Kenya Bush.

11 Is that correct?

12 A Yes, sir.

13 Q And you exchanged those messages while you were at
14 work, correct?

15 A Yes, sir.

16 Q And you were at work without the presence of Denzell
17 Jackson.

18 Is that correct?

19 A Yes, sir.

20 Q I believe you testified that you were exchanging
21 messages during your shift that evening, correct?

22 A Yes, sir.

23 Q And if I can turn your attention to Page 60 of the
24 Facebook business records. It should be the first page.

25 Do you see what I'm talking about?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 MR. JOHNSON: If I just may have a moment, Your Honor?

3 I do have a copy for the Court.

4 THE COURT: All right.

5 Q Can you read what, what Ms. Bush texted you where it
6 says hey, this is Derrick's mom?

7 Do you see that?

8 A Hey, this is -- this Derrick mom. I'm just worried
9 about him. Everyone calling me. We haven't heard from him.
10 will you please call me and it stated a number.

11 Q Okay. So, she gave you her phone number to call,
12 correct?

13 A Yes, sir.

14 Q And did you call her immediately?

15 A No, sir.

16 Q Did you call her at all while you're at work at IHOP?

17 A No, sir.

18 Q But you do communicate with her via Facebook Messenger
19 while at IHOP, correct?

20 A Yes, sir.

21 Q I believe that if, if, if you'll go up from the hey,
22 this is Derrick's mom message, read what your response is.

23 A My phone is off right now.

24 Q So, that actually wasn't the truth, was it?

25 A What do you mean by that?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q what did you mean by the message?

2 A when I said my phone is off right now?

3 Q Yes, ma'am.

4 A My phone bill wasn't paid.

5 Q But didn't you testify previously that you were making
6 calls that day?

7 A I don't remember.

8 Q So, you didn't testify that you made any calls when you
9 were supposedly with these two young men?

10 A I don't remember.

11 Q So, if your call (sic) was off, how was you able to
12 call Ms. Bush after you got off work?

13 A His house, Ms. -- Christian's mom's house had to have
14 WiFi.

15 Q So, was your phone off or not?

16 A It was off. The phone bill wasn't paid.

17 Q So, what about this next message that -- if you'll turn
18 to Page 61, excuse me, 58 at the bottom.

19 Do you see where I'm talking about where it says
20 Shaniyah Marie, you sent a photo?

21 A Yes, sir.

22 Q what kind of photo did you send?

23 Do you remember?

24 A No, sir.

25 Q It wasn't a photo of the young man who you said you

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 dropped off Derrick with?

2 A No, sir.

3 Q I'm showing you, showing you what's marked as
4 Defendant's 3-1.

5 You don't recognize that picture?

6 A No, sir.

7 Q So if that picture came from your Facebook message,
8 that, that was just made up from thin air?

9 A It wasn't made up but that -- I didn't send that. I
10 don't even know who that is.

11 Q So that didn't come from your message?

12 Is that your testimony under oath?

13 A Yes, it may have came from my messages but I don't even
14 know who that is at all.

15 Q So if it came from your messages, how do you not know
16 what it is?

17 A I never sent this picture to Ms. Kenya at all.

18 Q I never mentioned that you sent it to Ms. Kenya.

19 A Well, this, this conversation is between me and
20 Ms. Kenya. So, you said this picture was sent to Ms. Kenya.

21 Q I'm asking you.

22 A I'm telling you that I never sent this picture and I
23 don't even know who that is.

24 Q So who's the white guy that you told Ms. Bush you
25 dropped Mr. Curry off with?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A I don't know who he is at all.

2 Q Okay. If you go back up to that next message, do you
3 see your, your name, Shaniyah Marie, on Page 58?

4 A Yes, sir.

5 Q And then if you go up to Ms. Bush's message, what is
6 she asking you?

7 A Are you referring to the one before it says you sent a
8 photo?

9 Q I'm referring to the one that says is he --

10 A Is he?

11 Q -- on this page.

12 A It says is he there.

13 Q And who did you understand Ms. Bush to be referring to
14 when she asked you is he there?

15 A I'm not sure.

16 Q So, you're telling this jury that you didn't know who
17 Ms. Bush was referring to when she was asking is he there?

18 A Yes, sir.

19 Q You didn't believe she was referring to her son?

20 A Yes, sir.

21 Q So you just gave us two different answers.

22 Is that correct?

23 A Yes, sir.

24 Q Now, you had never talked to Kenya Bush before this
25 night, correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A No, sir.

2 Q No, you had not --

3 A No.

4 Q -- told -- so there was really no other reason for
5 Ms. Bush to be you -- contacting you if it was not about her
6 son, correct?

7 A Correct.

8 Q And did you respond to Ms. Bush's message that she sent
9 asking is he there?

10 A No, sir.

11 Q Now, were you at work when this conversation is, is
12 occurring, right?

13 A Yes, sir.

14 Q So, nobody is stopping you from communicating with
15 Ms. Bush cause you were alone, right?

16 A Yes, sir.

17 Q And nobody's stopping you from calling the police
18 because you're in a public space, correct?

19 A Yes, sir.

20 Q Now, at some point in time you asked Ms. Bush -- excuse
21 me.

22 At some point in time you told Ms. Bush that her son
23 had your vehicle while you were at work at IHOP, right?

24 A Yes, sir.

25 Q And that's why Ms. Bush sends you a message and asked

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 you had you gotten your car right, correct?

2 Excuse me. Have you gotten your car yet.

3 Do you see that?

4 A Yes, sir.

5 Q And so you told her that her son was still alive,
6 correct?

7 A Yes, sir.

8 Q And this is while you were at work, right?

9 A Yes, sir.

10 Q At no point in time during this conversation or at any
11 conversation before or after this conversation did you tell
12 Ms. Bush that her son had been brutally murdered?

13 A Correct.

14 Q Now, do you see where, if we go up to the next message,
15 where you initiate that message?

16 Do you see where I'm talking about where it says hey,
17 you?

18 A It's says hey, you still haven't heard from him. Call
19 me.

20 Q And that's a message that you're sending to who, to
21 Ms. Bush?

22 A That's what it shows.

23 Q Any reason to believe that that is not a message from
24 you?

25 A Something not adding up.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q I agree.

2 THE COURT: All right. It's not for entertainment.
3 Order in Court.

4 Q Do you recall sending the message hey, you still
5 haven't heard from him, call me?

6 A No, sir.

7 Q So, is it your testimony that you did not send this
8 message to Ms. Kenya Bush that we see on this business
9 record?

10 A I don't remember sending that.

11 Q Okay. Can we turn to Page 57 please?

12 A Uh-huh. (Affirmative).

13 Q Thank you.

14 You see at the bottom of the page where Ms. Bush is
15 still attempting to reach you?

16 A Yes, sir.

17 Q And she says can you meet me and show me where you
18 dropped him off at or tell me how to get there.

19 Do you see that?

20 A Yes, sir.

21 Q Do you recall receiving that message?

22 A No, sir.

23 Q So you recall everything that the prosecutor asked you
24 but you don't recall anything that's in black and white from
25 your phone.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Is that correct?

2 A No.

3 Q All right. So let's go to the next message. Ms. Bush
4 asked you I'm, I'm sure you know why we're worried that
5 things aren't adding up, and you said he was mad because
6 they're looking for him.

7 Do you recall receiving that message?

8 A Yes, sir.

9 Q And please read the jury your response two minutes
10 later.

11 It should be right above what I just read.

12 A I'm telling you I don't know if it's in Graniteville,
13 Gloverville, whatever you call it.

14 Q And you're referring to where you told Ms. Bush you
15 dropped him off at, right?

16 A Yes, sir.

17 Q And Ms. Bush responds by saying what?

18 A I'm sure you know why we're worried and things not
19 adding up and you said he was mad because I'm looking for
20 him. The question mark.

21 Q And isn't your response I never said he was mad about
22 that. I don't know what he was mad about is what I said,
23 hon.

24 You remember that message?

25 A Yes, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q So, at no point in time during this message outside the
2 presence of Mr. Jackson do you say that this is a made up
3 story, do you?

4 A Can you ask me that again?

5 Q Yes, ma'am.

6 When you're texting Ms. Bush, no where in this text do
7 you say you made this whole thing up, do you?

8 A No, sir.

9 Q Can you read us your next response right above where we
10 were just at?

11 It starts with idk or I don't know.

12 A I don't know what your son or his homeboys got going on
13 but y'all need to leave me alone or I'm going to the police.
14 I dropped your son off in P.J.'s with this white boy and
15 went on my business.

16 Q And what's Ms. Bush's response?

17 A I'm going as well. I'm just questioning you because he
18 has your car all day and you're the only person that can get
19 in contact with him, which is strange. Thanks though.

20 Q And Ms. Bush actually goes on to state that I filed a
21 report and gave the cops your name. So they will be
22 contacting you.

23 Did you receive that message as well?

24 A Yes, sir.

25 Q That made you nervous, didn't it?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A No, sir.

2 Q So, you're telling us that you witnessed a brutal
3 murder, the young man's mother is asking you where he's at,
4 and you don't know, she's gonna call the cops, and that
5 didn't make you nervous?

6 A No, sir.

7 (Pause.)

8 SOLICITOR HAMMACK: Your Honor, the State will have an
9 objection for the substance of these records as placed in
10 the form of a question or testimony.

11 THE COURT: Mr. Johnson.

12 MR. JOHNSON: Yes, sir, Your Honor. I will be seeking
13 to tender this as a thread lifted from the Facebook account
14 of Shaniyah Toney. All the messages that are presented are
15 conversations that Miss Toney has with other individuals in
16 this case or persons of interest in this case, and I believe
17 she has personal knowledge of these messages as well. And
18 so that would be the reason why I would be presenting this
19 information for the jury.

20 THE COURT: All right. Ms. Hammack.

21 SOLICITOR HAMMACK: Your Honor, my objection is not to
22 hearsay or speculation but rather to relevance. The first
23 set of documents that Mr. Johnson provided is a conversation
24 from a week before the incident in this case to someone that
25 is not tied to this case about a subject that is not tied to

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 this case.

2 THE COURT: All right. Now, ladies and gentlemen, I'll
3 have you go to the jury room. Please do not discuss this.

4 MR. JOHNSON: I have a copy for the Court.

5 (WHEREUPON, the following takes place outside the
6 presence of the jury.)

7 THE COURT: Now, Mr. Johnson, what is it?

8 what is it you're -- more specifically tell me about
9 what are you trying to do.

10 MR. JOHNSON: Yes, sir, Your Honor.

11 THE COURT: What---

12 MR. JOHNSON: We'll look at Defendant's 1 as to
13 where---

14 THE COURT: All right. What's -- maybe -- generally
15 the question I have to determine is whether it's admissible
16 or may be admissible or --.

17 MR. JOHNSON: Yes, sir. If, if, if the objection is to
18 relevance, my response is that, on Exhibit 1, this is a
19 conversation of Shaniyah Toney and an individual by the
20 screen name of Lil Scrap where he is asking about his
21 cousin, Derrick Curry, and the last time she was with him.
22 And she gives an explanation as to when she was with him and
23 states that she -- that he had her car, which is directly on
24 point with what she told his mother during that same
25 contemporaneous time period.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 And so I would be offering this to impeach Miss Toney
2 based off of her testimony on direct examination that she
3 gave two different stories in the heat of the moment, and
4 told them to two individuals, but had the same story to
5 those two individuals.

6 THE COURT: All right. What says the State?

7 SOLICITOR HAMMACK: Your Honor, I think he can ask her
8 that without getting in -- without admitting those actual
9 communications. I think he can ask her about well, didn't
10 you tell somebody else this story. I don't think it's
11 proper impeachment. She hasn't denied making that
12 statement. Before you can use extrinsic evidence to
13 impeach, you have to deny making that statement.

14 The problem I have with the actual item in evidence is
15 that it is multiple pages that are nonsequential and there
16 are other messages in that that don't necessarily relate to
17 this specific story, what happened to the decedent in this
18 case. There are references to drugs and other things and I
19 think it's a way -- I think the defense is trying to back
20 door some defamation of character in there.

21 I think he can question her about the conversation with
22 that individual as it relates to this case without entering
23 that evidence. I think that evidence has superfluous things
24 that aren't relevant, and I am concerned about the
25 nonsequential nature of those pages.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 MR. JOHNSON: Your Honor, I -- if I may?

2 THE COURT: Yes, sir.

3 MR. JOHNSON: Your Honor, we received these documents
4 from the State, and what the State -- and, and if I may?
5 what the State did was they scanned these messages,
6 and, in the interest of me informing, I was able to sequence
7 the page numbers based off of the conversations. For
8 example, Miss Toney is communicating with various people
9 about various things. And so, on Page 22, she may be
10 talking to Kenya Bush. Well, on Page 23, she may be talking
11 to a high school classmate about something totally
12 different.

13 THE COURT: You don't---

14 MR. JOHNSON: And so---

15 THE COURT: You don't get an option to just dump her
16 Facebook posts into a trial.

17 MR. JOHNSON: But that's not what I'm trying to do,
18 Your Honor.

19 THE COURT: Well, that's the basis of her objection.

20 MR. JOHNSON: And, and what I'm putting forth to this
21 Court is that every thread, every message has to do with
22 either where's Derrick Curry and Miss Toney giving an
23 explanation or there is a series of messages where
24 Miss Toney is talking about a lover who has expressed
25 jealousy about her cheating on him. And he also states, six

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 days before this event, that, if he catches her cheating,
2 he's gonna kill her. I think---

3 THE COURT: Kill her?

4 MR. JOHNSON: Yes, sir.

5 THE COURT: Okay.

6 MR. JOHNSON: And, and, and so we have evidence that
7 she is engaged or about to engage in a sexual act and
8 therein lies the issue. And so that would be the relevance
9 of, of that set of messages because it certainly goes to a
10 potential motive of another individual that's not a
11 defendant, that's in black and white writing where he is
12 telling her that -- I, I mean it's a vulgar message. But,
13 for the record, I can read it to you if the Court would like
14 me to.

15 THE COURT: All right. I have no express desires about
16 anything. I'm here to listen---

17 MR. JOHNSON: Okay.

18 THE COURT: ---and I'll decide.

19 MR. JOHNSON: Yes, sir, Your Honor.

20 well, the message says I still love you though and your
21 pussy is -- means a lot to me. So don't play cause I'll
22 kill you. That is on April 24th, 2019. This allegedly
23 occurred April 30th, 2019. And also she is stating in
24 this same set of messages that -- that he's threatened her
25 before.

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1 And so if the fact pattern is that this occurred while
2 she was engaged in a sexual act with another individual,
3 this person has every motive especially when she goes to
4 Greenwood where this individual resides immediately after
5 this crime. And so I believe that the jury should be able
6 to at least hear a defense of that nature and be able to
7 make the decision as to what they truly believe happened in
8 this case.

9 THE COURT: All right. Ms. Hammock.

10 SOLICITOR HAMMACK: Your Honor, he's willing to enter,
11 through this witness, communications of a third party not
12 involved in this case to establish that third party's motive
13 to kill this witness, which is not the crime here. There's
14 been no allegations of anyone killing her.

15 The, the crime at hand is the killing of Derrick Curry
16 and these messages have nothing to do with Derrick Curry.
17 He's not mentioned. There's no threat to kill Derrick
18 Curry.

19 Defense is trying to introduce third party guilt
20 evidence. They haven't met that standard because they have
21 to prove a nexus between some type of evidence tending to
22 show third party guilt as opposed to just a mere suspicion
23 or accusation. I do not have that law in front of me, Your
24 Honor, and I can get it at the appropriate time.

25 But he would have to call a witness to testify to

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1 evidence establishing third party guilt, and having this
2 witness try to establish third party guilt for someone else
3 just because of someone else's motive to be mad at her is
4 not relevant as it relates to the death of Derrick Curry.

5 THE COURT: Anything further?

6 MR. JOHNSON: Your Honor, I would just say that this---

7 THE COURT: Don't repeat what you've already said.
8 Anything further?

9 MR. JOHNSON: That's all, Judge -- Your Honor.

10 THE COURT: Sir?

11 MR. JOHNSON: That's all, Your Honor.

12 THE COURT: All right. I'm gonna sustain the
13 objection. Abstract claims of third party guilt are not
14 admissible, and, as I said, you can not just have a general
15 Facebook dump of things based on a page or who produced it
16 or anything out of sequence. Each -- whether or not an item
17 is admissible relates only to that specific item, specific
18 conversation, specific posts, not a general what did you do
19 on that day or say on that day or generally around that
20 time.

21 So, some of this may be admissible depending upon the
22 responses of the, the witness. But as it relates to this
23 third party guilt or possible abstract claim of third party
24 guilt, the objection is sustained.

25 MR. JOHNSON: And just for clarification, with regard

Shaniyah Toney - Cross-examination
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1 to Defense Exhibit 1---

2 THE COURT: Are you talking 1-1 or --?

3 MR. JOHNSON: Yes, sir.

4 THE COURT: -- 1---

5 MR. JOHNSON: Yes, sir.

6 THE COURT: ---series of pages?

7 MR. JOHNSON: The entire exhibit.

8 THE COURT: All right.

9 MR. JOHNSON: 1-1 and it does have pages to follow.

10 THE COURT: I have no idea. I don't know what all this
11 is all about.

12 SOLICITOR HAMMACK: Your Honor, that exhibit is the one
13 that I said contains various subjects in those
14 conversations, some of which aren't relevant at all. I
15 think he can ask her if she told this individual where
16 Derrick was or where the car was as it relates to this case.
17 I don't think he has to admit this as extrinsic evidence for
18 impeachment because I don't think we're there yet.

19 THE COURT: I mean I'm not gonna string these five or
20 six or ten pages to what's admissible and what's not. I'm
21 ruling on a specific objection before the Court at this
22 time.

23 SOLICITOR HAMMACK: And my specific objection is that
24 this exhibit, in its entirety as it currently stands,
25 contains irrelevant information and would be prejudicial to

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1 the jury to look at that.

2 THE COURT: The exhibit hasn't been offered but, you
3 know, my response still stands and we'll proceed with the
4 case.

5 If you'll bring the jury please.

6 (WHEREUPON, the following takes place within the
7 presence of the jury.)

8 THE COURT: You may proceed.

9 MR. JOHNSON: Thank you, Your Honor.

10 CONTINUED CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Miss Toney, did you have any other conversations that
13 night with anyone about the whereabouts of Mr. Curry?

14 A When they picked me up I talked to her on the phone.

15 Q Do you recall having communication with an individual
16 by the name of Lil Scrap?

17 A After everything happened.

18 Q And when you say after everything happened, would that
19 have been May 1st, 2019?

20 A I don't remember the exact date.

21 Q If you were to take a look at it, do you think that
22 that may refresh your recollection?

23 A Yes, sir.

24 Q Thank you.

25 A Just a --.

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1 (Pause.)

2 THE COURT: Are you having her to review a, a page or a
3 number of pages?

4 MR. JOHNSON: I was just having her to review to---

5 THE WITNESS: It's all---

6 MR. JOHNSON: ---refresh her recollection.

7 THE COURT: Pardon?

8 MR. JOHNSON: To refresh her recollection.

9 THE COURT: Of how many are -- regarding one page or 10
10 pages or 20?

11 MR. JOHNSON: The entirety of the conversation.

12 THE COURT: Consisting of how many pages?

13 MR. JOHNSON: No more than 10, 10 pages, Your Honor.

14 THE COURT: Ten pages?

15 MR. JOHNSON: Eight, eight pages Your Honor.

16 (Pause.)

17 Q Can you tell me do you recall the gist of that
18 conversation that you just reviewed?

19 A Yes, sir.

20 Q Okay. And that was a conversation between yourself and
21 someone who had a -- basically the name of Lil Scrap.

22 Is that correct?

23 A Yes, sir.

24 Q And, and, and is that person, based on your own
25 personal knowledge, familiar with Derrick Curry?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 Q Do you know if there's a friendship or a kinship
3 between those two?

4 A Can you ask me that again?

5 Q Yes, ma'am.

6 Do you know if he's a family member or if he's a friend
7 of Mr. Curry?

8 A He was a friend.

9 Q Okay. And do you recall being asked about the
10 whereabouts of Mr. Curry on or around May 1st, 2019?

11 A Yes, sir.

12 Q And do you recall your answer being he has -- if you go
13 to your -- the fourth line from the bottom.

14 A On what page?

15 Q Page 50.

16 A Uh-huh. (Affirmative).

17 Q Fourth line from the bottom where it says Shaniyah
18 Marie.

19 Do you recall what your response is when asked about
20 the location of Mr. Curry?

21 It -- it starts within and, and yes.

22 A Uh-huh. (Affirmative).

23 Q What was your response?

24 A And yes, he still got my car. He's suppose to be
25 coming to get me when I get off.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q So you were talking to this individual while you were,
2 what did you say, at the IHOP?

3 A Can you ask me that again?

4 Q Yes, ma'am.

5 were you talking to this individual while you were at
6 work?

7 A With this conversation, yes.

8 Q So, you were relaying to another person that Mr. Curry
9 has your car the night of April 30th, May 1st.

10 Is that correct?

11 A Yes, sir.

12 Q And you go on to state why, why you think he got pulled
13 over. I pray not because I don't have a way home. What,
14 what the blank.

15 Do you recall the next line?

16 A Do you want me to repeat the?

17 Q No, no, no, no. I just want -- I'm just asking you a
18 question.

19 Do you recall making that statement?

20 A Yes, sir.

21 Q All right. Let's flip to Page 49 please.

22 A (Witness complies.)

23 Q Do you begin to get threats from individuals who are
24 associated with Mr. Curry?

25 A Yes, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Okay. And if you look three lines from the bottom
2 where it says your name, Shaniyah Marie --

3 A Uh-huh. (Affirmative).

4 Q -- do you recall what your response is to this
5 individual?

6 A Yes, sir.

7 Q Okay. And can you tell us what that response is?

8 A why is y'all sending threats to me. I really don't
9 understand. I dropped 60 off with this white boy. He came
10 to my job within P.J.'s and left. I been calling 60 off my
11 app phone number since I dropped him off cause I'm just as
12 worried and scared as everybody else is.

13 Q And so that is completely opposite of what you
14 testified to this morning, correct?

15 A Yes, sir.

16 Q why do you call him 60 and not Derrick?

17 A Because that's just his street name.

18 Q Okay. And if you skip two lines, not the other
19 person's response, but your response, can you tell the jury
20 what your continued response is?

21 It starts with I will.

22 A I will talk to the folks if I have to to prove to
23 everybody I don't know why 60 not answering. He seemed mad
24 and the dude, I don't know who he was in my passenger, was
25 sniffing when he came.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Okay. And this conversation is also while you're at
2 work, correct?

3 A Yes, sir.

4 Q All right. So let's skip up to your next to the last
5 response at the top of the Page 49.

6 A Uh-huh. (Affirmative).

7 Q Do you see where it says I told him?

8 A Uh-huh. (Affirmative).

9 Q Okay.

10 A I told him to call y'all cause everybody was calling me
11 cause he wasn't responding. He grown. I can't tell him
12 what to do. He say he was going -- he say he was going to
13 before he got out though. So I said okay.

14 Q Now, what are you referring to when you said he was
15 going to before he got out though, so I said okay?

16 A I don't remember.

17 Q And what is your next response?

18 That's why --.

19 A That's why I called his mama before any of y'all and
20 told her.

21 Q And you're referring to telling his mother the same
22 exact story that you dropped him or that he picked you up
23 from work and you dropped him off, correct?

24 A Yes, sir.

25 Q Okay. Can you turn to Page 48 for me?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A (WHEREUPON, the witness complies.)

2 Q At the bottom where it says your, your name and your
3 message, can you --?

4 A Okay. I understand that but why y'all sending threats
5 to me saying y'all gonna kill me when I'm not even the last
6 person to be with him.

7 Q So, by this point you're getting threats from
8 individuals associated with Derrick Curry?

9 A Yes, sir.

10 Q And so you're telling them that you have no idea what
11 happened to him, correct?

12 A I'm sorry?

13 Q So in this particular message here you're essentially
14 saying that you have no idea of what happened to Mr. Curry.
15 Is that correct?

16 A Yes, sir.

17 Q In your next response, do you see that where it says
18 don't worry on, on, on Page 48?

19 A Uh-huh. (Affirmative).

20 Q Okay. Can you tell us what that response is for?

21 A Don't worry though. Y'all all gon be apologizing when
22 the police tell y'all y'all blaming me for no reason.

23 Q So, is it fair to say that you are now stating that the
24 police are going to clear your name of any wrongdoing
25 because you dropped him off with another individual and had

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 no further contact with him?

2 A Can you ask me that again?

3 Q So, you just testified that your message is don't
4 worry. Y'all are gonna be apologizing when the police tell
5 y'all y'all are blaming me for no reason.

6 when you wrote that message --

7 A Uh-huh. (Affirmative).

8 Q -- are you trying to convey that you had done nothing
9 wrong because you dropped him off with another individual
10 after you got off from work?

11 what did you mean by that message?

12 A And you said what was I referring to when I said they
13 blaming me for no reason?

14 Q I'm asking you what did you mean when you said that,
15 yes, ma'am.

16 A Because I was gonna tell the police what happened at my
17 house when I got off and away from them.

18 Q So, you, you were saying -- you said to this individual
19 don't worry though, y'all gonna be apologizing when the
20 police tell y'all, correct?

21 A Yes, sir.

22 Q So, you're telling us that you have no problems with
23 it, you did nothing wrong?

24 Is that what you're saying to us?

25 A No, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q All right. The last one on this page.

2 Did -- didn't you also state I'm just as scared because
3 I really dropped him off with the boy. Y'all are scaring me
4 cause y'all are saying he's missing.

5 Do you, do you recall that statement?

6 On, on the same page, Page 48, right above where we
7 were just at starting on I miss.

8 A Uh-huh. (Affirmative).

9 Q That is your statement, correct?

10 A Yes, sir.

11 Q And you also go on to state to this friend that cause
12 all y'all looking at me. Like WTF. If something happened
13 to 60, I'm gonna be hurt too because I really FW with him.

14 A Uh-huh. (Affirmative).

15 Q And what does FW stand for?

16 A Fuck with.

17 Q Does that mean you like him, you're friends with him?

18 A Basically, yes, sir.

19 Q All right. Please turn to Page 76.

20 A (WHEREUPON, the witness complies.)

21 Q At some point in time that night you had communication
22 with Cordajiah Council.

23 Is that correct?

24 A Yes, sir. I don't think I have that page.

25 Q And do you recall Cordajiah reaching out to you?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 Q And do you recall telling Cordajiah that Mr. Curry had
3 your car as well?

4 A Yes, sir.

5 Q And do you recall on page -- if you'll turn to Page 73
6 at the bottom?

7 Can you read what you told Cordajiah?

8 A LOL. Oh, yeah, and we fucked before he dropped me off.
9 He give good and then I don't know where the rest of the
10 message is.

11 Q Go to Page 74.

12 A Head sis.

13 Q Now what is good head?

14 A I'm sorry?

15 Q What is good head?

16 A When someone eats your vagina. That's what that is.

17 Q So, you knew this young man had passed away per your
18 statement to the prosecutor, right, by this time?

19 A Can you ask me that again?

20 Q Sure.

21 So by the time that this message is sent to Cordajiah

22 --

23 A Uh-huh. (Affirmative).

24 Q -- his girlfriend, based on your prior statement this
25 morning --

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Uh-huh. (Affirmative).

2 Q -- you knew Derrick Curry was not alive?

3 A Yes, sir.

4 Q But you still make a vulgar reference to him eating
5 your vagina to someone that's trying to find him?

6 A Yes, sir.

7 Q Now, didn't you tell us that you were so distraught at
8 work that you went in the back and sat down because you
9 couldn't do anything?

10 A Yes, sir.

11 Q Now, this is the opposite reaction of what you
12 testified earlier, isn't it?

13 A That was after I sat in there for a while and people
14 started texting me. So I started responding.

15 Q And this was your response, correct?

16 A Yes, sir.

17 Q And, lastly, if, if you can -- at the top of Page 76 --

18 A Uh-huh. (Affirmative).

19 Q -- can you read what you sent to Cordajiah when it says
20 y'all are scaring me on Page 76?

21 A Y'all scaring me because that's why -- that's my only
22 damn car. What the fuck. His homeboy hit me up saying he
23 had a ass of ice and shit in the back seat. I hope he ain't
24 get pulled over.

25 Q And so you said that to Cordajiah, correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 Q Now, when you're referring to ice, you're talking about
3 methamphetamine, correct, or crystal meth?

4 A Yes, sir.

5 Q And so while Derrick Curry has your car, Lil Scrap --

6 A Uh-huh. (Affirmative).

7 Q -- per his message, was in your car, correct?

8 A I'm sorry?

9 Q Lil Scrap was in your car with Derrick Curry?

10 A Not, not that night.

11 Q On a prior night?

12 A Yes, sir, when we went to the movies.

13 Q And they were drugs in your car?

14 A Not that I know of. I didn't know they had drugs on
15 them.

16 Q But this is what you're telling Cordajiah?

17 A Because that's what Scrap told me as you -- hold on.
18 where's the message?

19 where's the message?

20 when he left it -- okay. I said he had an ass of ice
21 and shit in the back seat because Scrap told me he left
22 something in my car or he thought he did the night before.

23 Q The night before?

24 A Uh-huh. (Affirmative).

25 Q So you don't relay to Cordajiah that you're talking

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 about the night before. You give her the impression that
2 you're talking about the night in question.

3 Correct?

4 A Can you ask me that again?

5 Q Yes, ma'am.

6 So, on Page 76 --

7 A Uh-huh. (Affirmative).

8 Q -- the -- your first response with y'all, isn't it true
9 that that message that you're sending to Miss Council is one
10 where you're talking about the events of May 1st, April
11 30th, not the day before?

12 A Yes, sir.

13 Q So you lied to her too based on your own statements?

14 A Yes, sir.

15 Q Now, you said that Denzell texted you and asked you to
16 come over that morning?

17 A Yes, sir.

18 Q And that that was via Facebook?

19 A Yes, sir.

20 Q Were you able to find that message?

21 A What do you mean?

22 Q Do you know how on Facebook you can look at your
23 Messenger to see who you talked to over any amount of times?

24 Do you know what I'm talking about?

25 A Yes, I do.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Were you able to pinpoint in any of the three, four,
2 five meetings with law enforcement the message where Denzell
3 is asking you to come over?

4 A No.

5 Q What happened to the message?

6 A That's a good question. I don't know.

7 Q So are you saying that the message completely
8 disappeared?

9 A Yes, just like this picture that was sent to Scrap and
10 Ms. Kenya. I don't even remember sending that. So --.

11 Q So you don't know where the message is where you're
12 indicating that this is---

13 A I'm saying that I feel like someone got on to my page.

14 Q And you went to go pick up or meet Mr. Curry, is that
15 correct, at the McDonald's like we saw?

16 A Yes, sir.

17 Q And how did you communicate with Mr. Curry?

18 A Through Messenger.

19 Q Do you have that or, or did you keep that message?

20 A Yes, cause they showed me.

21 Q So that's the message that you gave to the, to the
22 police?

23 A No.

24 Q Did you delete the message?

25 That's what I'm asking you.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Oh, yes, sir.

2 Q Now, when you met Mr. Curry, it was just you two in the
3 car, right, at the McDonald's?

4 A Yes, sir.

5 Q And he was driving the car?

6 A Yes, sir.

7 Q And he got in with the book bag, right?

8 A Yes, sir.

9 Q with an assault rifle in, in that book bag, right?

10 A Yes, sir.

11 Q Did this frighten you?

12 A No, sir.

13 Q Now, it was just you two in the car.

14 So, why didn't you tell him that there was danger
15 lurking?

16 A Because I was scared.

17 Q I mean but who were you scared of because you were in
18 the car with him alone, right?

19 A Yes, sir.

20 Q And so you had an opportunity on this drive to tell him
21 that something was about to happen, right?

22 A Yes, sir.

23 Q And, and you chose not to, right?

24 A Yes, sir.

25 Q And you are all actually stopped at the Men's Shop,

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 right?

2 A Yes, sir.

3 Q whose idea was it to stop at the Men's Shop?

4 A His.

5 Q why?

6 A I think he had to get something out of the store.

7 Q And did you go inside with him?

8 A No, sir.

9 Q And did he come out with, with any items that he
10 purchased?

11 A Not that I remember.

12 Q And then, from there, your, your story's that you went
13 to your house?

14 A Yes, sir.

15 Q And, and that's in a subdivision, correct?

16 A Yes, sir.

17 Q It's not on an acreage where you have a lot of land and
18 you don't see any of your neighbors.

19 You're, you're pretty close to your neighbors, right?

20 A I'm not close to my neighbors.

21 Q You have neighbors in the subdivision.

22 Is that correct?

23 A Yes, sir.

24 Q And no one else heard anything, right?

25 SOLICITOR HAMMACK: Objection, Your Honor.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 THE COURT: Objection sustained.

2 Q Do you know if any of your neighbors have home
3 surveillance?

4 A I'm not sure.

5 Q Do you have evidence of any messages between Denzell
6 Jackson and you?

7 A No, sir.

8 Q Not even one?

9 A No, sir.

10 Q But didn't you testify that you guys had known each
11 other for three or four years, right?

12 A Yes, sir.

13 Q And so how would you communicate?

14 A I was communicating with D Money (phonetic) and Kel and
15 that was through text messages.

16 Q And do you have any of those text messages saved at any
17 point in time or still in your phone?

18 A Yes.

19 Q What about the message where you're saying he asked you
20 to come over?

21 A No, sir.

22 Q Don't you believe that's an important message for this
23 case?

24 A Yes, sir.

25 Q And where did it go?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A I'm not sure.

2 Q Now, after this all happened, you left town, right?

3 A Yes, sir.

4 Q Who's in Greenwood?

5 A My child's father.

6 Q And that's somebody that you had a relationship with
7 for quite some time, correct?

8 A Yes, sir.

9 Q And y'all had been on again off again?

10 A I'm sorry?

11 Q Had y'all been on again off again?

12 A We had difficulties.

13 Q And he didn't want you seeing anyone else, right?

14 SOLICITOR HAMMACK: Objection.

15 THE COURT: Sustained.

16 Q So, he was the first person that you thought to go to,
17 right?

18 A Yes, sir.

19 Q And you went there and you reemerged nine days later at
20 your attorney's office, correct?

21 A I don't re -- I don't remember how many days it was
22 until I got a lawyer.

23 Q It wasn't the next day, right?

24 A No, sir.

25 Q And, while in Greenwood, you actually washed your car,

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 right?

2 A Yes, sir.

3 Q And you were asked if these young men washed your car
4 when you were interviewed by the police.

5 Do you remember that?

6 A Yes, sir.

7 Q And you told them that they did not, right?

8 A I don't remember.

9 MR. JOHNSON: If I just may have one, one moment, Your
10 Honor?

11 (Pause.)

12 Q Do you recall telling the police that you washed your
13 car two, two days later?

14 A Yes, sir.

15 Q And was your child's father with you when you washed
16 your car?

17 A Yes, sir.

18 Q And was it just a routine, a routine wash or were you
19 trying to get rid of some evidence?

20 A It was a routine wash.

21 Q You weren't scared that the police were gonna try to
22 find you?

23 A No, sir.

24 Q So why'd you leave town?

25 A Because I was scared they were going to try to kill me.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q So why didn't you call the police?

2 A Because I couldn't call the police without a lawyer.

3 Q Why would you need a lawyer if you're not a criminal?

4 A Because that's what my grandmother said.

5 Q So, are you interviewed at the Sheriff's Office or at
6 your attorney's office?

7 A Attorney.

8 Q And you are actually interviewed multiple times, right?

9 A Yes, sir.

10 Q Do you recall being asked what date this incident
11 occurred?

12 A Yes, sir.

13 Q And do you recall saying that it wasn't on April
14 30th like everybody's talking about?

15 A No, sir.

16 Q I'd like to direct your attention --

17 A Uh-huh. (Affirmative).

18 Q -- to this page. If you could just scan it, and when
19 you're done, just look up so that I know that you're ready.

20 A Uh-huh. (Affirmative).

21 Q Okay. All right. So you've had time to review your
22 response to the police when asked what date it occurred on?

23 A Yes, sir.

24 Q And you told the police that it occurred on May 1st,
25 right?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 Q And you were aware that there was a recorded interview?

3 A Yes, sir.

4 Q And that you were -- you were there with your attorney,
5 weren't you?

6 A Yes, sir.

7 Q And did you-all talk before the tape recorder was
8 turned on?

9 A No, sir.

10 Q No.

11 Are you sure?

12 A Yes, sir.

13 Q So, without the text messages indicating that there was
14 some communication between you and my client, I guess the
15 jury just has to take your word for it.

16 Is that correct?

17 SOLICITOR HAMMACK: Objection.

18 THE COURT: Your objection's sustained.

19 Q Do you recall this morning when you were speaking about
20 the fire pit or, excuse me, the burning of the items?

21 A Yes, sir.

22 Q Where, where did you say that -- where did you say that
23 took place at?

24 A In front of Christian's mom house.

25 Q And I think you were asked did it occur in the woods.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Do you remember that -- being asked about that?

2 A No, sir.

3 Q Miss Toney, if you can just review lines -- you can
4 look at both things but I'm gonna be referring to Lines 23
5 through 26.

6 A Okay.

7 Q Have you had time to review your prior statement?

8 A Yes, sir.

9 Q All right. And so now let me ask you the same
10 question.

11 Do you recall being asked if the burning occurred in
12 the woods or as a fire pit at Christian Barnwell's house?

13 A No, sir.

14 Q Did you read Lines 23 through 26?

15 A Yes, sir.

16 Q What were you asked?

17 A Is it a little fire pit or were they in the woods.

18 Q And what is your response?

19 A No, it was just in front of his house. He was burning
20 in front of his house.

21 Q So, your testimony is that this big fire that occurred
22 with these items was, was in the front yard?

23 A Correct.

24 Q Where everybody could see it?

25 A Correct.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q In your opinion, in your opinion --

2 A Uh-huh. (Affirmative).

3 Q -- if someone were to burn a bonfire in the front yard,
4 you think there'd be evidence of that, grass being burned,
5 charred?

6 A It wasn't in like grass. His front -- his mom's front
7 yard is not grass.

8 Q Do you think that there'd be any evidence of that in
9 your opinion?

10 Just -- I just want your opinion.

11 SOLICITOR HAMMACK: And the State objects.

12 THE COURT: Your objection is sustained.

13 Q So, at what point in time did -- strike that.

14 You also said that there was not a tarp used, correct?

15 Do you remember that?

16 A No, sir.

17 Q Now, you stated that, before this happened or allegedly
18 happened, no one threatened you, right?

19 A I'm sorry?

20 Q No one threatened you, put a gun to your head, and told
21 you that you have to make this happen, right?

22 A No, sir.

23 Q How long was your shift at IHOP that night?

24 A It was 3:00 to 10:00.

25 Q None of your coworkers said anything to you about

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 acting a little differently?

2 A My manager did.

3 Q Did you tell the police this?

4 A No, sir.

5 Q Did you tell your manager what happened?

6 A No, sir.

7 Q But you had an opportunity to do so, right?

8 A Yes, sir.

9 Q Do you recall being asked on your third interview in
10 July of 2019 about some cuts to the front of your passenger
11 seat by Investigator Savanna Williams?

12 A No, sir.

13 Q Lines 18 to 21 please.

14 SOLICITOR HAMMACK: Your Honor, before we get into the
15 substance of this, I do have an objection.

16 THE COURT: Ladies and gentlemen, this is a good time
17 for you to take a break. If you'd go to the jury room.
18 Please do not discuss the case.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Let me see what they handed you.

22 THE WITNESS: Oh, I'm sorry.

23 THE COURT: What did you ask her?

24 MR. JOHNSON: I asked her did she recall being asked by
25 Investigator Savanna Williams about the cuts to her, to her

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 front seat.

2 THE COURT: Did you ask her to review a particular
3 line?

4 MR. JOHNSON: Yes, sir, Lines 18 through 21, Your
5 Honor.

6 THE COURT: Okay. We'll wait till Mr. Thompson comes
7 back.

8 (Pause.)

9 THE COURT: Let's all stand and stretch for a moment.

10 (Pause.)

11 THE COURT: Okay. And the objection?

12 SOLICITOR HAMMACK: Your Honor, Mr. Johnson's line of
13 questioning was specific to Lines 18 through 21 on Page 11.
14 I, I think Your Honor had a chance to review it wherein the
15 witness is asked your front passenger seat, I think, had a
16 cut in it. Was it already like that. Answer, yeah, my
17 ex-boyfriend did that.

18 This is going right back to third party guilt and
19 trying to establish a motive for someone else to be mad at
20 her. It's not relevant in this case.

21 THE COURT: All right. Mr. Johnson.

22 MR. JOHNSON: Your Honor, it, it was a question that
23 she answered under interrogation. I'm not gonna follow-up
24 on it any more than that but I believe that --.

25 THE COURT: What's the, what's the relevance of the---

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 MR. JOHNSON: Well---

2 THE COURT: -- whether or not her seat had a cut on it?

3 This -- this is, this is not a stabbing case.

4 MR. JOHNSON: Yeah. But she's saying that these young
5 men had her car with a dead body going all around Aiken
6 County with the body in the car.

7 THE COURT: You're right.

8 MR. JOHNSON: Well, she said she doesn't know what they
9 did with it when she wasn't in their presence. And so any
10 damage to her car could be an issue that could reflect on
11 some kind of violence taking place within her car while she
12 is not present and it was something that was noticed by the
13 investigators or the crime scene technicians and it was
14 asked of her and she gave a response.

15 THE COURT: I sustain the objection.

16 If you'd bring the jury back.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: You may proceed.

20 CONTINUED CROSS-EXAMINATION

21 BY MR. JOHNSON:

22 Q Miss Toney, you were shown State's Exhibit 107, the
23 handgun.

24 Do you recall being shown that?

25 A Yes, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Now, you said that that was the handgun that Denzell
2 Jackson had, right?

3 A Yes, sir.

4 Q Now, you also stated that you don't know much about
5 guns.

6 You remember saying that?

7 A Yes, sir.

8 Q So, how do you know that that was the gun that he had?
9 what is special about that firearm?

10 A Cause it was black just like his and it looked like the
11 same size.

12 Q So, it's just a general black handgun and that's what
13 you are going based off of?

14 A Correct.

15 Q So they could of shown you the gun I have in my car and
16 that could of been similar to it's a small black handgun?

17 A Correct.

18 MR. JOHNSON: If I may just have one moment, Your
19 Honor?

20 (Pause.)

21 Q Miss Toney, were ever arrested as a part of this case?

22 A No, sir.

23 Q And you don't believe that you did anything wrong?

24 A Yes, sir.

25 Q Do you believe you're receiving special treatment?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A No, sir.

2 MR. JOHNSON: I don't have anything further. Thank
3 you.

4 THE COURT: Mr. Thompson.

5 MR. THOMPSON: Your Honor, may it please the Court?

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. THOMPSON:

9 Q I'll try to be brief and not rehash anything anybody
10 else has done, but, Miss Toney, of -- all the locations
11 mentioned in your story are near roads, restaurants,
12 neighborhoods. They're not strange out of the way remote
13 places.

14 Correct?

15 A Correct.

16 Q Okay. And you were -- you're relatively close with
17 Mr. Curry, correct?

18 A I wouldn't say completely close.

19 Q Okay. Well, you weren't his girlfriend?

20 A No, sir.

21 Q And he wasn't your boyfriend?

22 A No, sir.

23 Q You've got a different boyfriend?

24 A Correct.

25 Q In Greenwood?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Correct.

2 Q He's got a different girlfriend.

3 We heard from her earlier today, correct?

4 A Yes, sir.

5 Q Okay. But you weren't close enough to where you were
6 gonna have sex with him?

7 A Correct.

8 Q You'd had sex with him on multiple occasions?

9 A I'm sorry?

10 Q You'd had sex with him on multiple occasions?

11 A No, sir.

12 SOLICITOR HAMMACK: Objection.

13 THE COURT: She's answered the question.

14 Q You were close enough you were letting him drive your
15 car?

16 A He's never drove my car before.

17 Q Okay. We saw a video of, of him getting into your car
18 that, that the prosecution says was -- I mean I had trouble
19 figuring out what that was. But the prosecution says they
20 have a video of the McDonald's of Mr. Curry jumping in your
21 car in the driver's seat with you in the car.

22 Correct?

23 A Correct.

24 Q So he has driving your car, correct?

25 A When I said that I was referring to like I'd never gave

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 him my car before. I've never let anyone use my car.

2 Q Okay. Your intention though was that night you were
3 gonna let him use your car while you were at work, correct?

4 A Yes, because he wanted to see his girlfriend that was
5 in the hospital.

6 Q Okay. You were gonna let him use your car for the
7 entire time you were at the shift, which was 3:00 to 10:00?

8 A Correct.

9 Q Okay. So he was close enough that you were gonna let
10 him drive your car for several hours?

11 A Correct.

12 Q Even though you had reason to believe that the day
13 before he and a friend had lots of methamphetamine in the
14 back of your car?

15 A I wasn't aware at the time.

16 Q But you were aware the next day we were talking about,
17 right?

18 A Yes, because I was informed.

19 Q Okay. You actually protected Mr. Curry from this
20 murder plot that the prosecution mentioned earlier at the
21 theater the day earlier, right?

22 A Correct.

23 Q Okay. But even though, even though you, according to
24 your own testimony, you knew about this murder plot against
25 him allegedly from the Defendants in this case the day

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 before, your testimony -- and I'm, I'm gonna I believe quote
2 you. Says "I didn't know what was going to happen" when you
3 took, according to your story --

4 A Uh-huh. (Affirmative).

5 Q -- when you took the Defendants to your home armed with
6 handguns and put them in your house, and then went to go get
7 Mr. Curry and bring Mr. Curry to your house. You didn't
8 know what was going to happen. That's your testimony.

9 Correct?

10 A Correct.

11 Q Okay. You never called 9-1-1, correct?

12 A Correct.

13 Q Never called the police?

14 A Correct.

15 Q Even though at the McDonald's you could of called the
16 police and the police would of been able to go to your house
17 on the other side of town and find two armed men in the
18 home, correct?

19 A Correct.

20 Q Okay. You were at your job that night with every
21 opportunity to be able to talk to anyone you pleased,
22 correct?

23 A Correct.

24 Q Mr. Dixon wasn't there?

25 A No, sir.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q Mr. Jackson wasn't there?

2 A No, sir.

3 Q Okay. You drove to mid -- to Greenwood the following
4 day, correct?

5 A Later that night, yes.

6 Q Okay. Later that night.

7 You drove to Greenwood later that night, correct?

8 A Correct.

9 Q Okay. Mr. Dixon wasn't in Greenwood?

10 A No, sir.

11 Q No, he wasn't in Greenwood?

12 A No, sir.

13 Q Okay. I'm, I'm apologizing. I -- I'm finding the
14 conversation a little be perilous. So, I'm gonna ask a
15 different question.

16 Was Mr. Dixon in Greenwood when you went to Greenwood?

17 A No, sir.

18 Q Okay. Was Mr. Jackson in Greenwood when you went to
19 Greenwood?

20 A No, sir.

21 Q Did either of them ever show up while you were in
22 Greenwood?

23 A No, sir.

24 Q Okay. You stayed there for several days in Greenwood,
25 correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

- 1 A Only two days.
- 2 Q Two days.
- 3 Two days, you had your car washed, correct?
- 4 A Correct.
- 5 Q Had your car cleaned, correct?
- 6 A Correct.
- 7 Q Spoke with your grandmother, correct?
- 8 A Correct.
- 9 Q And began efforts to procure an attorney, correct?
- 10 A Correct.
- 11 Q Okay. And the entire time did not speak with the
- 12 police, did not call 9-1-1, didn't tell anybody about what
- 13 had happened, correct?
- 14 A Correct.
- 15 Q You went to the solicitor's office to talk about this
- 16 story.
- 17 You went to their conference room, right?
- 18 A No, sir.
- 19 Q You were not interrogated by the police at the police
- 20 station, were you?
- 21 A Correct.
- 22 Q Okay. You met with the solicitors not in a -- in an
- 23 interrogation room. You met with the solicitors with your
- 24 lawyer.
- 25 Correct?

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 A Correct.

2 Q Okay. Do you remember how many times you've met with
3 the solicitors about this case?

4 A At least six to seven times.

5 Q Six to seven.

6 At least three times that we know of in 2019, right?

7 A Can you ask me that again?

8 Q At least three times that we know of in 2019 cause
9 there's transcripts of those conversations---

10 A Oh, yes, sir.

11 Q ---aren't there?

12 A Yes, sir.

13 Q Okay. And several different stories, when you met with
14 them -- in fact, I believe the prosecutor even in her
15 opening statement talked about you kind of giving them the
16 run around, correct?

17 A No, sir.

18 Q Okay. You've had at least two more stories in the last
19 two weeks, correct?

20 A I only met with them one time recently.

21 Q Well, a couple of weeks ago is the first time that the
22 story about this alleged murder plot at the theater came
23 out, right?

24 A Correct.

25 Q That's the very first time anybody ever heard about

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 that, right?

2 A Correct.

3 Q Okay. And the first time you told that story, Mr.

4 Dixon wasn't a part of that story, right?

5 A No, sir.

6 Q Okay. And then the second time, last week when you
7 told the story again, Mr. Dixon is the one who spoke to you,
8 correct?

9 A Can you ask me that again?

10 Q Yes, ma'am.

11 I'm gonna represent to you that we were given, we were
12 given information about your conversations with the
13 solicitor's office --

14 A Uh-huh. (Affirmative).

15 Q -- and that two weeks ago you spoke with the
16 prosecutors and you gave them this story about the murder
17 plot at the theater but Mr. Dixon is not part of that story.
18 And then they speak with you again last week, and that's the
19 first time Mr. Dixon is mentioned as part of that story.

20 Correct?

21 A Correct.

22 Q Okay. There's no evidence of any messages whatsoever
23 between you and Mr. Dixon in the planning of the events in
24 the story that you told today, correct?

25 A It was a phonecall made.

Shaniyah Toney - Cross-examination
By Mr. Johnson

1 Q There's no evidence of it though, correct?

2 I understand that's what your testimony was but there's
3 no other evidence of it, correct?

4 A Correct.

5 Q Okay. And, to this day, you've never been charged with
6 any crime?

7 A Correct.

8 MR. THOMPSON: I have no further questions. Please
9 answer---

10 THE COURT: Redirect.

11 SOLICITOR HAMMACK: No, Your Honor.

12 THE COURT: All right. Thank you. You may step down.
13 Call your next witness.

14 SOLICITOR CHARBONNEAU: Morgan Blacks.

15 THE COURT: Let's all stand as we -- is that person
16 here or --?

17 SOLICITOR CHARBONNEAU: Yeah.

18 (Pause.)

19 THE COURT: Are we waiting on someone to find this
20 witness?

21 SOLICITOR CHARBONNEAU: They're in the courthouse, Your
22 Honor.

23 SOLICITOR HAMMACK: Your Honor, they went to get her.

24 THE COURT: All right.

25 (Pause.)

1 THE COURT: Ladies and gentlemen, we're gonna have you
2 go to the jury room for about five minutes. Please do not
3 discuss the case.

4 (WHEREUPON, the following takes place outside the
5 presence of the jury.)

6 THE COURT: Take a five minute recess.

7 (WHEREUPON, a short recess was taken at this time.)

8 THE COURT: Y'all find that witness?

9 SOLICITOR HAMMACK: Yes, Your Honor.

10 THE COURT: Okay. Then bring the jury.

11 MR. THOMPSON: Your Honor, at the appropriate time,
12 Mr. McKellar's gonna make a, a motion on behalf of Mr. Dixon
13 to advance one of the alternates. We believe that one of
14 the jurors has seen Mr. Dixon in handcuffs and jumpsuit and
15 I, I, I don't know how to do that without just --.

16 SOLICITOR HAMMACK: Barry.

17 THE COURT: You need to say that at the appropriate
18 time.

19 (WHEREUPON, the following takes place within the
20 presence of the jury.)

21 THE COURT: You may call your next witness.

22 SOLICITOR CHARBONNEAU: Morgan Blacks.

23 THE CLERK: Please come forward. Please raise your
24 right-hand.

25 MORGAN BLACKS, being first duly

Morgan Blacks - Direct examination
By Solicitor Charbonneau

1 sworn, testified as follows:

2 THE CLERK: Have a seat in the witness box. State your
3 full name for the Court spelling your last.

4 THE WITNESS: My name is Morgan Re---

5 THE CLERK: Pull that mic -- that first mic.

6 THE WITNESS: This one.

7 My name is Morgan Renee Blacks. B-L-A-C-K-S.

8 DIRECT EXAMINATION

9 BY SOLICITOR CHARBONNEAU:

10 Q Good afternoon. You can take the mask off while you're
11 up there.

12 A Okay.

13 Q Thank you.

14 Miss Blacks, where do you work?

15 A IHOP on whiskey Road.

16 Q Here in Aiken?

17 A Yes, ma'am.

18 Q And what is your job title there?

19 A I'm the general manager.

20 Q How long have you worked at IHOP?

21 A well, I went back in 2017.

22 Q Did you work for them prior to that as well?

23 A Yes, ma'am.

24 Q Is it 2017 when you became general manager?

25 A Around that time, yes, ma'am.

Morgan Blacks - Direct examination
By Solicitor Charbonneau

1 Q As general manager, do you know Shaniyah Toney?

2 A I do.

3 Q Are you the one who actually hired her?

4 A I believe so.

5 Q Going to April 30th, 2019, around that time, what was
6 Shaniyah Toney doing for IHOP?

7 what was her job?

8 A She was a server and she was a host. She did some in
9 the morning and then some at night.

10 Q On April 30th, 2019, do you remember -- well, let me
11 ask you this.

12 slightly several times -- days after that, did you
13 speak to the police in regards to this case?

14 A I did.

15 Q So, directing your attention to Tuesday, April 30th,
16 2019 --

17 A Uh-huh. (Affirmative).

18 Q -- what was the shift that Shaniyah Toney was suppose
19 to work?

20 A She was scheduled to work around three o'clock that
21 afternoon but she called and said she was gonna be late.
22 So, she got there around 5:00 and she left around 11:00,
23 11:00 something at night. It was before midnight.

24 Q After 11:00PM?

25 A Yes, ma'am.

Morgan Blacks - Direct examination
By Solicitor Charbonneau

1 Q Back then was IHOP open 24/7?

2 A Yes, ma'am.

3 Q And was April 30th, 2019, would we have stayed
4 through Shaniyah Toney's shift?

5 would you be on -- be there also until almost midnight?

6 A Yes, ma'am. Uh-huh. (Affirmative).

7 Q Has IHOP, because of COVID, have they changed owners?

8 A Yes. When we closed down in March, we opened back up
9 October, new owners took over.

10 Q When that happened, were there records as far as time
11 slots and things like that, are all those records available?

12 A They're gone.

13 Q They're gone?

14 A Uh-huh. (Affirmative).

15 Q Was April 30th, 2019, the last time that you saw
16 Shaniyah Toney?

17 A It was.

18 Q Was she suppose to continue working there?

19 A She was.

20 Q And -- but she never came back?

21 A No, ma'am, and I couldn't get in contact with her.

22 Q Thank you.

23 A Uh-huh. (Affirmative).

24 SOLICITOR CHARBONNEAU: I have nothing further.

25 THE COURT: Any cross-examination?

Morgan Blacks - Cross-examination
By Mr. Johnson

1 CROSS-EXAMINATION

2 BY MR. JOHNSON:

3 Q How you doing today?

4 A Hi.

5 Q You said that Miss Toney called --

6 A Yes.

7 Q -- in?

8 A Uh-huh. (Affirmative).

9 Q And did you speak with her personally?

10 A To be honest, I can't remember. Sometime the employees
11 will relay messages but she did have my phone number also.

12 Q Are you sure that she called in that, that day?

13 A Yes, sir.

14 Q would it, would it surprise you that her phone wasn't
15 working that, that time -- at that time?

16 A You say her phone wasn't working?

17 Q would that be a surprise to you?

18 A No, cause it was always working. Whenever I needed to
19 get in contact with her, I, I, I could.

20 Q until after this night, she, she left and she didn't
21 come back?

22 A Yes, sir.

23 Q And did she ever try to contact the police on, on that
24 shift or anything like that?

25 A No, sir.

Morgan Blacks - Cross-examination
By Mr. Johnson

1 Q Did you notice anything about her different?

2 A No, sir.

3 Q She seemed to be fine?

4 A Yes, sir.

5 Q No one complained that she was distraught or upset?

6 A Oh, no, sir.

7 Q Did she ask to leave early?

8 A No, sir.

9 Q Did you---

10 A They know if they -- if they came in late, I probably
11 was gonna keep them late.

12 Q Did you see my client pick her up, Denzell Jackson?

13 A No, sir.

14 Q Thank you.

15 A Uh-huh. (Affirmative).

16 THE COURT: Mr. Thompson.

17 MR. THOMPSON: Your Honor, I have no questions for this
18 witness.

19 THE COURT: Any -- anything further of this witness?

20 SOLICITOR CHARBONNEAU: No. Thank you, Your Honor.

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

22 THE WITNESS: Thank you.

23 THE COURT: Next witness.

24 SOLICITOR HAMMACK: The State calls Saige O'Grady.

25 THE CLERK: Please raise -- please raise your

Saige O'Grady - Direct examination
By Solicitor Hammack

1 right-hand.

2 SAIGE O'GRADY, being first duly sworn,
3 testified as follows:

4 THE CLERK: Have a seat in the witness box. State your
5 full name for the Court spelling your last.

6 THE WITNESS: Mary Frances O'Grady. O'-G-R-A-D-Y. My
7 nickname is Saige.

8 DIRECT EXAMINATION

9 BY SOLICITOR HAMMACK:

10 Q Saige, I probably should of asked before I called you
11 that in, in court.

12 A It's okay.

13 Q Can you tell me what were you doing for a living back
14 in 2019?

15 A I was a forensic investigator for the Aiken County
16 Sheriff's Office.

17 Q And how long were you a forensic investigator for the
18 Aiken County Sheriff's Office?

19 A Sixteen years.

20 Q And as a forensic investigator, what does that mean
21 that you would do on a daily basis?

22 A Depending on the day it can be anything from processing
23 crime scenes to processing evidence in the lab, delivering
24 evidence to and from the state lab, or other things related
25 to that occupation.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 Q So, when you say -- you mentioned potentially
2 processing crime scenes and, and processing evidence, what
3 types of tasks would be involved in processing a crime
4 scene?

5 A You're there to completely document a crime scene.
6 Everything from taking photographs. You will do diagrams.
7 You will collect samples. You will bag. You will collect
8 those, take them back to the Sheriff's Office with you.
9 It's all a matter of the evidentiary aspect pretty much of
10 that particular aspect of the crime.

11 Q And as it relates to processing evidence, what types of
12 tasks are involved in processing evidence?

13 A It depends on the type of, of evidence that you're
14 asking about. There's certain things, things that you'll
15 process for latent prints. Latents prints meaning those
16 type of prints that you can not see. We will use super glue
17 to do those on a fuming tank in the lab. We will also use
18 different types of powders or other chemicals depending on
19 the situation.

20 We'll swab certain pieces of evidence for DNA. We will
21 also do GSR, which -- with little tabs. There's an actual
22 kit that comes with it and we'll submit those to the lab if
23 need be necessary.

24 So, it really depends on what aspect of the evidence
25 you are trying to obtain from whatever piece of evidence.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 Q And when you process evidence, whether it be swabbing
2 or super glue or, or your GSR kit, most of the time, and
3 especially as it relates to swabs, is that something that
4 you did analyze or do you send it somewhere else for
5 analysis?

6 A We will send it to the South Carolina Law Enforcement
7 Division to be analyzed.

8 Q Now, Saige, did -- were you asked to process any
9 evidence in this case?

10 A I swabbed the guns.

11 Q Saige, I'm gonna show you what's been premarked as
12 State's Exhibit 107.

13 will you take a look at it for me and tell me generally
14 what that is?

15 A It's a Glock semiautomatic model 19 pistol.

16 Q And how is that pistol packaged?

17 A Our pistols are packaged just like our rifles in two
18 boxes, gun boxes of different varieties. It depends on the
19 actual size of the weapon itself. But that is the easiest
20 way to both protect it and to house it.

21 Q And the package that that gun that you're holding is
22 in, is that one of the Aiken County Sheriff's Office gun
23 boxes?

24 A We buy guns -- gun boxes from a vendor and most of the
25 time the vendor will supply them to a number of different

Saige O'Grady - Direct examination
By Solicitor Hammack

1 agencies. But this is pretty much the standard of gun
2 boxes. So --.

3 Q And when you receive a gun in particular for
4 processing, do you make any marks on that packaging so that
5 you know that it's something you have processed?

6 A If I've collected it of my own volition, yes, I will
7 write on the box and I will denote what it is, when I
8 collected it, how I collected it, from where. If I'm
9 transporting it to the lab, then I will have certain
10 procedures that I have to go through which means you're
11 gonna have to have some tape over packaging it, which is
12 their procedure that they ask you to do.

13 And when you are basically sealing it up, you will have
14 to put your initials and the date of that sealing. So this
15 way they know that this has not been tampered with from the
16 time it leaves our department to the time it is dropped off
17 to them.

18 Q And in looking at that box, can you see your initials
19 on that box?

20 A Mine are in the red in the tape cause there's two
21 different tapes on here.

22 Q And whose tape is the red tape?

23 A The red tape is our in-house tape.

24 Q So after you would analyze that gun and process it, you
25 would tape it up and sign your initials on it?

Saige O'Grady - Direct examination
By Solicitor Hammack

1 A Yes. We'll seal it back up and then it's ready to go.

2 Q And is that what you did in this case?

3 A Yes.

4 Q Thank you.

5 Now, Saige, when you swab a gun, this is gonna sound
6 silly, but what does that swab look like?

7 A It's just like any other cotton swab. It's sterilized.
8 It comes in a package that you have to open. There is a
9 little cap on the end of it that allows it to breathe. So,
10 after you actually take the sample, because when you're
11 actually doing that kind of sampling, you're going to take
12 distilled water. You'll put a drop on the actual Q-tip
13 itself and then you will get into every nook and cranny of
14 whatever the object may be trying to bring out whether it be
15 potential blood or some other kind of substance that you're
16 actually looking for.

17 Touch DNA is another thing that we will often use that
18 type of procedure to do. We're looking for skin cells.

19 Q So when you use this basically a glorified Q-tip --

20 A Yes.

21 Q -- you said it's individually packaged, is that to keep
22 it from being contaminated by anything before you open it?

23 A Yes.

24 Q And then once you open it and use it, is there a way to
25 then secure it so that it doesn't touch anything else until

Saige O'Grady - Direct examination
By Solicitor Hammack

1 it's tested?

2 A The SLED standards -- SLED follows the FBI standards as
3 far as how they want particular items packaged and, in this
4 case, because it is still damp in nature, it needs to
5 breathe. So, paper will breathe. It doesn't seem like it
6 but it actually does.

7 So what we will do is we will recap it and then put it
8 into that envelope. The envelope's filled out prior to
9 that. So all you have to do is essentially drop the Q-tip
10 in there, seal it back up with the tape and everything else,
11 and you're good to go.

12 Q And when you seal it back up with the tape and
13 everything else, you sign over that tape so you can see if
14 it's opened later?

15 A Yes.

16 (WHEREUPON, a swab was marked as State's Exhibit No. 18
17 for identification purposes only at this time.)

18 Q Saige, I'm showing you what's been premarked as State's
19 Exhibit 18.

20 will you take a look at that for me and tell me if you
21 recognize it?

22 A Yes, this is my handwriting.

23 Q And is that -- well, tell me what's inside that
24 envelope.

25 A There is one swab which was collected off of a Glock

Saige O'Grady - Direct examination
By Solicitor Hammack

1 9-millimeter pistol, Model 19, serial number B as in boy, G
2 George, G Georgie, Edward 572. It's for potential DNA
3 collected off of the exterior surface of the firearm
4 collected on May 17th, 2019, at 8:17 in the morning by me.

5 Q And is that a swab of the gun that you just looked at?

6 A Yes.

7 Q And once you swab that gun, did you place those swabs
8 just the way you described for policy to be sent off for
9 analysis?

10 A The -- yes, they'll be held until they're ready to go
11 to the lab.

12 Q And on the back of that envelope is there tape with
13 your initials on it?

14 A There is.

15 Q Does that mean that you sealed this?

16 A I sealed it initially, yes.

17 SOLICITOR HAMMACK: Your Honor, at this time we would
18 move State's 18 into evidence.

19 MR. JOHNSON: No objection, Your Honor.

20 MR. THOMPSON: No objection.

21 THE COURT: It's admitted.

22 (WHEREUPON, State's Exhibit No. 18 was received into
23 evidence at this time.)

24 Q Saige, when you mentioned processing guns, you used a
25 plural.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 Did you process a second gun in this case?

2 A I was asked to, yes.

3 Q Saige, I'm showing you what's been premarked as State's
4 Exhibit 106.

5 Will you take a look at both that packaging and its
6 contents for me?

7 A Where's the box we had opened?

8 Yeah, this box.

9 Q Do you recognize that?

10 A I do.

11 Q Is that the other gun that you were asked to process in
12 this case?

13 A Yes.

14 Q What type of gun is it?

15 A This is an Anderson Arms. Basically it is a
16 semiautomatic and it is model number AM15. It's a multi
17 caliber, which means that it can be used for more than one
18 different type of bullet.

19 Q And, Saige, I probably should of asked you this, but
20 just for everybody's comfort, both the firearm in your hands
21 right now and the firearms you just touched, have those been
22 made safe and locked so they can not fire in the courtroom?

23 A Yes, they have a gunlock through them.

24 Q Thank you.

25 And did you swab that gun in this case?

Saige O'Grady - Direct examination
By Solicitor Hammack

1 A Yes.

2 (WHEREUPON, a swab was marked as State's Exhibit No. 19
3 for identification purposes only at this time.)

4 Q I'm showing you what's been premarked as State's
5 Exhibit 19.

6 Do you recognize that?

7 A It is. It's my handwriting.

8 Q And what is contained in that envelope?

9 A One swab of the exterior surface of the Anderson
10 Manufacture multi caliber rifle Model AM15, serial 18278992,
11 for potential DNA.

12 Q And is that the swab that you used to process that gun
13 you've just looked at?

14 A Yes.

15 Q Did you follow the same procedure as far as swabbing
16 the exterior of the gun, closing up the swab, and placing it
17 in that envelope for analysis?

18 A I did.

19 Q Is that envelope sealed with your tape and your
20 initials over it?

21 A Yes.

22 SOLICITOR HAMMACK: Your Honor, at this time we would
23 move State's 19 into evidence.

24 MR. JOHNSON: No objection, Your Honor.

25 MR. THOMPSON: No objection.

Saige O'Grady - Direct examination
By Solicitor Hammack

1 THE COURT: It's admitted.

2 (WHEREUPON, State's Exhibit No. 19 was received into
3 evidence at this time.)

4 Q Now, Saige, you stated that after you process evidence,
5 a lot of times, specifically as it relates to swabs, those
6 are sent to our State Law Enforcement Division lab for
7 further analysis?

8 A They are.

9 Q And you stated that part of your duties would include
10 taking evidence to what we call SLED for that analysis?

11 A It was.

12 Q Is this the type of evidence that would go to SLED for
13 analysis?

14 A Yes.

15 Q And did you take these items to SLED in this case?

16 A I did.

17 Q Saige, I don't have any further questions for you.
18 Please answer any questions the defense attorneys may have.

19 MR. JOHNSON: I don't have any questions for this
20 witness.

21 CROSS-EXAMINATION

22 BY MR. THOMPSON:

23 Q Ms. O'Grady, where did these guns come from?

24 A Came in from the evidence room. As far as I know,
25 whatever is on the chains of custody is where they were

Saige O'Grady - Cross-examination
By Mr. Johnson

1 collected at.

2 Q Okay. So, you're -- you don't have any representations
3 as far as whose guns they were or where they came from,
4 anything like that?

5 All your testimony is that you were presented with a
6 weapon, you swabbed the weapon, and you sent the weapon off?

7 A I was presented with the weapon that was already in
8 evidence --

9 Q In evidence.

10 A -- and I was asked to swab them --

11 Q Right.

12 A -- for a, for a specific purpose. I did so and, yes, I
13 did transport.

14 Q Okay. Sent it on to SLED?

15 A Correct.

16 MR. THOMPSON: I have no further questions for this
17 witness.

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

19 Next witness.

20 SOLICITOR CHARBONNEAU: Judge, can we approach for
21 scheduling?

22 THE COURT: Okay.

23 (WHEREUPON, a bench conference was held out of the
24 hearing of the jury at this time.)

25 THE COURT: Ladies and gentlemen, we're gonna stay a

Chris Johnson - Direct examination
By Solicitor Hammack

1 little late today because we're gonna leave a little early
2 tomorrow.

3 Next witness.

4 SOLICITOR HAMMACK: The State calls Chris Johnson.

5 THE CLERK: Please raise your right-hand.

6 CHRIS JOHNSON, being first duly
7 sworn, testified as follows:

8 THE CLERK: Have a seat in the witness box. State your
9 full name for the Court spelling your last.

10 THE WITNESS: My name is Chris Johnson. J-O-H-N-S-O-N.

11 DIRECT EXAMINATION

12 BY SOLICITOR HAMMACK:

13 Q I'm trying to figure out what to call you. I, I
14 normally just call you Chris but I'm trying to figure out
15 the nicest thing to call you here in Court.

16 Tell me, what do you do for a living?

17 A I work at Aiken County Sheriff's Office as a forensic
18 investigator.

19 Q And what do you do as a forensic investigator?

20 A I respond to crime scenes, photograph, document,
21 collect evidence, process evidence.

22 Q And, Investigator Johnson, how long have you been doing
23 that?

24 A Since 2006 when I got promoted into forensics from the
25 road.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And do you go through any special type of training on
2 how to deal with crime scenes and how to process crime
3 scenes?

4 A On-the-job training while I was in Greenville employed
5 with Greenville County Department of Public Safety, their
6 crime scene section, for three years.

7 Q And, since that time, have you consistently been a
8 forensic investigator?

9 A I worked a few years on the road here at the Sheriff's
10 office shortly after coming here. Spent three years on the
11 road. Then 2006 transferred over to forensic investigations
12 and been there ever since.

13 Q And did you have a chance to become involved in this
14 case?

15 A Yes, ma'am.

16 Q And when you first became involved in this case, what
17 were you asked to do?

18 A I, I was asked to respond to the house off Nokesville
19 and process the house there at Nokesville.

20 Q And the house off of Nokesville, is that here in Aiken
21 County?

22 A Yes, it is.

23 Q Can you tell the jury how you get to Nokesville Circle?

24 A Nokesville Circle's off of Highway 19 just on the
25 outskirts of town on the right.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q what type of house is it?

2 A Nice house in a subdivision, fairly new subdivision.

3 Q Do you remember what day you went out to respond to
4 this house?

5 A Look at my -- some notes. On the 11th of May, 2019.

6 Q And when you went out to Nokesville Circle, do you
7 remember what time of day it was?

8 A It was early in the morning. Probably around 5:00 in
9 the morning.

10 Q still dark outside?

11 A Yes, ma'am.

12 Q who'd you go out there with?

13 A I went out with Lieutenant Billy Flurry and
14 Investigator Phillips.

15 Q Did she use to be Phillips?

16 A Yes, ma'am, she use to be Phillips. She's Williams
17 now.

18 Q Okay. Just wanted to make sure we were talking about
19 the same person.

20 A Yes, ma'am.

21 Q And when you went out to Nokesville Circle on that day
22 or anytime you're called out to a scene to process a scene,
23 are you given a brief or a summary so that you know what
24 you're looking for?

25 A Yes.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And did you have an idea of what you were looking for
2 in this case?

3 A Yes, ma'am, I did.

4 Q And specifically what were you focused on and what were
5 you looking for?

6 A I was told there were possibly a, a shooting incident
7 that happened in one of the rooms inside the house. So, I
8 was there to look for anything that would deal with a
9 shooting incident, particularly blood, projectiles, shell
10 casings, anything that would suggest a shooting had occurred
11 in that room.

12 Q Now, Investigator Johnson, when you get to a scene to
13 process it, what is the first thing that you do?

14 A A visual observation of the scene. Just do a cursory
15 survey of the scene to get the layout of how the rooms are
16 set up or how the scene is set up so that, when I go in and
17 do a search or I do photographs, I know where to go and I've
18 already had a cursory survey of the scene.

19 Q And when you do your visual observation first, is that
20 before you've touched anything, moved anything, done
21 anything to the scene?

22 A Yes, ma'am.

23 Q So you do that visual observation to see it just as it
24 is before any analysis occurs?

25 A Yes, ma'am.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q Did you do that in this case?

2 A Yes, ma'am.

3 Q Did you look at the outside of the house?

4 A From the roadway we looked at the outside. It's not
5 like I went all the way around 360 of the house but took a
6 brief look at the outside of the house and went inside and
7 then focused inside where the shooting incident had
8 allegedly occurred.

9 Q Before you began processing the scene, did you walk
10 through the house to see, as you stated, the layout of the
11 house, where the rooms were, where things of interest might
12 be?

13 A Yes. Yes, ma'am.

14 Q And after you did that, what is the next step that you
15 take in processing a scene?

16 A I document the scene with photo, digital photographs,
17 as I find it, as I see it, without anything being disturbed,
18 moved, or touched. However it is when I get there is how
19 it's documented.

20 Q And did you do that in this case?

21 A Yes, ma'am.

22 (WHEREUPON, a group of photographs was marked as
23 State's Exhibits 24 through 53 for identification purposes
24 only at this time.)

25 Q Investigator Johnson, I'm gonna show you what's already

Chris Johnson - Direct examination
By Solicitor Hammack

1 been entered into evidence as State's 7 through 17, and then
2 I'm going to show you what's been premarked as State's
3 Exhibits 24 through 53. Take a look at these and tell me if
4 you recognize all of them.

5 A Yes, ma'am, I recognize them.

6 Q And how do you recognize those pictures?

7 A These are photographs I took the morning I was at
8 Nokesville Drive.

9 Q And when you took photographs, did you just take
10 photographs as you saw it but did you continue or did you
11 continue to take photographs as you began your processing of
12 the scene?

13 A Took both photographs as the way it was when I saw, and
14 as I was finding things and developing things, photographs
15 were also taken. There's each step along the way.

16 Q And the photographs in State's 7 through 17 and what
17 have been premarked as State's 24 through 53, are those all
18 photographs that you took either of the scene as you found
19 it or as you began your analysis and processing of the
20 scene?

21 A Yes.

22 Q Before we go through each of those photographs,
23 Investigator Johnson, I want to talk about some of the
24 things you do at the scene when you process it.

25 A Yes, ma'am.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q After you photograph -- after you do your visual
2 observation and then you photograph, are there any tasks
3 that you do to collect potential evidence at a scene?

4 A Yes, you look around, your visual, visual observations.
5 I mean if you see anything on the wall that looks like a
6 projectile hole or you see any stains or you see any
7 discoloration or you see anything that stands out, take a
8 closer look at it and you focus more of your work in that
9 area.

10 Q And you stated that, when you were responding to
11 Nokesville Circle in this case, that you had been given a
12 brief that there potentially was a shooting in that house.

13 A That's right.

14 Q So what's (sic) types of things were you looking for in
15 that house?

16 A Looking for blood or bloodstains, looking for shell
17 casings, looking for projectiles or bullets, looking for
18 bullet holes or -- in the walls or just anything that would
19 be evidence of a shooting taking place in that house or in
20 that room.

21 Q Investigator Johnson, did you find evidence of a
22 shooting in that house?

23 A Yes, ma'am.

24 Q Can you tell the jury what you observed that was
25 consistent with a shooting in that house that you then

Chris Johnson - Direct examination
By Solicitor Hammack

1 processed?

2 A When you, when you walk into the room, standing in the
3 door of the room, the bed is kind of pushed off to the right
4 side of the room close to the wall at the window. We
5 noticed a hole in the wall -- well, a hole that was covered.
6 There was something stuffed inside the hole but you could
7 tell it's still a hole in the wall to -- between the bedpost
8 and the window.

9 On the other side of the bed there was just a very
10 slight discoloration in the carpet and even the texture,
11 when you rubbed your hand over it, didn't feel like the rest
12 of the -- didn't feel like the rest of the carpet. We moved
13 the covers back on the bed to see if there was anything on
14 the bed, on the, the comforter, the sheets, the mattress
15 itself. We're look -- looking for anything that stands out
16 that it could possibly have been a -- blood or fire -- a
17 bullet fired in the room.

18 Q You mentioned a hole in the wall that had been covered.
19 Did you take a further look at that hole in the wall?

20 A Yes, I did.

21 Q And what did you discover about that hole in the wall?

22 A It was like toilet paper or toilet tissue that had been
23 rolled up and put into the wall, and, once that was removed,
24 you could see that it was like a bullet tumbling as it's
25 traveling and made a hole in the wall.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q what makes a bullet tumble as it travels if you know?

2 A It hits something that changes the trajectory. It
3 changes the path of the bullet where it's -- it hits it and
4 it starts to tumble. Almost like you were throwing a
5 perfect spiral of a football, and someone touches it, then
6 it starts to wobble and tumble.

7 Q And did you do anything to that wall to determine if,
8 in fact, it had been struck by a bullet?

9 A Yes, ma'am, we -- I cut an area out around the hole and
10 looked to see if there's any other damage inside of the
11 wall. Then we could see that the stud had some damage and
12 the insulation also had some damage on it indicating
13 something went through the wall and---

14 Q And as you were making these changes to the wall, did
15 you document that with photographs?

16 A Yes, ma'am, I did.

17 Q Did you ultimately find something in that wall?

18 A Yes, ma'am, there was a projectile in the wall.

19 Q And when you say a projectile, can you tell the jury
20 what you're talking about?

21 A I'm talking about a bullet that was fired from a gun.
22 It's projected from the gun, a projectile. It's just a term
23 that we use rather than bullet.

24 Q we'll come back to that bullet in the wall in just a
25 minute but you mentioned some other things that you would

Chris Johnson - Direct examination
By Solicitor Hammack

1 look at. You mentioned a stain in the carpet and, and
2 pulling the, the sheets back on the bed.

3 Do you do anything to determine if a stain is blood?

4 A If it's a visible stain that we can see with our naked
5 eye, we'll use a Phenolphthalein test or presumptive blood
6 test, a Phenolphthalein test, which reacts a certain color
7 in the presence of blood. If it's something that we're
8 suspecting as blood but we just -- you just don't have that
9 visible stain, then we can use a Bluestar reagent which will
10 fluoresce or glow in the presence of blood.

11 Q Did you use either Phenolphthalein or Bluestar when
12 processing this scene?

13 A Yes, Bluestar was used on the carpet in the area that
14 didn't look right, didn't feel right. We got a reaction
15 with the Bluestar. Once we removed the layer of carpet, got
16 to the padding and started seeing a stain, then we used the
17 Phenolphthalein and got a presumptive -- positive
18 presumptive test for blood on the concrete.

19 Q And you mentioned presumptive positive.

20 Can you stand up here and say that something was
21 absolutely blood based on your Phenolphthalein or your
22 Bluestar?

23 A As far as human blood, no. The Phenolphthalein reacts
24 with blood. It doesn't have to be human. It could be
25 animal. And the, the Bluestar, I'm not confident that it

Chris Johnson - Direct examination
By Solicitor Hammack

1 reacts to just human blood but I would suggest -- I would
2 think that it would react the same way as the
3 Phenolphthalein. It just tells you that blood is present.
4 It doesn't tell you what type of blood.

5 Q So, if you get a presumptive positive for blood using
6 these tools, do you then accumulate some of that as evidence
7 to send for further analysis at a lab?

8 A Yes, ma'am.

9 Q And did you do that in this case?

10 A Yes, ma'am, we took cuttings of the carpet, the
11 padding, and then a swab from the stain on the concrete that
12 tested positive for blood.

13 Q And when you were using these, these tests, to include
14 the Bluestar, did you take photographs of that as well?

15 A Yes, ma'am.

16 Q And the Bluestar you mentioned is fluorescent.
17 Is that kind of like glowing in the dark?

18 A Yes, ma'am.

19 Q So do you have to take a picture in the dark?

20 A Yes, ma'am.

21 Q Is it kind of hard to see taking a picture in the dark?

22 A Yes, ma'am, it is but you set your camera up on a
23 tri -- tripod and you take a photograph with the lights on
24 and then you leave the camera alone. You use the reagent
25 and you photograph the same spot. So, you can have it with

Chris Johnson - Direct examination
By Solicitor Hammack

1 the glow and then, with the lights on, and you can see
2 what's glowing.

3 Q And as it relates to what's been premarked as State's
4 Exhibits 24 through 53, do those all show -- are, are those
5 all pictures you took when you processed the scene?

6 A Yes, ma'am.

7 Q And are they either pictures of the scene as you found
8 it or pictures of what you did to the scene?

9 A Yes, ma'am.

10 SOLICITOR HAMMACK: Your Honor, at this time we would
11 move State's 24 through 53 into evidence.

12 THE COURT: What says the defense?

13 MR. JOHNSON: No objection.

14 MR. THOMPSON: Your Honor, I, I do object to No. 27,
15 29, and 31 based upon a 403 analysis and would invite Your
16 Honor to, to look at them -- at the, at the offered
17 evidence.

18 THE COURT: That would be critical.

19 SOLICITOR HAMMACK: And Your Honor should have that on
20 your thumb drive but we have the physical pictures here.

21 MR. THOMPSON: Your Honor, I can -- I can go more into
22 my -- the context of my objection if, if you desire or if
23 necessary.

24 THE COURT: Can I see 31?

25 Do you have 31?

Chris Johnson - Direct examination
By Solicitor Hammack

1 THE COURT: They're admitted over objection.

2 MR. THOMPSON: Thank you, Your Honor.

3 (WHEREUPON, State's Exhibit Nos. 24 through 53 were
4 received into evidence at this time.)

5 SOLICITOR HAMMACK: Your Honor, at this time we would
6 like to publish State's, excuse me, 7 through 17 and 24
7 through 53 to the jury.

8 THE COURT: All the others are admitted without
9 objection?

10 MR. THOMPSON: Yes, Your Honor.

11 Q Investigator Johnson, as it relates to State's Exhibit
12 7, what is that a photo of?

13 A That is a photograph of the house. You can see the
14 address right there beside the driveway -- the carport as
15 [REDACTED].

16 Q And that's Nokesville Circle?

17 A Yes, ma'am.

18 Q Here in Aiken County?

19 A Yes, ma'am.

20 Q All right. State's Exhibit 8.

21 Do you know what that is?

22 A Yes, ma'am, that's a photograph right inside the front
23 door.

24 Q And is this just again you documenting your
25 visualization of the scene and the layout?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q State's Exhibit 9.

3 what is that a photo of?

4 A After you pass that little foyer right at the front
5 door, little hallway, and it starts to open up into the
6 living room, that's the photograph from there.

7 Q And State's Exhibit 10.

8 A That is going -- taking a photo -- photograph from the
9 actual living room or main room area over to the hallway
10 where bedrooms are located and a bathroom is located.

11 Q State's 11.

12 A Then -- now you're looking down the hallway. I believe
13 the one there to the right is a restroom. That's a bedroom
14 to the back and there's also one that's just out of frame,
15 another bedroom to the left.

16 Q Looking at State's Exhibit 12, is that what you were
17 referencing as the other bedroom out -- just outside the
18 frame?

19 A Yes, ma'am.

20 Q State's Exhibit 13, what is that a photo of?

21 A Thirteen, that is looking inside the room standing at
22 the doorway of that room. That was just out of frame. That
23 is the room where the evidence is located. You can see the
24 bed. Of course, there's a little nightstand up against the
25 wall and there's a closet to the right or to the left right

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By Solicitor Hammack

1 there.

2 Q And State's Exhibit 14.

3 A Picture of the closet and also showing the door to that
4 room.

5 Q State's Exhibit 15.

6 A Circling back towards the center of the room showing a
7 picture of the bed and you can see the window in the
8 background.

9 Q And you took these photographs before you processed
10 this room?

11 A Yes, ma'am.

12 Q State's Exhibit 16.

13 A It's showing the foot of the bed and the little vanity
14 at the foot of the bed and you're right up against the wall.

15 Q And, Investigator Johnson, State's Exhibit 17, what is
16 that a photo of?

17 A State's Exhibit 17, I am standing with the bed to my
18 left and I'm showing the floor coming into the room.

19 Q What color is that carpet?

20 A It's like a -- it's not brown. It's not red. It's
21 like a taupe. Maybe a burgundy. It was hard to explain.
22 It's just that color.

23 Q So is it a darker red, brown colored carpet?

24 A Yes, ma'am.

25 Q Is it easy to see blood on a red, brown call --

Chris Johnson - Direct examination
By Solicitor Hammack

1 surface?

2 A No, ma'am.

3 Q Is that part of why you use your Bluestar and your
4 Phenolphthalein to test for blood?

5 A Yes, ma'am. One of the reasons, yes, ma'am.

6 Q Now, after you photographed the room as it is, you
7 stated that you did examine the bed and, and pull back the
8 sheets. Let's look at State's Exhibit 24.

9 what is that a photo of?

10 A That's a photo -- photograph of the bed after the pink
11 comforter and comforter set has been removed. It kind of
12 looks like there was some sort of moisture or something on
13 that fitted sheet. We took a photograph of it.

14 Q And State's 25.

15 A That's after we removed the, the blue sheets showing
16 some discoloration in the mattress.

17 Q And, again, before you start putting a substance on
18 anything to test for blood, are you just continuing to
19 document every step you took in this analysis?

20 A Yes, ma'am.

21 Q State's Exhibit 26.

22 what are we looking at in this picture?

23 A Okay. So you're looking at the floor and the mattress.
24 Not really -- you can't really see it very well on the floor
25 but there was a slight discoloration there at the floor, and

Chris Johnson - Direct examination
By Solicitor Hammack

1 even the, the texture of the carpet, when you put your hand
2 on it, felt a little stiffer than the rest of the carpet in
3 that, that area right there.

4 Q And that area proper, is that between the bed and the
5 closet?

6 A Yes, ma'am, it is.

7 Q And when you saw the discoloration and you felt the
8 difference on the carpet, did you engage any testing at that
9 point to determine if there was the presumptive presence of
10 blood?

11 A Yes, ma'am, we used the Bluestar reagent.

12 Q And when you use that Bluestar reagent, explain to the
13 jury what you do to see if it glows in the dark.

14 A So you have to have a low light. You don't have to
15 have it completely dark but you have to have a low light
16 environment. And you mix the chemical in a spray bottle and
17 then you just spray the area where you suspect there's
18 blood. If there's blood, then it will fluoresce a blue
19 color and then you, you document what you see.

20 Q And did you spray this area of the carpet in the
21 bedroom with the Bluestar?

22 A Yes, ma'am, I did.

23 Q And did it fluoresce a blue color?

24 A Yes, ma'am, it did.

25 Q And did you take a picture of that?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Looking at State's 27. It's kind of hard to see on the
3 computer.

4 I know you have a copy in your hand but is that a
5 photograph of the Bluestar reacting after you use it?

6 A Yes, ma'am, it is.

7 Q Let's go to State's 28.

8 Is this just a further picture of the mattress in this
9 case?

10 A Yes, ma'am.

11 Q Is this a photograph of the mattress in the area where
12 you observed the discoloration?

13 A Yes, ma'am.

14 Q And just for the jury, what color is this mattress?

15 A Pink.

16 Q Is it difficult to see a bloodstain on this color
17 mattress with the human eye as opposed to white?

18 A As -- yes, opposed -- as -- yes, as opposed to white it
19 can be difficult or if it's been cleaned or someone's
20 attempted to clean it, it can make it more difficult to see
21 on that color, yes.

22 Q And so did you use your Bluestar on this mattress to
23 see if there was a presumptive positive presence of blood on
24 the mattress?

25 A Yes, ma'am, the whole area.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And did you get a reaction?

2 A Yes, ma'am.

3 Q Let's look at State's 29.

4 Again, it's hard to see on this computer and I know you
5 have your paper copy in your hand but did you photograph the
6 positive reaction that you got?

7 A Yes, ma'am.

8 Q Let's look at State's 30 and is this the general area
9 where you saw both the discoloration and change in textures
10 of the carpet as well as the discoloration on the mattress?

11 A Yes, ma'am, it is.

12 Q Did you Bluestar these at the same time or separately?

13 A I would -- all of the Bluestar is applied between
14 photographs. So, if I'm photographing -- I'll spray
15 Bluestar. If I see reaction, I'll set up the camera, take a
16 photograph, turn the lights out, take -- spray some more
17 Bluestar to get that reaction again and then take a picture
18 of it. So, yes, ma'am, between each time we would reapply
19 Bluestar.

20 Q And after taking this photograph, did you get a
21 positive reaction from the Bluestar in this area?

22 A Yes, ma'am.

23 Q Let's look at State's 31.

24 Is that a picture of the Bluestar reaction that you got
25 in that area?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am.

2 Q Let's look at State's 32 and I, I may of gone out of
3 order. That may be the, the before picture before that
4 Bluestar reaction.

5 But is that that area we're talking about?

6 A Yes, ma'am, this is all in the same area. All those
7 photographs were right there in the same area, yes, ma'am.

8 Q All right. Let's look at State's Exhibit 33.

9 Investigator Johnson, when you observed something of
10 significance that is potential evidence in a case, do you
11 use markers to note that?

12 A Yes, ma'am, I do.

13 Q And why do you use those markers?

14 A Just to show location into the -- in the scene.

15 Q And those markers have numbers on them.

16 Do those numbers help you keep track of which item of
17 evidence you're working with?

18 A Yes, ma'am.

19 Q And when you document later, do you refer to those
20 items of evidence by those numbers?

21 A Yes, ma'am.

22 Q Why do we have markers in this picture?

23 A Marker 1 is the area where Bluestar reacted on the
24 carpet and Marker 2 is gonna be the area at the mattress
25 where it reacted as well.

Chris Johnson - Direct examination
By Solicitor Hammack

1 SOLICITOR HAMMACK: And as, as we go through this, Your
2 Honor, before I go any further, I just want to inquire to
3 make sure that the jurors on the far side can see the screen
4 okay or if we need to turn it?

5 (WHEREUPON, there was no audible response.)

6 SOLICITOR HAMMACK: And the jurors in the back?

7 (WHEREUPON, there was no audible response.)

8 Q So, Investigator Johnson, after you marked these items,
9 did you take any steps to further analyze these areas?

10 A Yes, ma'am, we cut the carpet to see if there was any
11 absorption of a stain below the carpet or any blood going
12 below the carpet to see if -- how far down the blood had
13 soaked into the carpet.

14 Q So not just blood on, on the surface, but blood that
15 has saturated the carpet to go past it to the padding?

16 A Yes, ma'am.

17 Q Let's look at State's 34.

18 Is that where you cut the carpet to examine in this
19 case?

20 A Yes, ma'am.

21 Q And why do you have that marker there?

22 A So basically when I cut the carpet I want to be able to
23 visually, in the photograph, show that this area that's cut
24 is the same area where the marker was sitting previously
25 before it was cut and the carpet was just laid over.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q So this area where you cut, is that where you had a
2 positive Bluestar reaction?

3 A Yes, ma'am.

4 Q And did you observe anything with the naked eye on the
5 back of this carpet as well as on the padding underneath?

6 A Yes, ma'am, you started to see a red stain.

7 Q Was that significant to you?

8 A Yes, ma'am, it, it means that there was more blood
9 there that we needed to find as far as being absorbed into
10 the carpet, how far down did it go.

11 Q So, once you observed that it was absorbed into the
12 carpet, did you go further to find more?

13 A Yes, ma'am, we also cut the padding.

14 Q Let's look at State's 35.

15 Is that where you cut away more of the carpet to reveal
16 more red stain?

17 A Yes, ma'am.

18 Q And State's 36.

19 What are we looking at in State's 36?

20 A So, State's, State's 36 you're looking at the backside
21 of the carpet toward -- or excuse me. You're looking at the
22 backside of the padding towards the top of the photograph.
23 Where the number one is, number one is sitting is the actual
24 concrete of the floor. So I just cut the padding and I
25 flipped it up on top of itself to reveal the blood had

Chris Johnson - Direct examination
By Solicitor Hammack

1 soaked down to the concrete.

2 Q So, in this photograph, we're looking at blood that has
3 gone through the carpet, through the padding, and has
4 stained the concrete floor underneath all of that?

5 A Yes, ma'am.

6 Q Let's look at State's 37.

7 what are you doing in this picture?

8 A So this is me using the Phenolphthalein. I used the
9 swab on the stain on the concrete to test to see if it was
10 blood and it reacted positively to blood.

11 Q And when -- well, we'll come back to that swab.

12 But you said it did react positive for blood there?

13 A Yes, ma'am.

14 Q Investigator Johnson, in your experience since 2006 as
15 a forensic investigator, have you had to deal with blood a
16 lot?

17 A Yes, ma'am.

18 Q Have you seen blood a lot?

19 A Yes, ma'am.

20 Q Have you collected blood a lot?

21 A Yes, ma'am.

22 Q Blood on carpet that has soaked through the carpet, has
23 soaked through the padding, and is stained the concrete
24 underneath those layers, in your experience, is that a
25 little bit of blood or is that a lot of blood?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A No, ma'am, it's a good quantity of blood. It's more
2 that a nose bleed or a cut on the arm. It's, it's a good
3 bit of blood to soak through the carpet and that much to
4 soak through the carpet down to the padding and then down to
5 the concrete.

6 Q Now, Investigator Johnson, in this picture you're
7 showing us where you swabbed with the Phenolphthalein and
8 it's tested presumptive positive for blood.

9 A Yes, ma'am.

10 Q Can you tell the jury about the swabs that you use to
11 collect this evidence?

12 A We used what they call capture. It is a sterile swab
13 that is packaged in a -- with a plastic cup at the end of
14 it. You open the cup. You slide the -- you slide it down
15 the shaft of the cotton swab and then you have a sterile
16 cotton swab that you can apply the distilled water on and
17 collect your sample. And then you pull the cap back up and
18 you cap it and it keeps the, the collection from getting
19 contaminated.

20 Q And once you---

21 THE COURT: The television is blocking the juror's view
22 of the witness.

23 Q Investigator Johnson, once you've securely contained
24 that swab in what you call the capsule or the plastic to
25 keep it from being contaminated, do you place it in a

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1 envelope for safekeeping until further analysis can be done?

2 A Yes, ma'am, I do.

3 Q Did you do that in this case?

4 A Yes, ma'am.

5 (WHEREUPON, swabs collected from concrete were marked
6 as State's Exhibit No. 20 for identification purposes only
7 at this time.)

8 Q I'm showing you what's been marked as State's Exhibit
9 20.

10 will you take a look at that and tell me if you
11 recognize it?

12 A Yes, ma'am, I do.

13 Q And what is it?

14 A These are the swabs that I collected. It is labeled
15 CJ1C, two swabs of suspected blood from concrete at Marker
16 Number 1. It's got my name and my badge number on it.

17 Q And do you tape that envelope up so that it can not be
18 opened or fall open to secure that evidence until it can be
19 further tested?

20 A Yes, ma'am, I see my initials on the evidence where I
21 sealed it and I think there's a date there but it's been
22 written over and resealed.

23 Q And when you collected the swab in this case, and put
24 it in that envelope, did you then put it into your evidence
25 until it could be tested by SLED?

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1 A Yes, I did.

2 SOLICITOR HAMMACK: Your Honor, at this time we would
3 move State's 20 into evidence.

4 MR. JOHNSON: No objection, Your Honor.

5 MR. THOMPSON: No objection, Your Honor.

6 THE COURT: It's admitted.

7 (WHEREUPON, State's Exhibit No. 20 was received into
8 evidence at this time.)

9 Q Investigator Johnson, in order to take that swab you
10 had to cut the carpet back.

11 Did you collect any of that carpet in this case?

12 A Yes, ma'am.

13 (WHEREUPON, the cutting from the carpet was marked as
14 State's Exhibit No. 23 for identification purposes only at
15 this time.)

16 Q Investigator Johnson, I'm showing you what's been
17 premarked as State's Exhibit 23.

18 Do you recognize that?

19 A Yes, ma'am.

20 Q And what is it?

21 A That is a cutting of carpet with suspected bloodstain.
22 There's four pieces and it's labeled as CJ1/A.

23 Q And just for the jury, what does CJ stand for?

24 A Chris Johnson.

25 Q So you put your initials on it so you know you're the

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1 one that collected it?

2 A Yes, ma'am.

3 Q And does it also have your name right there where it
4 says evidence collected by?

5 A Yes, ma'am.

6 Q And is this the carpet that you cut away to test that
7 blood in this case?

8 A Yes, ma'am.

9 SOLICITOR HAMMACK: Your Honor, at this time we would
10 move State's 23 into evidence.

11 MR. JOHNSON: No objection, Your Honor.

12 MR. THOMPSON: No objection, Your Honor.

13 THE COURT: It's admitted.

14 (WHEREUPON, State's Exhibit No. 23 was received into
15 evidence at this time.)

16 Q Investigator Johnson, I want to go back to the
17 photographs that you took in this case and discuss some
18 other evidence that you located.

19 A Okay.

20 THE COURT: Would it work if you pushed it over some?
21 If you turned it the other way so --.

22 (Pause.)

23 THE COURT: I think that's fine. I think that's good.

24 Q And, Investigator Johnson, let's look at State's 38.
25 What is that a photo of?

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1 A That's showing the right side of the bed close to the
2 window and in the background against the wall you can start
3 to see a little deformity in the wall that winds up being a
4 projectile hole.

5 Q well, let's look at State's 39.
6 what is that a photograph of?

7 A That is a more close-up photograph of that hole in the
8 wall. You can see the window and you can see the bedframe
9 and the pillow and you can more clearly see the hole in the
10 wall.

11 Q And are you, in this photograph, are you photographing
12 it before you've touched it?

13 A Yes, ma'am, I am.

14 Q Let's look at State's 40.
15 what is that?

16 A That is a trajectory rod. That is something that we --
17 I can try and figure out the trajectory of a, a projectile
18 or a bullet or the path of a bullet.

19 Q And with this trajectory rod in the wall like this,
20 what does that indicate to you?

21 A It indicates to me that a bullet traveled in the
22 direction that the rod is pointing, so on the doorway side
23 of the bed, and traveled across the bed to the wall.

24 Q Let's look at State's 41.

25 Is that looking at the trajectory rod head on?

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1 A Yes, ma'am, it is.

2 Q And why did you take that photograph of the trajectory
3 rod head on that way?

4 A It's so that you can see in the photograph that I'm
5 standing basically in the path of the projectile. So, if
6 the projectile was traveling in a straight-line and impacted
7 the wall right there, I'm in that trajectory. Tried to get
8 as straight as I can to show, if you follow that line, a
9 path.

10 Q And where were you standing when you took that
11 photograph?

12 A I was standing just to the foot of the bed, the corner
13 of the bed.

14 Q State's 42, is that a closeup of that trajectory rod?

15 A Yes, ma'am.

16 Q And the reason you can look at it and, and see the path
17 of the bullet is because of the angle where it entered the
18 wall?

19 Is that right?

20 A Yes, ma'am.

21 Q Let's look at State's Exhibit 43.

22 What are you doing here?

23 A So this is the, the time where I cut out around the,
24 the hole in the wall to reveal what was behind it, and you
25 can see behind it some insulation that's got some damage and

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1 a stud that looks like it's got a -- just a small amount of
2 damage on the back side of it.

3 Q And this is after you have removed the tissue from that
4 hole?

5 A Yes, ma'am, the tissue was removed before the
6 trajectory rod was introduced.

7 Q And that piece of drywall that you cut, what did you do
8 with it?

9 A I collected it.

10 (WHEREUPON, a cutting from drywall was marked as
11 State's Exhibit No. 21 for identification purposes only at
12 this time.)

13 Q Investigator Johnson, I'm showing you what's been
14 premarked as State's Exhibit 21.

15 will you take a look at that and see if you recognize
16 it?

17 A Yes, ma'am, I recognize it.

18 Q What is it?

19 A It's the cutting from the drywall with suspected
20 projectile hole from the front bedroom wall between the
21 headboard and wall with window. I've got my name and badge
22 number on it.

23 Q Is that the drywall from that picture that you
24 collected?

25 A Yes, ma'am, it is.

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1 Q And is that your initials on the tape sealing that up
2 after you have collected it and placed it in that envelope?

3 A Yes, ma'am, it is.

4 SOLICITOR HAMMACK: Your Honor, at this time we'd move
5 State's 21 into evidence.

6 MR. JOHNSON: No objection, Your Honor.

7 MR. THOMPSON: No objection.

8 THE COURT: Admitted.

9 (WHEREUPON, State's Exhibit No. 21 was received into
10 evidence at this time.)

11 Q Investigator Johnson, I'll bring your attention back to
12 these photographs. Let's look at State's 44.

13 what are you doing in this photo?

14 A I am taking a photograph of the hole that I cut into
15 the wall at a different angle to try and photograph what I'm
16 seeing as far as the stud and the insulation.

17 Q And when you took this photograph, could you see
18 something as significant in that wall that did not belong
19 there?

20 A Yes, ma'am.

21 Q what did you see?

22 A I saw a part of the projectile.

23 Q Let's look at State's 45. I'm sorry. State's 46.

24 what's that in your hand?

25 A That is the projectile.

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1 Q And, again, when you explain to the jury, when you say
2 projectile, you're talking about a bullet?

3 A A fired bullet, yes, ma'am.

4 Q Let's look at State's Exhibit 47.

5 Is that a close-up of that bullet?

6 A Yes, ma'am, it is.

7 Q Investigator Johnson, what's on that bullet?

8 A It looks like fragment and debris from the drywall.

9 I'm not exactly sure what all is on it but it looks to me
10 like drywall, stuff from the drywall, and then the
11 insulation.

12 Q What'd you do with that projectile?

13 A I collected it.

14 (WHEREUPON, a projectile was marked as State's Exhibit
15 No. 22 for identification purposes only at this time.)

16 Q Investigator Johnson, I'm showing you what's been
17 premarked as State's Exhibit 22.

18 Will you take a look at that and tell me if you
19 recognize it?

20 A Yes, ma'am, I do.

21 Q And how do you recognize it?

22 A The packaging, again, has my name on it, my badge
23 number. It says CJ5B, suspected projectile from wall at
24 head of bed, and it is the actual projectile I collected
25 that day.

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1 SOLICITOR HAMMACK: Your Honor, at this time we would
2 move State's 22 in evidence.

3 MR. JOHNSON: No objection, Your Honor.

4 MR. THOMPSON: No objection, Your Honor.

5 THE COURT: It's admitted.

6 (WHEREUPON, State's Exhibit No. 22 was received into
7 evidence at this time.)

8 Q Did you take more photographs from other locations
9 inside this house as part of your investigation?

10 A Yes, ma'am, I did.

11 Q Let's look at State's 48 please.
12 what is that a photograph of?

13 A That is a photograph of the garage standing at the
14 doorway inside the house taking a photograph from the
15 doorway out into the garage.

16 Q And State's 49.

17 A Forty-nine, in front of the, the vehicle standing at
18 the bumper and just doing a basic photograph of the contents
19 of the garage.

20 Q And can you describe for the jury some of those basic
21 contents of the garage?

22 A Chairs, a couple of totes, a lawn mower, a television,
23 a pink lid to a tote, shoes. Just basic contents in a
24 garage. Just storage items.

25 Q Let's look at State's 50.

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1 what's that a photograph of?

2 A That's a photograph of that pink tote and then a gray
3 tote sitting inside of it with, you know, the microwave and
4 everything in the background.

5 Q State's 51.

6 Investigator Johnson, first, what are you doing in this
7 picture?

8 A I am taking photographs of the dimensions of this pink
9 tote. We had gotten information also that the victim might
10 of been taken in a tote, put in a tote, and taken away from
11 the scene. So we found one in there and we wanted to
12 photograph its size in comparison to what he could of been
13 taken away in.

14 Q And those measurements give you an idea of scale in a
15 photograph?

16 A Yes, ma'am, it does.

17 Q Approximately what is the width and length of that
18 tote?

19 A The width from outside edge to outside edge is roughly
20 17 inches. Again, outside edge to outside edge, the length
21 is roughly 29, 30 inches.

22 Q Let's look at State's Exhibit 52.

23 what are you measuring here?

24 A I'm measuring across the center. So this tub kind of
25 looks like it widens out a little bit and the dimensions

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1 across the center did widen out till about 18 and a half
2 inches or so.

3 Q And let's look at State's Exhibit 53.

4 what are you measuring here?

5 A I'm measuring the depth of the actual tote itself and
6 it was about 17 inches deep.

7 Q Investigator Johnson, is this the last thing that you
8 possessed in this case?

9 A No, ma'am.

10 Q what else were you asked to process in this case?

11 well, first, before I ask you that, is there anything
12 else that you did at this house that we haven't talked about
13 that I should of asked you about?

14 A No, ma'am.

15 Q what else were you asked to process in this case?

16 A I was asked to assist in a search warrant of a vehicle
17 and also to execute a search warrant of another vehicle.

18 Q Do you remember which vehicle you processed first?

19 A Not offhand.

20 Q when you process a vehicle, what is your general
21 practice?

22 A when a vehicle comes in and they request us to execute
23 a search warrant on it, we look at the search warrant and
24 look specifically at what they are looking for in that
25 vehicle, and then we look at the vehicle and try and find

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1 the items or the evidence that they're looking for inside of
2 the vehicle.

3 Q And if someone voluntarily surrenders a vehicle to be
4 searched, do you do the same thing?

5 A Yes, ma'am.

6 Q And when you process a vehicle, do you do the same
7 thing as you do with a scene as far as doing a visual
8 observation first?

9 A Yes, ma'am.

10 Q After you do a visual observation, do you then
11 photograph a vehicle before you analyze it?

12 A Yes, ma'am.

13 Q And when you photograph and process a vehicle, do you
14 have any type of identifier showing you when you process
15 something?

16 A A placard. We take a photograph of a placard that we
17 fill in with the case number, the investigator, the
18 location, the date, the time, and who's photographing.

19 Q And did you have an opportunity to assist with the
20 analysis of a white Toyota Avalon in this case?

21 A Yes, ma'am, I did.

22 Q And was that Avalon brought in voluntarily or was that
23 pursuant to a search warrant?

24 A I believe that one was voluntary.

25 Q And when you process a vehicle, and someone brings it

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1 up voluntarily, where do you process a vehicle?

2 A The vehicle, if it's brought up voluntarily to the
3 Sheriff's Office, we take it from the front parking lot back
4 to the forensic building. So one -- there's a deputy or an
5 investigator that will bring the vehicle back to us at the
6 processing building.

7 Q Okay. So a civilian can not take a vehicle back to
8 your secure building?

9 A No, ma'am.

10 Q In this case, do you remember who took the white Toyota
11 Avalon back to your forensic building?

12 A I believe it was Lieutenant Flurry.

13 Q Lieutenant Flurry?

14 A Yes, ma'am.

15 Q Is his first name Billy?

16 A Yes, ma'am.

17 Q Okay. And once that vehicle is taken back to your
18 forensics building, is that where you photograph -- do your
19 visual observation, then photograph, and then process?

20 A Yes, ma'am.

21 (WHEREUPON, a group of photographs was marked as
22 State's Exhibit Nos. 54 through 64 for identification
23 purposes only at this time.)

24 Q Investigator Johnson, I'm showing you what's been
25 premarked as State's 54 through 64.

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1 will you take a second to look at those and see if you
2 recognize them?

3 A Yes, ma'am, I recognize these.

4 Q What are they?

5 A These are photographs that Lieutenant Adams took as we
6 were processing this vehicle.

7 Q And you mentioned Lieutenant Adams.

8 Is he also a forensic investigator?

9 A Yes, ma'am, he's my supervisor.

10 Q And, Investigator Johnson, when y'all process a
11 vehicle, do you typically do it together?

12 A Yes, ma'am, as much as we possibly can. If there's not
13 anything going on in the county and one of us has to be
14 away, we typically process things together.

15 Q So, even if he took those photographs, these are
16 photographs of a vehicle that you processed that you saw
17 with your own eyes?

18 A Yes, ma'am.

19 Q And those photographs, do they show the vehicle as it
20 existed when y'all processed it back on May 13th of 2019?

21 A Yes, ma'am, it does.

22 SOLICITOR HAMMACK: Your Honor, at this time we would
23 move State's 54 through 64 into evidence.

24 MR. JOHNSON: No objection, Your Honor.

25 THE COURT: Admitted --

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1 MR. THOMPSON: Your Honor, I---

2 THE COURT: -- unless there's an objection.

3 MR. THOMPSON: I would object to I believe it's 60
4 through 64. I can speak the objection further. It would be
5 a 403 objection related to the potential to -- a potential
6 of confusion of some of the, the responses that, well, maybe
7 not the responses, done on that car unless he lays more
8 foundation for it.

9 THE COURT: They're admitted over objection.

10 (WHEREUPON, State's Exhibit Nos. 54 through 64 were
11 received into evidence at this time.)

12 SOLICITOR HAMMACK: And, Your Honor, at this time we
13 would publish State's 54 through 64 to the jury.

14 Let's begin with State's 54.

15 Investigator Johnson, what is this a picture of?

16 A That is the placard that I was referring to. Gives our
17 case number, the address, which is ACO forensics, that's the
18 building we're in, and then the date and who is taking the
19 photographs, which was Lieutenant Clay Adams.

20 Q So this lets you know that y'all processed this vehicle
21 on May 13th?

22 A Yes, ma'am.

23 Q Let's look at State's 55.

24 what's that a photograph of?

25 A That shows the front of the vehicle. So it's just an

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1 overall photograph of the vehicle that we are processing.

2 Q And is this part of your routine of first observing the
3 vehicle in its entirety and then documenting the entire
4 thing by photographs before you touch it and process it?

5 A Yes, ma'am.

6 Q State's 56.

7 Is that just a photograph of another side of the
8 vehicle so we can get a picture of the whole thing?

9 A Yes, ma'am, it is.

10 Q State's 57.

11 Photograph of a -- another side of the vehicle?

12 A Yes, ma'am, the backside and it's also showing the tag
13 that's assigned to the vehicle.

14 Q State's 58.

15 what is that a photograph of?

16 A That's a photograph inside the trunk when the trunk was
17 opened. That is what we observed, that gray lid, that heavy
18 plastic bag sitting there, and then a couple of floor mats.

19 Q Do you know what that gray plastic bag is?

20 A Yes, ma'am, it, it looked like a bag that sheets or a
21 bed set would come in.

22 Q Let's look at State's Exhibit 59.

23 what is that a photograph of?

24 A That is a photograph of the front passenger side door.
25 It's in the open position.

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1 Q State's Exhibit 60.

2 what is that a photograph of?

3 A That is showing a photograph of -- back on the trunk
4 area you can see the taillight. That's going to be on the
5 driver's side of the trunk showing that plastic molding
6 piece right there.

7 Q Is there something significant about that to you as to
8 why you took a photo of it?

9 A Yes, ma'am, there is. Those, those marks, those stains
10 right there, I -- kind of hard to point to. But those --
11 discolorations on that metal, on that plastic.

12 Q well, let's look at State's Exhibit 61 and see if that
13 helps.

14 A Yes, ma'am.

15 Q Is that a better picture of the discolorations and
16 stains that you were observing?

17 A Yes, ma'am.

18 Q And why is that significant to you?

19 A Because it could of been blood.

20 Q And as you talked about before, you have tests for
21 presumptive positives presence of blood, but, if you're not
22 sure, you send things off to the lab for analysis.

23 Is that right?

24 A Yes, ma'am, we do.

25 Q Did you do anything to document this substance to

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1 determine if it was blood?

2 A It was swabbed.

3 (WHEREUPON, two swabs were marked as State's Exhibit
4 No. 65 for identification purposes only at this time.)

5 Q Investigator Johnson, I'm showing you what's been
6 premarked as State's Exhibit 65.

7 will you take a look at that and tell me if you
8 recognize it?

9 A Yes, I do recognize this.

10 Q what is it?

11 A This is a collection, two swabs, top trunk weather
12 seal. well, that's gonna be two out of a third brake light.

13 Q I'm sorry?

14 Okay. So, you're telling me that's documented in a
15 different photo?

16 A Yes, ma'am.

17 Q well then let's move to State's Exhibit 63 then.

18 what is that a photo of the?

19 A That's the weather stripping at the top ridge of the
20 trunk below the rear windshield.

21 Q So at the very -- if, if the trunk is opened, that is
22 at the very top of the trunk?

23 A Of the actual vehicle below the -- where the windshield
24 comes in. So it's not on the trunk lid. It's on the
25 weather stripping that the trunk lid touches.

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1 Q And what was significant about that to you?

2 A There was a -- that red -- it's hard to see in the
3 photograph but there was a stain right there on that weather
4 stripping.

5 Q And did you swab it to determine---

6 A Yeah.

7 Q ---if it was potentially blood?

8 A Yes, lieutenant collected the swab, yes.

9 Q And for context when you were describing where that
10 was, let's move back to State's Exhibit 62.

11 Is that where you're talking about where the windshield
12 comes down to the end of the vehicle, the trunk lid is up,
13 and that is at the very top of the trunk?

14 A Yes, ma'am.

15 Q And State's -- what's been premarked as State's 65 that
16 I handed up to you, is that a swab from that area?

17 A Yes, ma'am, it is.

18 Q And did you collect that swab the same way that you
19 conducted the swab of the blood on the concrete floor at the
20 Nokesville Circle address?

21 A Yes, ma'am, it was collected in the same fashion.

22 Q And did you package it in the same way?

23 A Lieutenant packaged it, yes, ma'am, the exact same way.

24 SOLICITOR HAMMACK: Your Honor, at this time we would
25 move State's 65 into evidence.

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1 MR. JOHNSON: No objection.

2 MR. THOMPSON: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (WHEREUPON, State's Exhibit No. 65 was received into
5 evidence at this time.)

6 Q Let's move to State's Exhibit 64.

7 what is that a photograph of?

8 A That's the same area on the trunk, the weather seal of
9 the trunk.

10 Q And did you swab -- the areas that you photographed
11 that were significant to you that had substances on them,
12 did you swab them for potential blood evidence?

13 A Yes, ma'am, they were swabbed.

14 (WHEREUPON, a swab was marked as State's Exhibit No. 66
15 for identification purposes only at this time.)

16 Q I'm showing you what's been premarked as State's
17 Exhibit 66.

18 Do you recognize that?

19 A Yes, ma'am.

20 Q And what is it?

21 A That is a swab that was taken inside the trunk near the
22 driver's side brake lights, which would be the one that was
23 pictured in Exhibit 61.

24 Q And did you -- after you swabbed that, did you package
25 or was it packaged in the same way as all the other swabs

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1 that have been described?

2 A Yes, ma'am, it was.

3 Q Placed into evidence for further analysis at SLED?

4 A Yes, ma'am.

5 SOLICITOR HAMMACK: At this time we would move State's
6 66 into evidence.

7 MR. JOHNSON: No objection, Your Honor.

8 MR. THOMPSON: Without objection, Your Honor.

9 THE COURT: It's admitted.

10 (WHEREUPON, State's Exhibit No. 66 was received into
11 evidence at this time.)

12 Q Investigator Johnson, did you examine this vehicle for
13 any other type of evidence besides blood evidence?

14 A Yes, ma'am, we processed it for fingerprints, latent
15 fingerprints.

16 Q And when you call a fingerprint a latent fingerprint,
17 what does that mean?

18 A A latent fingerprint is something that's not visible to
19 the naked eye. So, it has to be developed in order for us
20 to be able to see it and collect it.

21 Q So, if I put my finger on say this plexiglass and press
22 it nice and smooth, can you see that with the naked eye?

23 A Not normally, no, ma'am. Sometimes you can if you put
24 enough moisture or you put enough -- if you've got something
25 on your hands. But just regular oils, most of the time you

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1 can not see it. You have to develop it with fingerprint
2 powder.

3 Q And tell me how you use fingerprint powder to develop a
4 fingerprint.

5 A Fingerprint powder is used, we apply it with a
6 fiberglass brush and we just take the brush, dip it in the
7 fingerprint powder, and then we brush it over the surface
8 that we're looking for the fingerprints.

9 Q And did you do that to the vehicle in this case?

10 A Yes, ma'am.

11 Q Were you able to discover any latent fingerprints that
12 were not visible to the naked eye?

13 A Yes, ma'am.

14 Q And do you recall the -- or what -- well, well, tell me
15 this.

16 Once you identified a fingerprint, are you always able
17 to tie it to a particular person?

18 A Not always.

19 Q So, you said you did develop some fingerprints in this
20 case?

21 A Yes, ma'am, we did.

22 Q Were you able to identify all of the fingerprints on
23 that vehicle in this case?

24 A No, ma'am.

25 Q Were you able to identify two of the fingerprints in

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1 this case?

2 A Yes, ma'am.

3 Q And do you recall who left fingerprints on the driver's
4 door, the interior driver's door handle?

5 A Lieutenant Billy Flurry.

6 Q And Lieutenant Billy Flurry, is that who you said drove
7 the vehicle from the front of the Sheriff's Office to your
8 forensics building?

9 A Yes, ma'am.

10 Q And were you able to develop a latent fingerprint from
11 the rear driver's side door interior handle?

12 A Yes, ma'am.

13 Q And do you know who that fingerprint belonged to?

14 A I would have to take a look at it. I don't remember
15 the name offhand.

16 Q would it help you remember if you were able to review
17 your report?

18 A Yes, ma'am.

19 (Pause.)

20 A Yes, ma'am, it was Elijah Sloan.

21 Q Do you know who Elijah Sloan is?

22 A No, ma'am.

23 Q The other fingerprint that you were able to lift or see
24 once you process with this powder, were you able to identify
25 who left those fingerprints?

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

2 Q Investigator Johnson, as part of this investigation as
3 it continued on, were you then asked to process another
4 vehicle in this case?

5 A Yes, ma'am, we were.

6 Q And what vehicle was that?

7 A I'd, I'd have to look. It was another gray car. I'm
8 not exactly sure of the make or model.

9 Q And, again, when you processed it, would you have used
10 one of your placards and taken a photo of that placard to
11 document when you process the vehicle?

12 A Yes, ma'am.

13 (WHEREUPON, a group of photographs was marked as
14 State's Exhibit Nos. 68 through 83 for identification
15 purposes only at this time.)

16 Q Investigator Johnson, I'm gonna show you what's been
17 premarked as State's Exhibits 68 through 83. Take a moment
18 and review those and let me know if you recognize them.

19 A Yes, ma'am, I recognize these.

20 Q And what are they?

21 A These were photographs I took during the search warrant
22 on the vehicle on August 9th, 2019, at 10:48.

23 Q And the vehicle you processed on August 9th, 2019,
24 and your -- and looking at those photos, are you able to
25 determine what kind of vehicle that is?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, it's a Honda. A gray in color Honda. I'm
2 not sure if that's a Prelude.

3 Q Prelude?

4 A Prelude, yes, ma'am.

5 Q And are those the photographs you took both before you
6 processed that Prelude and as you continued to process the
7 vehicle?

8 A Yes, ma'am, they are.

9 Q Do those photos include photographs using your Bluestar
10 to identify potential blood in this case?

11 A Yes, they do.

12 SOLICITOR HAMMACK: Your Honor, at this time we would
13 move State's Exhibits 64 through 83 into evidence.

14 MR. JOHNSON: No objection.

15 SOLICITOR HAMMACK: Sixty-four -- 68. I'm sorry, 68
16 through 83.

17 MR. THOMPSON: Your Honor, I would object to 77 and 81
18 under the 403 analysis, a similar objection to the one I
19 made earlier just cause you can't really see the picture.

20 THE COURT: They're admitted over objection.

21 (WHEREUPON, State's Exhibit Nos. 68 through 83 were
22 received into evidence at this time.)

23 Q Investigator Johnson, let's look at State's Exhibit 68
24 if we can.

25 Is that the placard documenting the day that you

Chris Johnson - Direct examination
By Solicitor Hammack

1 processed this Honda Prelude?

2 A Yes, it is.

3 Q And that was on August 9th, 2019?

4 A Yes, ma'am.

5 Q And where did you process that?

6 A At the forensic processing building. The same place as
7 the last vehicle.

8 Q State's Exhibit 69.

9 Is this as you photographed around the vehicle to
10 document it before you process it?

11 A Yes, ma'am, it is.

12 Q And this Honda Prelude, how many doors does it have?

13 A Two doors.

14 Q Let's look at State's 70.

15 Is that the other side of the or the other end of this
16 vehicle?

17 A Yes, ma'am, that's the driver's side rear looking back
18 towards the front of the driver's side.

19 Q State's Exhibit 71.

20 The passenger side of the vehicle?

21 A Yes, ma'am, standing at the rear quarter panel on the
22 passenger side.

23 Q Let's look at State's Exhibit 72.

24 where is that photograph taken?

25 A That is taken inside the driver's side door. You can

Chris Johnson - Direct examination
By Solicitor Hammack

1 see the steering wheel, the floorboard, and part of the seat
2 and also the little button for the gas and on the floor.

3 Q Let's look at State's Exhibit 73.

4 what is that a photograph of?

5 A That's a photograph of that receipt that you saw in 72.

6 Q what's that receipt for?

7 Do you know?

8 A Dollar General Store, 1431 Chukker Creek Road, Aiken,
9 5/1/2019 at 4:29PM according to the receipt.

10 Q According to that receipt, what was purchased?

11 A Bounty four giant, SAS Lysol, and then HP fruit juice
12 red.

13 Q what'd you do with that receipt?

14 A Documented it and I'd have to go back and look but I'm
15 pretty sure we collected it as well.

16 (WHEREUPON, the Dollar General receipt was marked as
17 State's Exhibit No. 85 for identification purposes only at
18 this time.)

19 Q Investigator Johnson, I'm showing you what's been
20 premarked as State's Exhibit 85.

21 Do you recognize that?

22 A Yes, ma'am, I do.

23 Q what is it?

24 A It is a -- says CJ10 Dollar General receipt from front
25 driver's side floorboard. It has my initials and my badge

Chris Johnson - Direct examination
By Solicitor Hammack

1 number on it and it's sealed with my initials and the date
2 that I sealed it.

3 Q So is that the receipt that we're seeing in this
4 picture that you collected it from the driver's side
5 floorboard of this Honda Prelude?

6 A Yes, ma'am, it is.

7 SOLICITOR HAMMACK: Your Honor, at this time we would
8 move State's Exhibit 85 into evidence.

9 MR. JOHNSON: No objection, Your Honor.

10 MR. THOMPSON: No objection, Your Honor.

11 THE COURT: It's admitted.

12 (WHEREUPON, State's Exhibit No. 85 was received into
13 evidence at this time.)

14 Q Let's move to a photograph that has been entered as
15 State's 74.

16 what is that a photo of?

17 A That's a photograph of the backside of the vehicle with
18 the trunk lid opened.

19 Q And State's 75?

20 A Seventy-five is a picture of some of the contents
21 inside the trunk. Looks like a shoe, a piece of plastic,
22 and some styrofoam, and some -- like a Clorox wipe
23 container. I'm not exactly sure what that cloth is.

24 Q Look at State's Exhibits 76.

25 what is that a photograph of?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A That is a photograph of the carpet piece or the
2 cardboard piece that covers the spare tire in the trunk.

3 Q Before you processed this vehicle, were you given any
4 brief or summary as to what you'd be looking for in this
5 vehicle?

6 A Yes, ma'am, we were told that the victim was
7 transported in this vehicle in the trunk of this vehicle.

8 Q So, what types of potential evidence were you looking
9 for in the trunk of this vehicle?

10 A We were looking for blood evidence. Anything that
11 would suggest a victim had been transported in the, in the
12 vehicle.

13 Q Did you see anything that looked significant to you
14 that warranted further processing or did you just continue
15 to process it anyway?

16 A We continued to process it. Nothing really stood out
17 at first, no visible stains. But we were told that he was
18 transported. So we did employ the use of Bluestar to see if
19 there was anything that we just weren't seeing with our
20 naked eye.

21 Q And you testified earlier that you used the Bluestar
22 when you can not see something visible.

23 A Yes.

24 Q Is that correct?

25 A Yes, ma'am.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And did you use the Bluestar in this case?

2 A Yes, ma'am, we did.

3 Q And did you get a fluorescent reaction indicating the
4 presence of the blood?

5 A Yes, ma'am, we did.

6 Q Let's look at State's 77.

7 Again, this is hard to see on the screen but did you
8 photograph the positive reaction from the Bluestar in the
9 trunk of this vehicle?

10 A Yes, ma'am, we did. From the photograph I can, I can
11 tell it is of -- I can see the part of the vehicle shining a
12 little bit. That would be on the passenger side of the
13 trunk right there at the quarter panel, and that area below
14 there was reacting with the Bluestar.

15 Q So after you took a photograph of that Bluestar
16 reaction, did you mark the trunk in any way to identify
17 where this reaction occurred?

18 A Yes, ma'am, this point in time we did use a yellow
19 grease pencil to mark the area where we saw reaction.

20 Q And why do you do that?

21 A So when we turn the lights on we know exactly where
22 we're looking.

23 Q Let's look at State's 78.

24 Is that the yellow grease pencil that you're talking
25 about?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, it is.

2 Q So where you've marked in this trunk, is that where you
3 had a positive Bluestar reaction for the presence of blood?

4 A Yes, ma'am, it is.

5 Q Let's look at State's 79.

6 Is that just a close-up showing that area that
7 fluoresced positive?

8 A Yes, ma'am, it is.

9 Q And once you saw this area that fluoresced positive for
10 the presence of blood, did you do anything to preserve that
11 evidence?

12 A Yeah, we, we cut that piece out and collected it.

13 Q Let's look at State's Exhibit 80.

14 Is that a piece that you cut out and collected?

15 A Yes, ma'am, that's the piece we collected.

16 Q And when you collected it, does that mean that you put
17 it into your evidence for further analysis at SLED?

18 A Yes, ma'am.

19 (WHEREUPON, a piece of carpet was marked as State's
20 Exhibit No. 87 for identification purposes only at this
21 time.)

22 Q Investigator Johnson, I'm showing you what's been
23 premarked as State's Exhibit 87.

24 Do you recognize this?

25 A Yes, ma'am, I do.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q what is it?

2 A It's Item CJ8, passenger side carpet from rear trunk
3 wall, and I even have a diagram of the area where it was and
4 where the Bluestar showed area -- reaction and my
5 initials -- my name and badge number's also on the package.

6 Q And is -- in this box, is it that piece of carpet shown
7 in that picture?

8 A Yes, ma'am.

9 SOLICITOR HAMMACK: Your Honor, at this time we would
10 move State's 87 into evidence.

11 MR. JOHNSON: No objection.

12 MR. THOMPSON: No objection.

13 THE COURT: It's admitted.

14 (WHEREUPON, State's Exhibit No. 87 was received into
15 evidence at this time.)

16 Q Let's look at State's 81.

17 what is that a photograph of?

18 A That is a photograph of another area in the trunk that
19 reacted to the Bluestar. It's gonna be on the plastic
20 molding and you can't -- I don't know if you can see it or
21 not. But the little white area is gonna be a receipt that
22 you'll be able to see in further photographs.

23 Q Let's look at State's 82 and is that the same general
24 area with the receipt that you're talking about in the
25 plastic molding?

Chris Johnson - Direct examination
By Solicitor Hammack

1 A Yes, ma'am, and we did use a grease pencil to mark the
2 area that reacted.

3 Q State's 83.

4 Is that a close-up of the area that reacted positive
5 for the presence of blood?

6 A Yes, ma'am.

7 Q And once you saw that -- it had reacted positive for
8 the Bluestar for the presence of blood, did you do anything
9 to collect potential blood evidence to be analyzed?

10 A Swabbed the area.

11 (WHEREUPON, two swabs were marked as State's Exhibit
12 Nos. 84 and 86 for identification purposes only at this
13 time.)

14 Q Investigator Johnson, I'm gonna show you what's been
15 premarked as State's Exhibit 86 but then I'm also gonna show
16 you what's been premarked as State's Exhibit 84.

17 will you go ahead and take a look at both of those
18 while I am up here?

19 A Yes, I recognize both of these.

20 Q Can you tell me, starting with what's been premarked as
21 State's 86, what those items are?

22 A It is labeled as CJ6, two swabs from trunk bumper ledge
23 to right of trunk latch. I've got my name and badge number
24 on it and it is my initials on the back where I had sealed
25 it with the date.

Chris Johnson - Direct examination
By Solicitor Hammack

1 Q And State's 84.

2 A Eight-four is going to be marked as CJ7, a swab from
3 trunk passenger side weather strip, and it also has my name
4 and badge number and across the back seal my initials and
5 the date that I sealed it.

6 Q And did you swab the vehicle in areas where there was a
7 suspicion or a presumptive positive test for blood?

8 A Yes, ma'am.

9 Q And did you swab them the same way as you have
10 described swabbing the other vehicle and swabbing the blood
11 in the home?

12 A Yes, ma'am, I did.

13 Q And did you package them the same way?

14 A Yes, I did.

15 SOLICITOR HAMMACK: Your Honor, at this time we would
16 move State's 84 and State's 86 into evidence.

17 THE COURT: What says the defense?

18 MR. JOHNSON: No objection.

19 MR. THOMPSON: No objection.

20 THE COURT: They are admitted.

21 (WHEREUPON, State's Exhibit Nos. 84 and 86 were
22 received into evidence at this time.)

23 Q Investigator Johnson, when you collect all of this
24 evidence and keep it at the Sheriff's Office before sending
25 it to SLED for further analysis, do you keep it in a secure

Chris Johnson - Direct examination
By Solicitor Hammack

1 area so that it can not be tampered with or changed or
2 contaminated in any way?

3 A Yes, ma'am, we do.

4 Q And did you do that with all of the evidence that you
5 collected in this case?

6 A Yes, ma'am.

7 Q Investigator Johnson, I don't have any further
8 questions for you at this time.

9 THE COURT: Ladies and gentlemen, that will bring us to
10 the end of this day. Thank you-all very much for staying
11 over.

12 we'll start back at 9:30 tomorrow morning. It will be
13 at -- a short morning -- I mean -- I'm sorry. A shortened
14 day. I think we'll plan to leave no later than 3:00
15 tomorrow. Please do not discuss the case.

16 Have a good evening.

17 Mr. Thompson?

18 Mr. Thompson, juror number you were talking about?

19 MR. THOMPSON: Juror Number 6.

20 Juror Number 6?

21 Is Juror Number 6 still here?

22 (WHEREUPON, Juror Number 6 raises their hand.)

23 THE COURT: Yeah, if you'll stand by for just a moment
24 as the others leave.

25 (WHEREUPON, the following takes place outside the

1 presence of the jury.)

2 MR. THOMPSON: And I, I believe Investigator Johnson to
3 be incredibly professional and, and certainly would not do
4 this, but I would ask that he not discuss his testimony with
5 anybody prior to our presentation.

6 THE COURT: All right. You understand that, don't you?

7 THE WITNESS: Yes, sir.

8 THE COURT: And, Mr. Bailiff, have -- would you -- the
9 bailiff, would you just take -- go to the jury room just for
10 a moment with Juror Number 6.

11 Do you understand?

12 THE BAILIFF: Yes, sir.

13 THE COURT: Make sure she's not with anybody else.

14 (WHEREUPON, the following takes place outside the
15 presence of Juror Number 6.)

16 THE COURT: All right. Mr. Thompson, Mr. McKellar,
17 what do you have?

18 MR. THOMPSON: Your Honor, this will be Mr. McKellar's
19 motion.

20 THE COURT: All right. Mr. McKellar.

21 MR. MCKELLAR: Your Honor, it has come to my attention
22 that Juror Number 6 witnessed my client being transported
23 from the transport van to the courthouse lobby in his jail
24 garb and while shackled. And we believe that that would
25 cause the juror to be prejudiced against our client and we

1 would ask that she be removed from the jury and replaced
2 with an alternate.

3 THE COURT: All right. And who, who transported?

4 MR. MCKELLAR: Transported by---

5 THE COURT: Is the transport officer here who might
6 know something about it?

7 when was it?

8 MR. MCKELLAR: This morning, Your Honor.

9 THE OFFICER: Judge, we walked him out of the vehicle
10 this morning. We don't know who might of drove by as, as we
11 were walking him out.

12 THE COURT: And so---

13 THE OFFICER: We do---

14 THE COURT: So they are -- when they're coming from the
15 jail, y'all let them out and they walk to the parking lot?

16 THE OFFICER: while we have codefendants, Judge, so we
17 pull one in and walked one across.

18 THE COURT: Okay. All right. Well, that's obviously
19 problematic if a juror sees a defendant in a jail uniform
20 with the chains, shackled, et cetera.

21 And what makes you believe that that person saw this
22 defendant, Mr. McKellar?

23 MR. MCKELLAR: My client informed me that he saw her,
24 she saw him. I believe they made eye contact.

25 THE COURT: All right. Anything you want to say about

1 that, Mr. -- is it Dixon?

2 Mr. Dixon?

3 MR. JOHNSON: No, Your Honor.

4 THE COURT: So, let's bring that juror in. I mean ask
5 her -- any, any issue from the State regarding that?

6 SOLICITOR CHARBONNEAU: No, Your Honor.

7 MR. THOMPSON: Your Honor, I --.

8 THE COURT: If you'd like for me to speak with her
9 outside of the presence of everyone, I'll be happy to do
10 that.

11 MR. MCKELLAR: Your Honor, it -- by nature, her
12 question, she will be informed what is prejudicial and
13 that's---

14 THE COURT: Ma'am, if you'll come forward please?

15 And we'll be at ease and we'll have counsel meet.

16 We'll be at -- the bench is fine with us.

17 (WHEREUPON, a bench conference was held with the juror
18 and all attorneys at this time.)

19 THE COURT: My colloquy with the Juror Number 6 --

20 MR. MCKELLAR: Yes, that is correct.

21 THE COURT: -- outside of the presence of the jury.

22 She indicated that she did not see anyone in connection
23 with this case. No lawyers, no litigants. In fact, she
24 didn't come through the parking lot. She parked on the
25 street and came straight into the courtroom. And so -- is

1 that accurate from the State?

2 SOLICITOR CHARBONNEAU: Yes, Your Honor. In fact, she
3 parked she said on the other side of the center of the
4 street for parking.

5 THE COURT: Okay. And she thought she was running late
6 and parked over there and came straight in the building.

7 SOLICITOR CHARBONNEAU: Yes.

8 THE COURT: But---

9 SOLICITOR CHARBONNEAU: She said she didn't notice him.

10 THE COURT: Correct, Mr. McKellar?

11 MR. MCKELLAR: I -- I'm a little confused exactly what
12 she said but I don't have any reason not to believe her.

13 THE COURT: And she said that---

14 MR. MCKELLAR: She told us that---

15 THE COURT: I was asking did she park on Park Street or
16 Chesterfield. That's in Kershaw County. She parked on
17 Chesterfield.

18 MR. MCKELLAR: Mr. Thompson has informed me there's a
19 Park Street.

20 THE COURT: Park Street. And she didn't see anybody in
21 connection with the case.

22 were you-all under the impression that she drove
23 through the parking lot?

24 MR. MCKELLAR: I be --.

25 MR. THOMPSON: Your Honor, our understanding was that,

1 in order to maintain jail security, that the, the
2 officers -- the detention center officers were able to bring
3 Mr. Jackson into the basement of the courthouse but that
4 they, in, in an effort to keep the, the defendants separate,
5 they offloaded Mr. Dixon outside of the -- essentially the
6 sallyport under the basement of the building.

7 So, he would have been visible in the side parking lot,
8 which indeed does have visual access from Park Street
9 because it's next to the, the side entrance of the building,
10 which is essentially the front door. And we had been
11 earlier informed by Mr. Dixon that he believed that he had
12 made eye contact with Juror Number 6.

13 THE COURT: From what distance away?

14 MR. THOMPSON: Approximately 50 feet, Your Honor --

15 THE COURT: Okay.

16 MR. THOMPSON: -- according to Mr. Dixon.

17 SOLICITOR HAMMACK: Mr. Thompson, I think he's
18 indicating about seven feet to that podium.

19 MR. THOMPSON: Your Honor, I would represent to the
20 court that, that I have a shoe that's almost exactly one
21 foot in length.

22 THE COURT: Well, it's not like a car length or two but
23 --.

24 MR. THOMPSON: And---

25 THE COURT: But she---

1 MR. THOMPSON: Yes, sir, and that---

2 THE COURT: She was -- if she parked where she said she
3 parked and crossed the street, she's at least a hundred feet
4 --

5 MR. THOMPSON: Yes, sir.

6 THE COURT: -- two hundred feet away. She said she
7 didn't see anybody.

8 MR. THOMPSON: Well, when the Court questioned her,
9 she, she maintained that she did not see any of the
10 litigants. So, we, we would withdraw that motion.

11 THE COURT: All right. And she -- she'll continue as a
12 juror and I think that the, the question raised is, is --
13 this is actually an important question because it points out
14 the, the need to ensure than the -- no juror ever sees a
15 defendant shackled in any way. That's the reason they're
16 all dressed up in -- as if they're coming and going to
17 church in the courtroom and the -- where we have
18 codefendants of the -- just for security purposes, we need
19 to ensure, through whatever means, I don't know.

20 Lieutenant Kelly usually has all the answers.

21 THE OFFICER: Yes, I do. We'll pull them a different
22 way.

23 THE COURT: Pardon?

24 THE OFFICER: We're gonna pull them a different way
25 that I know to get the inmates out.

1 THE COURT: Okay. Very good.

2 THE OFFICER: But be advised there are holes in the
3 gates and you can see through the gates too if they're
4 driving by.

5 THE COURT: Yeah. well, they'll -- we don't have any
6 jurors riding by the gates.

7 Okay. Very good. well, thank you-all and we'll
8 reconvene at 9:30 in the -- tomorrow morning.

9 MR. THOMPSON: Thank you, Your Honor.

10 THE WITNESS: I'm excused then, right?

11 THE COURT: Yes, sir.

12

13 (WHEREUPON, Court was in recess for the evening.)

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1 Wednesday, August 18th, 2021

2

3 THE COURT: Anything before the jury comes in?

4 SOLICITOR CHARBONNEAU: Not from the State, Your Honor.

5 MR. JOHNSON: No, sir, Your Honor.

6 MR. THOMPSON: Nothing from Mr. Dixon.

7 THE COURT: All right. We need our witness and, and
8 the jury.

9 (WHEREUPON, the following takes place within the
10 presence of the jury.)

11 THE COURT: Good morning.

12 (WHEREUPON, the jurors answer good morning.)

13 THE COURT: Cross-examination, Mr. Johnson.

14 MR. JOHNSON: Thank you, Your Honor.

15 May it please the Court?

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. JOHNSON:

19 Q Good morning, Investigator Johnson.

20 A Good morning, sir.

21 Q I believe on yesterday you indicated that you conducted
22 your examination of the scene at Nokesville Circle.

23 Is that correct?

24 A Yes, sir.

25 Q And that's here in Aiken, South Carolina?

Chris Johnson - Cross-examination
By Mr. Johnson

1 A Yes, sir.

2 Q And is that located within a subdivision?

3 A Yes, sir.

4 Q And so would it be fair to say that there were homes on
5 either side of the property?

6 A Yes. Homes in the area, yes.

7 Q Yes, sir.

8 And were homes across the street as well based on your
9 recollection?

10 A There would of been, yes, sir.

11 Q And I believe you indicated that you did a number of
12 tests during the process of gathering information from that
13 home, correct?

14 A Yes, sir.

15 Q And one of those involved -- the vehicle that is a
16 Toyota Avalon I believe?

17 A Okay.

18 Q And you swabbed for fingerprints.

19 Is that correct?

20 A No, sir, you don't -- we don't swab for fingerprints.
21 we process with fingerprint powder and a brush.

22 Q All right. You were able to obtain two prints.

23 Is that correct?

24 A Obtain two prints or identify two prints?

25 Q Latent lifts from two -- was it individuals I

Chris Johnson - Cross-examination
By Mr. Johnson

1 believe---

2 A Yes, sir, we---

3 Q ---you testified to?

4 A Yes, sir.

5 Q Okay. And one of those that is a law enforcement
6 official, Mr. Flurry?

7 A Yes, sir.

8 Q And do you recall who the other individual was?

9 A Elijah was his first name and I'm not sure about his
10 last name.

11 Q If I were to show you your---

12 A I don't---

13 Q ---report, could that refresh your recollection?

14 A Yes. Yes, Elijah Sloan.

15 Q And when you get latent lifts, how are you able to
16 identify that to an individual?

17 A Once I receive the latent lifts, I'll put it on the
18 AFIS, the Automated Fingerprint Identification System, enter
19 the fingerprint into the system. It gives me back a set
20 number of possible fingerprint matches. I do a comparison,
21 one side to side, that this one or that fingerprint would be
22 the one that I need to look at. I will make a manual
23 comparison with a known fingerprint card and make the
24 comparison at that time and make the identification at that
25 time.

Chris Johnson - Cross-examination
By Mr. Johnson

1 Q And this is a law enforcement database?

2 A Yes, sir.

3 Q Did you ever go out to [REDACTED] whiskey Road in Aiken,
4 South Carolina as part of your work in this case?

5 A I'm not familiar with that address.

6 Q That's all I have. Thank you.

7 A You're welcome.

8 THE COURT: Mr. Thompson.

9 MR. THOMPSON: Your Honor, may it please the Court?

10 CROSS-EXAMINATION

11 BY MR. THOMPSON:

12 Q Investigator Johnson, on the back, the, the address
13 that the previous attorney asked you about, I -- I'm gonna
14 ask you a slightly different question.

15 Were you ever asked to go do any crime scene
16 investigation looking for a fire or a burn pile or a place
17 where evidence might of been destroyed?

18 A No, sir.

19 Q Were never asked to investigate something like that?

20 A Not to my knowledge.

21 Q Very fine.

22 Also follow-up a little bit with what the other
23 attorney asked you.

24 You obtained information about two fingerprints from
25 Miss Toney's car, right?

Chris Johnson - Cross-examination
By Mr. Thompson

1 A (WHEREUPON, there was no audible response.)

2 Q Investigator Flurry, correct?

3 A Yes.

4 Q He was one of them and that didn't surprise you because
5 he was the officer that actually drove the car to the barn
6 where you do the processing of the car, right?

7 A Yes, from the front parking lot---

8 Q Okay.

9 A ---to the forensic building.

10 Q So his fingerprint really -- didn't really mean
11 anything cause you expected to find his fingerprint in the
12 car?

13 A Did not expect it but yes.

14 Q Okay. And the other gentleman, this Elijah Sloan
15 character, did you know who Elijah Sloan was?

16 A No, sir.

17 Q Okay. So, you got the information about a fingerprint
18 from Elijah Sloan and you just -- you didn't have any idea
19 who Elijah Sloan was. You just had a name of somebody whose
20 fingerprint was in the car.

21 A No, when I entered the fingerprint in the AFIS system
22 --

23 Q Right.

24 A -- it gives me possible matches with just SID numbers
25 or State Identification Numbers.

Chris Johnson - Cross-examination
By Mr. Thompson

1 Q Right.

2 A One side looked up and said if an -- State
3 Identification Number, that's when I got the name and
4 searched for a fingerprint card with his name on it, with
5 his finger -- known fingerprints on it---

6 Q Right.

7 A ---made the comparison and that's how I got his name.

8 Q Let me back up a little bit.

9 This fingerprint comparison that -- how does that kind
10 of information get into that system?

11 How do you know -- cause you have to have something to
12 compare the print that you lift out of the car, you have to
13 have something to compare it to.

14 what is this database for -- how does the information
15 get into that database?

16 A The information is input automatically at SLED. If I'm
17 not mistaken, when a person is arrested, he gets
18 fingerprinted. Those fingerprints get submitted to SLED and
19 get put on the database.

20 Q Okay.

21 A I search the database. I enter the points of
22 identification and the fingerprint that I've collected, and
23 it does a comparison and it goes out and it selects a number
24 of prints that are close to what I've input and it gives me
25 those results. From those results I narrow them down

Chris Johnson - Cross-examination
By Mr. Thompson

1 looking at so many different fingerprints. Once I get down
2 to okay, this looks like it's gonna be the guy, that's when
3 I get the name, go from there.

4 Q And, and I appreciate that. That's useful information.
5 I want to get to something a little bit simpler though.

6 A Okay.

7 Q In order for a comparison to be in the database for you
8 to compare anything to in the first place, that has to be
9 input into the system by some type of policing entity,
10 correct?

11 A Yes, I believe it's automated at this point in time.

12 Q Okay. But the actual taking of the -- the actual
13 taking of the information, the fingerprint cards, and the
14 scanning of the finger, that has to actually be done by a
15 person?

16 A Yes.

17 Q And that person is a law enforcement officer?

18 A Or a detention officer, yes, sir.

19 Q Or a detention officer.

20 So, the only way for you to get into this database is
21 because you're either -- well, let me ask you this.

22 Your prints would be in the database---

23 A Yes.

24 Q ---right?

25 Because y'all put all of the police officers into the

Chris Johnson - Cross-examination
By Mr. Thompson

1 database so you can exclude them from being part of the
2 crime like Office Flurry in this case?

3 A Yes, sir.

4 Q Okay. And the other way to get into this database is
5 to get arrested for some kind of crime and booked into the
6 jail?

7 A Not necessarily. Concealed weapons permit holders are
8 also input into the system.

9 Q Okay. All right. So, booked into a crime for
10 committing a -- booked into the jail for committing a crime
11 or having a concealed weapon permit?

12 A Yes, or a law enforcement officer.

13 Q Does the system tell you whether or not this person is
14 an officer or a concealed weapon permit holder or somebody
15 that's been booked into a jail?

16 A No, it gives me a number. It gives me an SID number,
17 State Identification Number.

18 Q Okay. So, when you do your process, you don't know if
19 the fingerprint that you're getting is a fingerprint for a
20 police officer or a concealed weapon permit holder or
21 somebody that's booked into a jail?

22 A You can, you can make a determination like that from
23 the number because the numbers are different. Like law
24 enforcement is SC7. So, if you see SC7 in a State
25 Identification Number, you know it's a law enforcement

Chris Johnson - Cross-examination
By Mr. Thompson

1 officer. Otherwise, no, you don't know until you actually
2 look at the card.

3 Q Well, not to put a too fine point on this, but you were
4 aware, from your, from your knowledge of this database, that
5 this Elijah Sloan character---

6 SOLICITOR HAMMACK: Objection.

7 THE COURT: I need to hear the question before I can
8 rule on it.

9 SOLICITOR HAMMACK: And, Your Honor, my fear is that
10 the question is going to contain the impermissible
11 testimony. That's why I'm trying to object before he says
12 anything that's not allowed.

13 THE COURT: Yeah.
14 Counsel.

15 MR. THOMPSON: Your Honor, would, would you like me to
16 argue about the question or to ask the question?

17 THE COURT: Respond to the objection.

18 MR. THOMPSON: Your Honor, he has testified about
19 finding fingerprints in a car related to a murder
20 investigation and I think that that information is, is
21 relevant to the discussion of what actually happened in this
22 case and who the individuals in this car may have been.
23 There's testimony earlier about, from, from the State's
24 witness, about who these people were but no mention at all
25 about other persons being in this car, and I think we're

Chris Johnson - Cross-examination
By Mr. Thompson

1 entitled to ask that question.

2 THE COURT: All right. Ms., Ms. Hammack.

3 SOLICITOR HAMMACK: He has identified that fingerprint.

4 He's identified that person by name. That's what Mr.

5 Thompson says he wants to determine. That's already been

6 testified to.

7 MR. THOMPSON: And, and, Your Honor, he's, he's

8 identified that one set of fingerprints---

9 THE COURT: All right.

10 MR. THOMPSON: ---was from a gentleman named---

11 THE COURT: If y'all would approach.

12 MR. THOMPSON: Yes, sir.

13 (WHEREUPON, a bench conference was held out of the
14 hearing of the jury at this time.)

15 THE COURT: You may ask the question.

16 Q Investigator Johnson, from your knowledge of the
17 database that we talked about earlier, this Mr. Elijah
18 Sloan, was your understanding that this person had been
19 entered into the database as a police officer or a concealed
20 weapon permit holder or as somebody who had been arrested
21 and processed into the jail?

22 A Yes.

23 Q I'm sorry.

24 which one?

25 A Are you asking which one that I knew?

Chris Johnson - Cross-examination
By Mr. Thompson

1 Q Correct.

2 From your knowledge of the database---

3 A I had, I had no knowledge of who Elijah is. I still
4 don't know who Elijah is. It was an identification that I
5 made from the fingerprint that I got from the system --

6 Q All right.

7 A -- and that's, that's what I'm testifying to.

8 Q Yes, sir.

9 And, and earlier though you said that, from your
10 knowledge of the database, you were able to know not the
11 specific identity of this person but you were able to know
12 whether or not they have been entered into the system as a
13 police officer or a concealed weapon permit holder or if
14 they'd been entered into the system subsequent to being
15 processed into a detention center being arrested and I'm
16 asking you which one of those three options did Mr. Elijah
17 Sloan fit into?

18 A Once I printed out the card you could tell he was not
19 booked into a detention center but I did not know that until
20 I printed the card out.

21 Q Very fine.

22 The, the crime scene that you investigated at
23 Nokesville Circle, you -- you've mentioned yesterday that
24 you get a summary of what you're looking for so that you'll
25 have a better educated, educated idea of what to look for at

Chris Johnson - Cross-examination
By Mr. Thompson

1 the scene and what to process, correct?

2 A Yes.

3 Q Okay. And you had been told that this scene had been
4 cleaned, correct?

5 A I don't recall being told it was cleaned.

6 Q Okay. So, you were, you were not aware of whether or
7 not some things -- that, that the stains in this that you're
8 looking for, you were not aware about whether or not they
9 had been cleaned or diluted?

10 A I knew that I was going in and there was a shooting
11 that had occurred in that room or had allegedly occurred in
12 that room and I was going in to see if there was any
13 evidence of that and we found evidence of --

14 Q Okay.

15 A -- that happening.

16 Q But you were not aware that the room had been cleaned
17 or that any of the stains in the room had been diluted by
18 water or other cleaning agents, correct?

19 A I don't recall if anybody told me that or not.

20 Q Okay. And you were told that this was -- that, that,
21 that your investigation was 11 days after the alleged event,
22 correct?

23 A No, sir.

24 Q So nobody told you when the event was alleged to have
25 occurred?

Chris Johnson - Cross-examination
By Mr. Thompson

1 A I don't recall anybody telling me when it occurred.

2 All I know it was -- this was the case and this was what we
3 were going to look for.

4 Q Okay. And you -- when you went into the room, you had
5 been told that somebody had been shot on the edge of the
6 bed, which is why you looked at the, the bed for possible
7 bloodstains, correct?

8 A No, sir.

9 Q No?

10 A No, I was told that a shooting had happened in the
11 room. Nobody said anybody was shot on the edge of the bed.

12 Q Okay. So you weren't told about where the victim may
13 have been in the room?

14 A No.

15 Q Okay. Were you told about the, the testimony from
16 yesterday of the blood spatter, blood spray coming from the,
17 from the victim while Miss Toney is over at the closet and
18 her having to go change her clothes because there was so
19 much blood spray that went from over in the right-hand side
20 of the room way over to left-hand side of the room?

21 were you told that information?

22 A No, I was told that somebody or a shooting had happened
23 in there and someone had been shot in there, and this was
24 information that the investigator gathered from a witness---

25 Q Did you---

Chris Johnson - Cross-examination
By Mr. Thompson

1 A ---and that's it.

2 Q Did you test the test carpet over on the left side of
3 the room for any blood spatter or blood spray?

4 A Talking about on the left side of the bed between the
5 bed and the window?

6 Q No, sir.

7 I'm talking about at -- we can draw a picture if or I
8 could get one of the State's Exhibits, but as you go into
9 this room --

10 A Okay.

11 Q -- there's a door that's on the left-hand side of the
12 room.

13 A The closet door.

14 Q No, sir, the door that goes into the room.

15 A Okay.

16 Q There's a bed that's on the right back corner of the
17 room.

18 A Yes, sir.

19 Q Correct?

20 A Uh-huh. (Affirmative).

21 Q There's a bullet hole that's in the back corner wall.

22 A Okay.

23 Q Correct?

24 A Yes, sir.

25 Q Okay. And there's a closet that's over on the left?

Chris Johnson - Cross-examination
By Mr. Thompson

1 A Uh-huh. (Affirmative).

2 Q Correct?

3 A Yes.

4 Q Okay. And there was testimony yesterday that
5 Miss Toney had been sprayed with blood while she was over
6 getting her shirt out of the closet to the point where she
7 had to actually go change clothes before she went to work,
8 and what I'm asking you is, with that blood spray, did you
9 test any of the carpet or the wall or anything in the closet
10 for any blood spray?

11 A We sprayed around the area of the bed --

12 Q Okay.

13 A -- and once we got reaction, there was over spray---

14 Q Okay.

15 A ---and it's not like we just sprayed one specific spot.

16 Q All right.

17 A We sprayed the area on that side of the bed. We got a
18 reaction and we focused on the reaction.

19 Q And I understand you were looking for stuff over there
20 but what I'm asking is did you look over on the left-hand
21 side of the room next to the closet?

22 A We looked all over the room.

23 Did we spray Bluestar all over the room?

24 No, sir.

25 Q Okay.

Chris Johnson - Cross-examination
By Mr. Thompson

1 A Did we look for blood and evidence of blood that we
2 could visibly see in other parts of the room?

3 Yes.

4 Q Well, you were aware enough of this story to where you
5 actually went in the garage and looked for a pink tote,
6 right?

7 A Yes.

8 Q Okay. So you knew enough of the story to know at least
9 a little of how this is suppose to have happened?

10 A I know a little, yes.

11 Q Okay. But didn't, didn't swab or check for any
12 evidence over next to the closet?

13 A No, as a matter of fact, the details you're telling me
14 right now is the first time I've heard these details.

15 Q Yes, sir, that's, that's -- yes, sir.

16 And when you look at, at stains, especially things that
17 have been cleaned, you had testified yesterday that this was
18 a relatively large stain area, correct?

19 A Yes, sir.

20 Q Okay. If we had -- if right now if I had poured a
21 gallon of blood on the floor, I might make a stain possibly
22 that size?

23 A I can't, I can't tell you how much blood was there or,
24 or give you an estimate of --.

25 Q Well, exactly. That, that was gonna be my follow-up

Chris Johnson - Cross-examination
By Mr. Thompson

1 question in that if I poured just like a quarter cup of
2 blood into this -- into a gallon of water and poured it on
3 the floor, we wouldn't be able to tell the exact
4 concentrations of any of this blood or any of these stains?

5 A No, you could --

6 Q All right.

7 A -- say the -- okay.

8 Q And---

9 SOLICITOR HAMMACK: Your, Your Honor, I'm sorry.
10 Can the witness finish his answer?

11 THE COURT: Yes, sir.

12 A Okay. I mean there was enough blood there to soak into
13 the carpet into a large area, soak through the padding, and
14 make it to the concrete.

15 Q Investigator, isn't it true that there was enough
16 liquid there for something to soak through the carpet and
17 soak to the concrete?

18 A Blood. There was enough blood.

19 Q But you can't tell the difference between blood and
20 blood filled liquid, correct?

21 A So you're saying if blood is mixed with water you can't
22 tell the difference?

23 Q I'm asking you a question of if, if something was not
24 to be full strength 100 percent blood, if it was liquid or
25 water mixed with blood, if something had been cleaned, the

Chris Johnson - Cross-examination
By Mr. Thompson

1 stain could possibly be bigger than the actual bloodstain
2 originally on the carpet, correct?

3 A Yes, I'll go with that.

4 Q Okay. Your, your tests are also -- they're yes or no
5 tests.

6 You can tell presence of blood or not presence,
7 presence of blood, correct?

8 A Yes, sir.

9 Q The test doesn't have anything to do with perhaps when
10 something happens in the room?

11 A No, it's just test for the presence of blood.

12 Q So you can tell that, at some point in time, there was
13 blood that was in this area but we can't say exactly when
14 that happened?

15 A No, sir.

16 Q Okay. And, and this type of evidence wouldn't inform
17 us at all about any of the possible parties that were
18 involved in this activity?

19 A When the blood---

20 Q Correct?

21 A ---is swabbed and it contains DNA you could tell, yeah.

22 Q Well -- and yes and I'll, I'll -- we'll, we'll get to
23 that in just a little bit and I'd expect there's probably
24 gonna be a DNA expert about that.

25 But the actual investigation that you did doesn't

Chris Johnson - Cross-examination
By Mr. Thompson

1 inform us about who the parties that have been in this room
2 are?

3 A No, not the investigation I did.

4 Q That you have to wait until you get whatever DNA
5 results in order to tell whose DNA is here and what does
6 this actually mean?

7 A Yes, sir.

8 MR. THOMPSON: Okay. Beg the Court's indulgence.

9 (Pause.)

10 Q Investigator, I have no further questions. Please
11 answer any questions the State may have.

12 A Yes, sir.

13 REDIRECT EXAMINATION

14 BY SOLICITOR HAMMACK:

15 Q Investigator Johnson, we've been talking a lot about
16 blood.

17 Madam Court Reporter, may I borrow State's 23?

18 Investigator, I'm showing you what's already been
19 entered as State's Exhibit 23 as the cutting from the carpet
20 that you tested in this case.

21 If you've got some gloves, do you mind opening this for
22 me?

23 A Sure.

24 (WHEREUPON, the witness complies.)

25 Q And as you're opening that, when you tested this

Chris Johnson - Redirect examination
By Solicitor Hammack

1 carpet, when you sprayed it for Bluestar and identified the
2 presence of blood and then made your cuttings to examine
3 underneath, had that carpet already been cut?

4 A No, I cut it.

5 Q So that carpet hadn't been previously pulled up?

6 A No.

7 Q Now, Mr. Thompson asked you a lot of questions about
8 cleaning.

9 when you examined this carpet, was there bloodstains on
10 the bottom side of that carpet?

11 A Yes, there were.

12 Q And if you can show that to the jury?

13 A (WHEREUPON, the witness complies.)

14 Q I see you've got multiple pieces there.

15 Tell the jury about the stains that you found on the
16 underside of that carpet.

17 A This is a stain here. It's kind of difficult to see.
18 And like I was saying before, the texture of the carpet,
19 it's more stiff in this area here than it is, sorry, in this
20 area here. It's like the carpet fibers are more stiff.

21 when blood dries, it stiffens and it hardens. So, this
22 is stiff and this -- so there's not really anything real
23 visible here. That's why we use the Bluestar to be able to
24 see presence of blood that fluoresces a blue color, and
25 then, when we cut it open, you can see stain underneath the

Chris Johnson - Redirect examination
By Solicitor Hammack

1 carpet.

2 Q And, Investigator Johnson, before you go to the next
3 piece of carpet, going back to the one you demonstrated,
4 about how large is the stain both on the front of that
5 carpet and on the underside of that carpet?

6 A I'm just guessing, I don't have any way to measure, but
7 it's probably about 6 or 8-inches here. Kind of feels a
8 little bit -- a few places over here. And then when you
9 hold it up, the carpet looks like it's in a little bit --
10 about the same, maybe a little bit larger here, and you got
11 some stuff over here on the backside about the same.

12 Q And you talked about the texture of the carpet, how
13 that changes when the blood dries on a carpet.

14 Does water leave that changed texture on dried carpet?

15 A No, ma'am.

16 Q So this is just one piece of that carpet. Let's talk
17 about the next cutting that you have in front of you.

18 Is there staining on the bottom side of it as well?

19 A Yeah, there's, there's a little bit of staining here
20 and some staining over here.

21 Q All right. And up front?

22 A It's hard to see but you can definitely feel the
23 texture difference in this area here on the carpet---

24 Q And at that---

25 A ---in this area.

Chris Johnson - Redirect examination
By Solicitor Hammack

1 Q I'm sorry. Go ahead.

2 A So, yeah, in this area right here you can feel a little
3 bit -- it's a little bit stiffer than say out here on the
4 edges.

5 Q And you said that you were the first person to cut this
6 carpet. You were asked about cleaning on the front part of
7 the carpet.

8 If you were the first person to cut this carpet, do you
9 have any indication or knowledge that anybody could of
10 cleaned the underside where all of these stains are?

11 A No.

12 Q Let's look at that next piece of carpet.

13 Is there more bloodstains on the underside of that
14 carpet?

15 A Yes, if -- kind of like spreading out right here. But,
16 again, at the front of it you can feel it's stiffer than out
17 here on the edges. The carpet's soft and flush. Here it's
18 kind of stiff and course.

19 Q And about how large would you say the bloodstain is on
20 the underside of that cutting?

21 A I would say it follows this outline here. So 6,
22 8-inches by 10 inches maybe.

23 Q And the fourth piece of carpet that you cut from this
24 floor.

25 A This is gonna be at an edge. It's got some staining

Chris Johnson - Redirect examination
By Solicitor Hammack

1 right here and it's actual -- you can tell.

2 Q And make sure you still speak into that microphone.

3 A Sorry. Yes, it's, it's right here on the edge. The
4 front side of the carpet right here is stiff compared to
5 over here and it's just this little portion right here at a
6 seam.

7 Q And, again, any indication that blood was diluted or
8 cleaned on the underside of this carpet where it soaked
9 through?

10 A No indication to me.

11 Q And if carpet has had its texture changed by blood, is
12 that an indication to you that this carpet is saturated?

13 A Yes.

14 Q What else do you have in State's 23?

15 A This is the padding.

16 Q And this padding is located underneath the carpet
17 between the carpet and the concrete floor?

18 A Yes, it is.

19 Q And please describe for the jury what we're looking at
20 on this padding.

21 A Okay. This padding is -- this area right here is
22 bloodstain and this is the front side of the padding. And
23 then if we go to the backside of the padding, you can see
24 how it's -- spreads a little bit and starts to be absorbed
25 almost like a sponge and it starts to spread out but this is

Chris Johnson - Redirect examination
By Solicitor Hammack

1 the area on the front side where the stain is. But you can
2 kind of see from the backside where it's starting to spread
3 out a bit.

4 Q And if this is covered by the carpet, any indication
5 that this was cleaned at all before you examined it and cut
6 it?

7 A Not before, no, ma'am.

8 Q What else do you have?

9 A Just more pieces of the padding showing pretty much
10 like the same from the front side and then on the backside.

11 Q More blood on the front side?

12 A Yes, ma'am.

13 Q And soaked through to the back?

14 A Yes, ma'am.

15 Q We're now on our third piece of padding underneath the
16 carpet.

17 Is there still blood on that evidence as well?

18 A Yes, ma'am, it is.

19 Q And it's soaked through front to back?

20 A Yes, ma'am, to the back here.

21 Q And you don't have a, a cutting from the concrete
22 underneath that padding?

23 A No, ma'am, I---

24 Q But you---

25 A ---got the swab from that area.

Chris Johnson - Redirect examination
By Solicitor Hammack

1 Q And what you swabbed on that concrete was blood that
2 had soaked through this carpet and this padding onto the
3 concrete floor staining the concrete?

4 A Yes, ma'am.

5 Q And, investigator, I apologize. I'm gonna let you put
6 all this back up.

7 A Just hand me one piece at a time.

8 Q And I believe you testified on direct, Investigator
9 Johnson, I know you can't give us a quantitative amount of
10 the type of blood that would soak through a carpet, to the
11 backside, to the padding, through the padding, to the
12 concrete below, but can you tell us generally whether that's
13 a little bit of blood or whether that's a lot of blood?

14 A It's a -- like I said before, it's, it's not a little
15 bit from a nose bleed or a cut to the arm. It's a
16 considerable amount of blood.

17 Q Thank you, Investigator Johnson.

18 A Yes, ma'am.

19 THE COURT: Mr. Johnson, anything?

20 MR. JOHNSON: No further questions.

21 THE COURT: Mr. Thompson.

22 MR. JOHNSON: Your Honor, briefly.

23 RECROSS EXAMINATION

24 BY MR. THOMPSON:

25 Q Blood, when it dries after the liquid -- after the

Chris Johnson - Recross examination
By Mr. Thompson

1 liquid evaporates off of it, it gets stiff is what your
2 testimony was, correct?

3 A Yes, sir.

4 Q The other thing that gets stiff after the liquid
5 evaporates a little bit is soap, correct?

6 A I'm not sure.

7 MR. JOHNSON: No further questions.

8 THE COURT: You may step down.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: Next witness.

11 SOLICITOR CHARBONNEAU: Investigator Savanna Williams.

12 Judge, can Investigator Johnson be excused?

13 THE COURT: Yes.

14 THE CLERK: Raise your right-hand.

15 SAVANNA WILLIAMS, being first duly
16 sworn, testified as follows:

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

19 THE WITNESS: Name is Savanna Williams.

20 W-I-L-L-I-A-M-S.

21 DIRECT EXAMINATION

22 BY SOLICITOR CHARBONNEAU:

23 Q And, Ms. Williams, where do you work?

24 A The Aiken County Sheriff's Office.

25 Q And what is your job title?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A I am a criminal investigator.

2 Q Tell us what that is.

3 A I get assigned cases and then we thoroughly look
4 through those cases to either prove or disprove the
5 accusations.

6 Q What is your education please?

7 A High school diploma and associate's degree in criminal
8 justice.

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

10 A Since 2012.

11 Q And how long have you been an investigator?

12 A Since the beginning of 2018.

13 Q On April 30th, 2019, were you working as an
14 investigator for the Aiken County Sheriff's Office?

15 A Yes, ma'am.

16 Q How do you first get involved in this case?

17 A It was assigned to me by Lieutenant Flurry who's my
18 supervisor.

19 Q At that time what type of case was it?

20 A It was a missing persons case.

21 Q When you start out, who's the first person that you,
22 that you speak to?

23 A Ms. Bush who is the mother of the alleged missing
24 person.

25 Q Do you also speak to Cordajiah Council?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes.

2 Q What was your understanding of her relationship in this
3 case?

4 A She was the girlfriend to Derrick Curry.

5 Q When is the first time that you meet with those two?

6 A The day after I receive a report I believe.

7 Q Would that be May 1st or May 2nd --

8 A Yes.

9 Q -- 2019?

10 A Yes.

11 Q When you meet with them, are -- is Ms. Bush and Miss
12 Council able to give you information concerning Derrick
13 Curry?

14 A Yes.

15 Q Were you able to get his phone number?

16 A Yes.

17 Q Did they both have it?

18 A Yes.

19 Q Were you able to get a physical description of him and
20 the, the last known events that they knew about?

21 A Yes.

22 Q When was the last time that anyone had seen or heard
23 from Derrick Curry?

24 A The day before I believe.

25 Q Is that, is that April 30th?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes, ma'am.

2 Q How does the investigation lead the Sheriff's Office of
3 Shaniyah Toney?

4 A We received information that that might of been the
5 person that Derrick was last in contact with, and, of
6 course, that's who we wanted to speak to.

7 Q Does -- as -- you're the lead on this case?

8 A Yes, ma'am.

9 Q As the lead, do you have to physically do everything
10 yourself or do you have all your investigators to help you
11 as well?

12 A Others that can help.

13 Q Did anyone attempt -- what information do you have
14 about Shaniyah Toney?

15 A Nothing really other than a Facebook name.

16 Q Is there a point where you get an address of, of at
17 least where she works?

18 A Yes.

19 Q And where is that?

20 A IHOP --

21 Q Where---

22 A -- in Aiken off of whiskey Road.

23 Q The one that's over by the Aiken Mall?

24 A Yes.

25 Q Do you, do you or another investigator go and attempt

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 to see Miss Toney at IHOP?

2 A Yes.

3 Q And was anyone successful in seeing her then?

4 A No.

5 Q What -- and what timeframe are we talking about now?

6 Is that still like, like May 1st---

7 A Very---

8 Q ---or 2nd?

9 A Very early in the investigation.

10 Q At what point is the Sheriff's Office contacted by
11 Shaniyah Toney or her attorney?

12 A May 2nd or May 3rd I believe.

13 Q And how is that contact made?

14 A Her attorney contacted our supervisor.

15 Q And did it take a few days to actually be able to
16 coordinate sitting down with Miss Toney?

17 A Yes.

18 Q And, and that was when you took her first statement?

19 A Yes, ma'am.

20 Q So, May 3rd -- May 2nd or 3rd you said when her
21 attorney calls the Sheriff's Office, is it still a missing
22 person case?

23 A Yes.

24 Q Do you have any idea at that point where a possible
25 crime scene is?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A No.

2 Q So what goes on after that?

3 A Um.

4 Q What's the next step?

5 A We, we met with her attorney and were advised of some
6 of the events that may have occurred.

7 Q And that was even before you were able to take Miss
8 Toney's statement?

9 A Yes, ma'am.

10 Q Was she out of Aiken County?

11 A Did she live in Aiken?

12 Q No.

13 Did she leave Aiken County?

14 A She left Aiken County, yes.

15 Q When you're looking for a missing person, do you check
16 hospitals or what type of investigation do you do to try and
17 track someone down?

18 A We check hospitals. We try to figure out their
19 associates, do they have a job, their telephone number, are
20 they in a mental hospital by chance, are -- is their cell
21 phone just actually dead. I mean there's, there's a lot of
22 different scenarios in a missing person investigation.

23 Q And were hospitals checked -- checked in this case?

24 A Yes, ma'am.

25 Q Any sign of Derrick Curry?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A No, ma'am.

2 Q And what did you do -- now you had his phone number,
3 what's the first thing that you do?

4 Do you remember his phone number by any chance?

5 A [REDACTED] I believe.

6 Q Do you -- what do you do with that information early
7 on?

8 A I immediately sought and obtained a search warrant to
9 the service provider of that phone number.

10 Q And by service provider, are we talking about the
11 carrier for the phone?

12 A Yes, ma'am.

13 Q And who was the carrier for his phone?

14 A AT&T.

15 Q What leads you to go to the McDonald's for surveillance
16 video?

17 A I had received information from his mother that that
18 might of been the last location he was dropped off at to
19 meet with Shaniyah.

20 Q What -- which McDonald's are we talking about?

21 A It's the McDonald's on Richland Avenue right across
22 from the Wal-Mart.

23 Q Okay. So, do you go there and speak to the manager or
24 whatever on -- in the efforts to obtain any surveillance
25 video?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes.

2 Q And were you able to obtain video?

3 A I was.

4 Q Were you able to review it?

5 A Yes.

6 Q And we're talking about State's Exhibit 6 that's in
7 evidence?

8 A Yes, ma'am.

9 Q From that video, what information do you get?

10 A I observed a possible vehicle that might of been
11 Shaniyah Toney's on the video and in the video you can see a
12 African-American male that fits the physical description of
13 Derrick Curry entering that vehicle.

14 Q And could you tell what he was wearing?

15 A A white shirt and I don't remember the shorts.

16 Q But shorts?

17 A Shorts or---

18 Q And did he have anything with him?

19 Could you tell on the video?

20 A He was carrying something, some type of bag.

21 Q What was the date and approximate time that you see him
22 on the video?

23 A April 30th around 2:25 in the afternoon.

24 Q When you meet with Attorney Jerry Screen about setting
25 up the appointment with Shaniyah Toney, do you remember

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 approximately when that was in the investigation when you
2 meet with him?

3 A I don't remember the exact day.

4 Q A couple of days or weeks?

5 A A couple of days.

6 Q In the mean time you talk about a search warrant, and,
7 at this point, what other search warrants are you obtaining?

8 A A Facebook search warrant to the account of Shaniyah.

9 Q And what is the purpose of that?

10 what will that help you with?

11 A Anything. To see if there's any conversations that
12 were between the two or, or anything like that.

13 Q Do you obtain any information pursuant to your search
14 warrant on Derrick Curry's phone that helps you ascribe
15 where he might be?

16 A Yes, ma'am.

17 Q What information did you get?

18 A It's GPS location or geological location that is
19 provided by the service provider, and it can deal with phone
20 calls, text messages, or any data used on that phone, and it
21 can help you locate the actual phone and the phone movement.

22 Q And as an investigator or a career of eight years in
23 law enforcement, nine years, I'm sorry, nine years in law
24 enforcement, approximately how many times have you dealt
25 with cell phone records as a law enforcement officer?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Hundreds.

2 Q Hundreds?

3 A Uh-huh. (Affirmative).

4 Q And, of that time, do you also take courses that part
5 of the courses is to help you learn to read them and use
6 them as a tool in your investigations?

7 A Yes.

8 Q What is the date, if you recall, that -- the first time
9 you speak to Shaniyah Toney?

10 A I don't recall the date.

11 Q Was it about May 10th?

12 A Near or around there, yes, ma'am.

13 Q Okay. And we're talking about 2019?

14 A Yes, ma'am.

15 Q When you speak with her, is her attorney present?

16 A He is.

17 Q Did they ask for any type of deal or special treatment?

18 A No.

19 Q Was anything offered to Miss Toney or to her attorney
20 about treating her differently or giving her special
21 treatment?

22 A No.

23 Q So you take her statement?

24 A Yes.

25 Q And that was recorded?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes.

2 Q And when you speak to Miss Toney, does she tell you her
3 involvement in the murder of Derrick Curry?

4 A Yes.

5 Q Does she also tell you the involvement of other people
6 in the murder of Derrick Curry?

7 A She does.

8 Q And what names does she give you?

9 A Den---

10 MR. THOMPSON: Objection.

11 THE COURT: The basis for the objection.

12 MR. THOMPSON: Hearsay.

13 THE COURT: The objection's overruled.

14 Q What names does she give you?

15 A Den and Kel.

16 Q Did you know who Den was?

17 A Yes.

18 Q Who is Den?

19 A Denzell Jackson.

20 Q Is he sitting in the courtroom today?

21 A He is.

22 Q Can you point him out and describe an article of
23 clothing he's wearing?

24 A Right there in a navy blue or black suit.

25 SOLICITOR CHARBONNEAU: May the record reflect she's

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 identified defendant one, Denzell Jackson?

2 THE COURT: It does.

3 Q And Kel, who is Kel too?

4 A Sha'Kel Dixon.

5 Q Is he in the courtroom today?

6 A Yes, ma'am.

7 Q Can you please point out him and describe an article of
8 clothing that he's wearing?

9 A A blue shirt sitting right here, the second table.

10 SOLICITOR CHARBONNEAU: May the record reflect she's
11 identified the second -- defendant two, Sha'Kel Dixon?

12 Your Honor, may the record reflect she's identified
13 defendant two, Sha'Kel Dixon?

14 THE COURT: It does.

15 SOLICITOR CHARBONNEAU: Thank you.

16 And is that the point that you show her State's Exhibit
17 2 and 3, the lineups of Denzell Jackson and Sha'Kel Dixon?

18 A It is.

19 Q And did she point, point out the correct people?

20 A She did.

21 Q Was anyone told who she should point out or that they
22 were even in those photo lineups?

23 A No.

24 Q Any suggestions made about who she should pick?

25 A No.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q Was she shown any other photo lineups that day?

2 A She was.

3 Q And would they -- do you remember who they were of?

4 A I don't.

5 Q Were they either Christian Barnwell or Altashaun Bacon
6 at that time?

7 A They were not.

8 Q The people that -- the other photo lineups that she was
9 shown, was she able to identify anybody?

10 A No.

11 Q Where did you get those photo lineups from?

12 A From the State Law Enforcement Division.

13 Q Why were those other photo lineups shown?

14 A They are known associates of the defendants.

15 Q When you meet with Miss Toney, does she tell you where
16 this happened?

17 A She does.

18 Q And what was the address where this happened?

19 A [REDACTED] Nokesville Circle, her home.

20 Q Is that in Aiken?

21 A Yes, ma'am.

22 Q In the County of Aiken?

23 A In the county.

24 Q Within the jurisdiction of the Aiken County Sheriff's
25 office?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes, ma'am.

2 Q And can you tell us is that the Cornerstone community?

3 A It is.

4 Q Is that by that new Rancho Restaurant right on whiskey
5 Road?

6 A Yes.

7 Q Do you get consent to search that crime scene?

8 A We did obtain consent.

9 Q At this point do you know the date that you go there?

10 A I don't recall it off the top of my head, no.

11 Q Was it right after you met with Miss Toney?

12 A It was.

13 Q Also when you met with Moss Toney, did you get consent,
14 consent to search her vehicle at that time?

15 A We did.

16 Q And that's the white Toyota Avalon?

17 A Yes.

18 Q Prior to Miss Toney telling you about the, the crime
19 scene at [REDACTED] Nokesville Circle, did you have any indication
20 yet in your investigation where the murder took place?

21 A No.

22 Q Without Miss Toney at that point, did you have any
23 leads as to where this took place?

24 A No at -- where it took place, no.

25 Q Do you also perform search warrants on physical

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 locations in this case?

2 A Yes.

3 Q And what were the locations that you go to?

4 A [REDACTED] Green Street in New Ellenton within the County of
5 Aiken and [REDACTED] Keen Avenue in New Ellenton as well within the
6 County of Aiken.

7 Q why those two addresses?

8 A They're the homes of the defendants.

9 Q These two defendants?

10 A Yes.

11 Q when you do -- perform or execute this search warrant
12 on [REDACTED] Keen Avenue, were there any cell phones obtained?

13 A I wasn't present at that search warrant.

14 Q Okay. Did the Sheriff's Office take into evidence any
15 cell phone?

16 A Yes.

17 Q Can you describe -- explain to us the difference
18 between a search warrant where you request cell phone
19 records from the carrier and when you get a search warrant
20 for a cellphone extraction?

21 A If we actually don't physically have the cell phone
22 itself, we try to identify that number and who the phone
23 provider, is carrier is for it, and then we will obtain a
24 search warrant for that phone number. If we have,
25 physically have the phone present, we will also obtain a

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By Solicitor Charbonneau

1 search warrant where it can be examined by Adam Trusdale, who's
2 an investigation with the Sheriff's Office, and it basically
3 downloads everything off of that phone.

4 Q When you get the cell phone records back, if someone
5 has deleted information, are you able to obtain the deleted
6 information?

7 A For the cell phone records or the Cellebrite?

8 Q For the -- how the -- start with the Cellebrite.

9 A Cellebrite, it's, it's hit or miss sort of. Some
10 un-deleted stuff will show up on a Cellebrite report.
11 Sometimes it won't. It depends on if the phone is proper to
12 the -- properly updating like it should.

13 Q And how about cell phone records?

14 A Cell phone records can also be the same.

15 Q Hit or miss?

16 A Hit or miss, yes, ma'am.

17 Q And when you get these cell phone records from the
18 carrier, do they actually -- is it text message?

19 Does it tell you whether it's a text message or a voice
20 call?

21 A Yes.

22 Q And are you able to get the actual text message what
23 was sent?

24 A Depending how you -- quickly you can get that search
25 warrant in or preserve that account.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q In this case, because we are 10 days into the
2 investigation, by the time you get the search warrants for
3 the cell phone records, were you able to actually get cell
4 phone text messages from the carrier?

5 A Not the content of those text messages, no.

6 Q As part of being, of being an investigator, do you
7 obtain what's called known or standards DNA swabs?

8 A Yes.

9 Q What is the purpose of that?

10 A To compare to physical evidence that has been collected
11 throughout the investigation.

12 Q Did you obtain DNA known standard from Kenya Bush?

13 A I did.

14 Q Did you also receive known standard of Victor Curry?

15 A I did.

16 Q Who is Victor Curry?

17 A Victor Curry is the father of Derrick Curry.

18 Q And, to your knowledge, does Kenya Bush and Victor
19 Curry have any other children other than Derrick Curry?

20 A No, he is their only child together.

21 (WHEREUPON, the known standards for the parents of
22 Derrick Curry were marked as State's Exhibit Nos. 88 and 89
23 for identification purposes only at this time.)

24 Q If you would, take a look first at 88 and 89 and tell
25 me if you recognize them.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Yes, ma'am, I do.

2 Q Okay. And are they the DNA known standards that you
3 got from -- 88 being Kenya Bush and 89 being Victor Curry?

4 A Yes, ma'am.

5 Q When you get those DNA swabs, can you describe to the
6 jury what you do?

7 A Yes. So essentially it's like what Investigator
8 Johnson and Investigator O'Grady said earlier. It's a very
9 long Q-tip style with a cap at the end and you basically
10 remove the cap, pull the cap down, and you swab the interior
11 of the mouth.

12 Q Does that hurt?

13 A No.

14 Q And then what do you do with the swab after you get it?

15 A After, after you obtain the sample, then you then close
16 it with the clear cap and then you immediately place it into
17 an envelope.

18 Q Was it properly sealed in this case and marked so you
19 would know what it was in the future?

20 A Yes, ma'am.

21 Q Both of them?

22 A Yes, ma'am.

23 SOLICITOR CHARBONNEAU: At this time I move State's
24 Exhibit 88 and 89 into evidence.

25 MR. JOHNSON: No objection, Your Honor.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 MR. THOMPSON: No objection, Your Honor.

2 THE COURT: They're admitted.

3 (WHEREUPON, State's Exhibit Nos. 88 and 89 were
4 received into evidence at this time.)

5 Q When you obtained -- when the Sheriff's Office got
6 those cell phones from [REDACTED] Keen Avenue, did you do search
7 warrants to attempt to extract any information off of those
8 phones?

9 A We did.

10 Q And can you tell us who you were -- were you able to
11 identify any known phone numbers with Sha'Kel Dixon?

12 A I was.

13 Q And do you remember what number was, what his number
14 was?

15 A I believe it's [REDACTED].

16 Q And how were you able to verify that that phone is
17 connected to Sha'Kel Dixon?

18 A A search warrant of his mother's phone. While
19 reviewing the Cellebrite report off her phone, I was able to
20 locate conversations between her and that phone number which
21 she had saved in her phone as Kel, and he also referred to
22 her in those conversations as mom.

23 Q And you told us how you were able to obtain Victor
24 Curry's phone number.

25 Tell us were you able to obtain any phone numbers that

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 relate to Denzell Jackson?

2 A I was.

3 Q Tell us how you did that.

4 A I obtained a search warrant for a Facebook account that
5 was belonging to Denzell Jackson. When I received the
6 records back from Facebook, they verify a lot of stuff for
7 you to include if a name is associated with an account, the
8 email as well as phone numbers that have physically been
9 used to log into that Facebook account.

10 Q And do you recall -- was there information that you
11 were able to obtain, obtain on both of those phone numbers?

12 A The two phone numbers found?

13 Q Yes.

14 A Yeah -- just one phone number.

15 Q Okay. Do you remember -- recall what the number
16 associated with Denzell Jackson was?

17 A [REDACTED].

18 Q And how about the Facebook account?

19 How many Facebook accounts did Mr. Jackson have?

20 A He had the two.

21 Q And were you able to obtain information on both of
22 those Facebook accounts?

23 A Just one.

24 Q And, again, if -- the, the same question before about
25 the phones.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 So, his Facebook account, when you get those records
2 back, if information has been deleted, are we able to see it
3 when you get the records?

4 A Absolutely not. Facebook does not keep any historical
5 or stored, deleted data through their company.

6 Q So if it's deleted that's gone?

7 A It is gone.

8 Q Where is your investigation taking you at this point?
9 What leads -- where are you going?

10 Do you get -- have more information from these cell
11 phones and from the search warrants of the homes?

12 Tell us about the search warrant at [REDACTED] Green Street in
13 New Ellenton where Denzell Jackson lived.

14 A We executed that search warrant at round five or six
15 o'clock in the morning.

16 Q And were you there present for that one?

17 A Yes, I was.

18 Q Were photographs taken of the hall -- the inside of the
19 home as well as anything that was taken of evidentiary
20 value?

21 A Yes, it was.

22 Q And just for my clarification, who lived at [REDACTED] Keen
23 Avenue in New Ellenton?

24 A Sha'kel Dixon.

25 Q And who lives at [REDACTED] Green Street in New Ellenton?

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 A Denzell Jackson.

2 Q When you first go to ■ Green Street for that --
3 executing that search warrant, you said it's 5:00 in the
4 morning?

5 A Around 5:00 or 6:00 in the morning.

6 Q Was Denzell Jackson there?

7 A He was.

8 Q Was he arrested at that time?

9 A He was.

10 (WHEREUPON, a group of photographs was marked as
11 State's Exhibit Nos. 84 through 101 for identification
12 purposes only at this time.)

13 Q I'm gonna show you State's Exhibit 94 through 101.

14 If you would, take a look at 94 through 101 and let me
15 know if you recognize them.

16 A Yes. Yes, ma'am, I do.

17 Q Okay. And are they a fair and accurate depiction of
18 ■ Green Street in New Ellenton on the day you execute the
19 search warrant?

20 A Yes.

21 SOLICITOR CHARBONNEAU: At this time I move State's
22 Exhibits 94 through 101 into evidence.

23 MR. JOHNSON: No objection, Your Honor.

24 MR. THOMPSON: No objection, Your Honor.

25 THE COURT: They're admitted.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 (WHEREUPON, State's Exhibit Nos. 94 through 101 were
2 received into evidence at this time.)

3 SOLICITOR CHARBONNEAU: Your Honor, may I publish?

4 THE COURT: Yes.

5 Q Investigator Williams, while we're waiting for this to
6 be set up, if somebody's phone is turned off for nonpayment
7 of the bill, is there -- can they still use the phone in
8 another way?

9 A Yes.

10 Q How is that?

11 A Through wifi.

12 Q So are you -- and are you able to make actual voice
13 calls or does it have cell phone calls or is it through
14 Facebook?

15 A It's through anything that needs a Internet connection.
16 So, yes, Facebook, Snapchat, any of those social media
17 accounts can be used.

18 Q Even when your phone is turned off for nonpayment?

19 A Yes.

20 Q So, if you are at say IHOP or at somebody's house who
21 has wiFi, your phone would work?

22 A Yes.

23 Q If you could explain to the jury what we're looking at
24 in No. 94.

25 A That is a bedroom within the home of [REDACTED] Green Street.

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By Solicitor Charbonneau

1 Q 95 please.

2 A That is a picture from up under that bed just giving a
3 aerial view of what is seen.

4 Q So we're actually looking under the bed?

5 A Under that bed, yes.

6 Q And what is under there?

7 A It's -- it's a bag.

8 Q And as far as the triangle in the top half of the
9 picture, what's going on there?

10 A That's just holding up the bed skirt so an overview
11 photo could of been taken.

12 Q 96 please.

13 A That is the actual bag that came from under that bed.

14 Q You just pulled it out from under?

15 A Yes, ma'am.

16 Q 97 please.

17 A That is the same bag. We're just opening the bag so it
18 can be seen.

19 Q And what do we see inside the bag?

20 A Firearms.

21 Q How many?

22 A Two.

23 Q 98.

24 A That is a firearm that was taken out of that bag.

25 Q And what type of firearm is that?

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By Solicitor Charbonneau

1 A It's a short, short barrel AR rifle.

2 Q 99 please.

3 A That is a magazine.

4 Q And what would that go to?

5 A A assault rifle of some sort.

6 Q 100 please.

7 were these items of evidence that we are looking at in
8 the pictures, were they actually taken into evidence?

9 A Yes, they were.

10 Q Okay. I'm just gonna show you Exhibit 100 and 101 and
11 so I can show it to the jury.

12 A It's, it's a Glock pistol that was also found in that
13 bag along with the assault rifle.

14 Q And is that -- what caliber?

15 A 9-millimeter.

16 Q Oh, here we go. State's Exhibit 100. Technical
17 difficulties. The old fashioned way.

18 State's Exhibit 100 is the Glock 9-millimeter?

19 A Yes.

20 Q And 101?

21 And is that just the other side of the Glock?

22 A Yes, ma'am.

23 Q Thank you.

24 (WHEREUPON, the backpack was marked as State's Exhibit
25 No. 67 for identification purposes only at this time.)

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By Solicitor Charbonneau

1 And I'm showing you what's been marked as State's
2 Exhibit 67.

3 Do you recognize this?

4 A Yes, ma'am.

5 Q And how do you recognize it?

6 A Cause I secured it as evidence from [REDACTED] Green Street.

7 Q Okay. And keep this in the Sheriff's Office under lock
8 and key --

9 A Yes, ma'am.

10 Q -- along with all the evidence?

11 Is it in substantially the same conditions as it was
12 taken from [REDACTED] Green Street---

13 A Yes.

14 Q ---the day of the search warrant?

15 A Yes, ma'am.

16 SOLICITOR CHARBONNEAU: At this time I'd move State's
17 Exhibit 67 into evidence.

18 MR. JOHNSON: No objection, Your Honor.

19 MR. THOMPSON: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (Whereupon, State's Exhibit No. 67 was received into
22 evidence this time.)

23 Q And I'm gonna show you what's been marked as State's
24 Exhibit 106.

25 Do you recognize this?

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By Solicitor Charbonneau

1 A Yes, ma'am.

2 Q Okay. How do recognize it?

3 A I secured it from [REDACTED] Green Street as evidence.

4 Q And you sealed it and put it into evidence yourself?

5 A Yes, ma'am.

6 Q And the markings on the box would also tell you?

7 How do you know it's connected to this case as opposed
8 to a different case?

9 A The, the case number's identified up here and it states
10 that it was seized under a search warrant. It also
11 identifies the rifle in there.

12 SOLICITOR CHARBONNEAU: At this time I'd move State's
13 Exhibit 106 into evidence.

14 MR. JOHNSON: No objection, Your Honor.

15 MR. THOMPSON: No objection.

16 THE COURT: It's admitted.

17 (WHEREUPON, State's Exhibit No. 106 was received into
18 evidence at this time.)

19 Q And now I'm going to show you State's Exhibit 107.
20 Do you recognize this?

21 A Yes, ma'am.

22 Q Okay. And how do you recognize it?

23 A I obtained it under the search warrant at [REDACTED] Green
24 Street as evidence.

25 Q And is this, as well as 106, the two guns that you

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By Solicitor Charbonneau

1 found under the bed in that red and black bag?

2 A Yes, ma'am.

3 Q And they were together?

4 A Yes, ma'am.

5 Q And is this in the same condition as when you put it --
6 sealed it and put it into evidence?

7 A Yes, ma'am.

8 SOLICITOR CHARBONNEAU: At this time I'd move State's
9 Exhibit 107 into evidence.

10 MR. JOHNSON: No objection.

11 MR. THOMPSON: No objection, Your Honor.

12 THE COURT: It's admitted.

13 (WHEREUPON, State's Exhibit No. 107 was received into
14 evidence at this time.)

15 Q When you took this gun from under the bed, did the
16 magazine have bullets in it?

17 A Yes, ma'am.

18 Q And do you remember whether they were hollow point or
19 full metal or both?

20 A It was a mixture.

21 Q When you go to -- backtrack just for a second.

22 When you go to the crime scene at [REDACTED] Nokesville
23 Circle, is that the point that it turns into a homicide---

24 A Yes.

25 Q ---investigation?

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1 A Yes.

2 Q Okay. And based on your nine years of experience and
3 you said hundreds of cases, this -- you were at the scene?

4 A Yes, I was.

5 Q The amount of blood that you saw days after the murder,
6 how would you describe it?

7 A It would of been obtained from a traumatic injury.

8 Q Does there come at point in time when you take a second
9 statement from Shaniyah Toney?

10 A Yes.

11 Q And why is that?

12 A We had new information in the case.

13 Q Did she corroborate and give a second statement?

14 A She did.

15 Q And, at that point, do you show her another photo
16 lineup?

17 A Yes, I did.

18 Q And who was that of?

19 A Christian Barnwell.

20 Q And is that No. 4 -- State's Exhibit 4 in evidence?

21 A Yes.

22 Q Where -- how did you get to Christian Barnwell that you
23 were able to obtain a photo lineup of him?

24 A We had obtained information from another possible
25 witness.

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By Solicitor Charbonneau

1 Q And during this investigation, are you speaking to
2 other witnesses other than or, or taking statements from
3 other people other than the ones we've already previously
4 named?

5 A Yes.

6 Q And do you look at other people as possible suspects?

7 A Yes.

8 Q Such as the photo lineups that you showed Miss Toney
9 of -- during the first statement?

10 A Yes.

11 Q Were you able to eliminate other people as possible
12 suspects?

13 A I was.

14 Q From your investigation, are Denzell Jackson and
15 Sha'kel Dixon friends with Derrick Curry?

16 A No.

17 Q It's -- for lack of a better term, is, is there a beef
18 between these people?

19 MR. THOMPSON: Objection. Relevance.

20 THE COURT: Your basis for the objection.

21 MR. THOMPSON: This is gonna have to be based on some
22 type of hearsay that she's heard from someone else, other
23 people.

24 THE COURT: All right. Response.

25 SOLICITOR CHARBONNEAU: Your Honor, it's based on her

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By Solicitor Charbonneau

1 investigation.

2 THE COURT: Objection sustained.

3 Q Are you aware, as an investigator, different groups of
4 people that do not get along?

5 A Yes.

6 Q And in your nine years and living in Aiken County, are
7 you aware of different fractions (sic) and they don't get
8 along?

9 A Yes.

10 Q And, in this case, based on your experience and your
11 investigation, not what people told you, Denzell Jackson and
12 Sha'Kel Dixon, was there a beef between them and Derrick
13 Curry?

14 MR. JOHNSON: Objection, Your Honor. And I would---

15 THE COURT: Basis for your objection.

16 MR. JOHNSON: Your Honor, this is the same line of
17 questioning that the Court just sustained an objection. It
18 will be based on hearsay evidence and I -- that will be the
19 basis of my objection on behalf of Mr. Jackson.

20 THE COURT: Okay.

21 MR. THOMPSON: And I would join in this objection for
22 the same reasons.

23 THE COURT: Response.

24 SOLICITOR CHARBONNEAU: Judge, I specifically said not
25 based upon what she was told but based on her living here,

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By Solicitor Charbonneau

1 being an investigator, and her investigation itself.

2 THE COURT: Yes, sir.

3 MR. THOMPSON: And, Your Honor, if I -- I would ask
4 that if Your Honor's gonna allow us to possibly they be
5 required to proffer the basis for her knowledge of things.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Your Honor, I would just join in what Mr.
8 Thompson said and also add that there had been no evidence
9 that she had any personal knowledge of any of this
10 information. So, I do believe that it does fall under the
11 hearsay doctrine.

12 THE COURT: Ms. Charbonneau.

13 SOLICITOR CHARBONNEAU: Judge, again, I asked her
14 specifically not based on what she was told but based on her
15 experience, and training, living in Aiken County, and as an
16 investigator, not based on hearsay, if she is aware and she
17 said yes.

18 THE COURT: I sustain the objection.

19 Q All right. When you obtain the information that
20 Christian Barnwell was involved, do you go to where he
21 lives?

22 A I do.

23 Q Where does he live?

24 A Off of Whiskey Road.

25 Q And can you describe to us the part of the county

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1 where, where he is.

2 A In-between Aiken and New Ellenton and right across from
3 Dukes Bar-B-Que.

4 Q And is that a dirt road there?

5 A Yes.

6 Q When you go there, did you obtain consent to search the
7 property?

8 A Yes.

9 Q Can you describe to us what the property looks like on
10 the outside?

11 A A lot of dirt. There's a picket fence. I think that
12 was the neighboring properties and it was a white in color
13 dwelling if I remember correctly.

14 Q Was there woods or grass there?

15 A On the opposite side of the home, yes.

16 Q And this is across Whiskey Road from where Dukes
17 Bar-B-Que is?

18 A Yes.

19 Q When you go there, do you see signs that there had been
20 a, a fire or bonfire in the yard?

21 A Only out front we observed a small fire pit.

22 Q Was, was there any evidence that you found there?

23 A Not that I observed, no.

24 Q Now, going into the house, is this a, a, a home, an
25 apartment, or a mobile trailer?

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1 A I believe it was a mobile trailer.

2 Q And did you get consent to search inside the house?

3 A I did.

4 Q And what did you find inside the house?

5 A A room that Christian Barnwell's mother led me to. We
6 searched that room and we were able to find a credit card
7 statement from Sha'Kel Dixon and a paystub from Altashaun
8 Bacon that was in a red book bag.

9 Q Now, are these the other two codefendants in this case?

10 A Yes.

11 Q They've been arrested as well?

12 A Yes.

13 THE COURT: Ladies and gentlemen, let's stand for a
14 while.

15 (WHEREUPON, the jurors comply.)

16 THE COURT: Okay.

17 (WHEREUPON, a book bag was marked as State's Exhibit
18 No. 90 for identification purposes only at this time.)

19 Q Investigator Williams, I'm showing you what's been
20 marked as State's Exhibit 90.

21 Do you recognize this?

22 A Yes, ma'am.

23 Q And where do recognize it from?

24 A I obtained it from Christian Barnwell's home.

25 Q And did you put into evidence, seal it, and kept it at

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1 the Sheriff's Office?

2 A Yes, ma'am.

3 SOLICITOR CHARBONNEAU: At this time I'd move State's
4 Exhibit 90 into evidence.

5 MR. JOHNSON: No objection, Your Honor.

6 MR. THOMPSON: No objection.

7 THE COURT: It's admitted.

8 (WHEREUPON, State's Exhibit No. 90 was received into
9 evidence at this time.)

10 (WHEREUPON, a statement from Grumpy's Sports Pub was
11 marked as State's Exhibit No. 91 for identification purposes
12 only at this time.)

13 Q Showing you State's Exhibit 91, do you tell -- can you
14 tell me if you recognize it?

15 A Yes, ma'am.

16 Q And make sure you speak into the microphone.

17 And how do you recognize it?

18 A It's a Grumpy's Sports Pub statement from Altashaun
19 Bacon for his time sheet.

20 Q Where was that found?

21 A In the book bag.

22 Q In State's Exhibit 90?

23 A Yes, ma'am.

24 Q And that was at Christian Barnwell's home?

25 A Yes, ma'am.

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1 SOLICITOR CHARBONNEAU: At this time I'd move State's
2 Exhibit 91 into evidence.

3 MR. JOHNSON: No objection, Your Honor.

4 MR. THOMPSON: No objection, Your Honor.

5 THE COURT: It's admitted.

6 (WHEREUPON, State's Exhibit No. 91 was received into
7 evidence at this time.)

8 (WHEREUPON, a debit card for Sha'Kel Dixon was marked
9 as State's Exhibit No. 92 for identification purposes only
10 at this time.)

11 Q And please look at State's Exhibit sixty -- 92.

12 Do you recognize that?

13 A Yes, ma'am.

14 Q How do you recognize it?

15 A I secured it from Christian Barnwell's home.

16 Q And is it in the same condition as when you took it
17 pursuant to the consent to search at Christian Barnwell's
18 home?

19 A Yes, ma'am.

20 SOLICITOR CHARBONNEAU: And, at this time, I'd move
21 State's Exhibit 92 into evidence.

22 MR. JOHNSON: No objection, Your Honor.

23 MR. THOMPSON: No objection, Your Honor.

24 THE COURT: It's admitted.

25 (WHEREUPON, State's Exhibit No. 92 was received into

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1 evidence at this time.)

2 Q And what is 92?

3 A It's some type of new debit card that's addressed to
4 Sha'kel R. Dixon at [REDACTED] Keen Avenue, New Ellenton, South
5 Carolina.

6 Q Thank you.

7 And Christian Barnwell's home, is it right on whiskey
8 Road or is it down that dirt road?

9 A Down the dirt road but it's not too far off of whiskey
10 Road.

11 Q Did you review Facebook records of Derrick Curry?

12 A I did.

13 Q Did you get those pursuant to a search warrant?

14 A I did.

15 Q And you already told us about Facebook records pursuant
16 to a search warrant from Denzell Jackson?

17 A I did.

18 Q Did you note of any communication between Denzell
19 Jackson and Derrick Curry prior to April 30th, 2019?

20 A Yes.

21 Q Was it more than one day?

22 A Months.

23 Q And would you describe to us the mood of these
24 conversations?

25 A It was an ongoing dispute between the both of them.

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1 MR. JOHNSON: Objection, Your Honor. I can
2 (indiscernible), Your Honor.

3 THE COURT: Yes, sir.

4 MR. JOHNSON: Your Honor, that will be hearsay
5 information as well as speculation by the investigator
6 regarding the tone and the tenor of any communications
7 between the two.

8 THE COURT: Mr. Johnson.

9 MR. THOMPSON: And, Your Honor, I would just join in
10 the other objection.

11 THE COURT: I'm gonna overrule the objection.

12 Q Is there a point in time---

13 THE COURT: You've asked a question.

14 Do you want an answer?

15 SOLICITOR CHARBONNEAU: She did answer.

16 You can answer again.

17 what was the tone or tenor of the communication between
18 Denzell Jackson and Derrick Curry leading up to April 30th,
19 2019?

20 A They were not friendly conversations. It seemed as if
21 there was a ongoing conflict or dispute between the two.

22 Q Does there come a point in time when you take a third
23 statement from Shaniyah Toney?

24 A Yes.

25 Q And why is that?

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1 A I received new information in the case.

2 Q When you received this new information, what is it that
3 you, that you're talking to Miss Toney about when you go
4 back to her again?

5 A About this last individual.

6 Q Was this information that you obtained following the
7 evidence in this case?

8 A Yes, ma'am.

9 Q Does she cooperate with you and voluntarily give you a
10 third statement?

11 A Yes.

12 Q In your opinion as an investigator and based on the
13 three conversations with Miss Toney, is she consistent or is
14 she changing her story?

15 A She's consistent.

16 Q What is the third or you said you had more information
17 about another individual.

18 Who was that?

19 A Altashaun Bacon.

20 Q When you discussed with her Altashaun Bacon, did she
21 know that name?

22 A She did not.

23 Q Was she able -- did you show her a photo lineup?

24 A Yes, I did.

25 Q And did you show her State's Exhibit 5?

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1 A Yes.

2 Q was she able to pick out Altashaun Bacon?

3 A She was.

4 Q Any suggestion on who she should pick?

5 A No.

6 Q was she told somebody was definitely in there, one of
7 them's the right guy?

8 A No.

9 Q Any hesitation on her part in picking out Altashaun
10 Bacon?

11 A No.

12 Q well -- and based on your investigation, how did you
13 get to Altashaun Bacon?

14 A with information provided from a separate witness.

15 Q was that from an auto body shop?

16 A Yes.

17 Q when Miss Toney had told you about her car being
18 involved and another car, did you, did you know what car it
19 was when you first talked to her?

20 A It is---

21 Q The second car.

22 A Did I know what car it was?

23 Q Yes.

24 Did you know whose car it was?

25 A No.

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By Solicitor Charbonneau

1 Q After speaking to the other person and then Miss Toney
2 and now she's ID'd Altashaun Bacon, are you able to track
3 down the car?

4 A Yes, I was.

5 Q What car was that?

6 A A '95 Honda Prelude.

7 Q And was that Altashaun Bacon's car?

8 A Yes.

9 Q Do you do a search warrant on Altashaun Bacon's car?

10 A Yes.

11 Q Do you also do a search warrant on the Facebook account
12 for Sha'Kel Dixon?

13 A I did.

14 Q Did you get those records back?

15 A Yes.

16 (WHEREUPON, the Facebook records for Sha'Kel Dixon were
17 marked as State's Exhibit No. 93 for identification purposes
18 only at this time.)

19 Q I'm showing you State's Exhibit 93.

20 Do you recognize it?

21 A Yes, ma'am.

22 Q And how do you recognize it?

23 A It was on Sha'Kel Dixon's Facebook business records
24 that I obtained.

25 Q And when you get those records, does it -- in relation

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By Solicitor Charbonneau

1 to any photographs, does it tell you when the photograph is
2 posted?

3 A Yes, ma'am.

4 Q And were you able to tell, on State's Exhibit 93, the
5 date that it was posted?

6 A May 2nd, 2019.

7 Q And do you -- without saying anything further, do you
8 recognize who's in the picture of State's Exhibit 93?

9 A Yes, ma'am.

10 Q And is it a fair and accurate depiction of what you
11 took from the Facebook records of Sha'kel Dixon?

12 A Yes, ma'am.

13 SOLICITOR CHARBONNEAU: At this time I'd move State's
14 Exhibit 93 into evidence.

15 MR. THOMPSON: And, Your Honor, I have an objection
16 that needs to be taken up outside the presence of the jury.

17 THE COURT: All right. Ladies and gentlemen, we'll
18 have you take a break now. Please do not discuss the case.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 MR. THOMPSON: And, Your Honor, before I go into this
22 objection, could I very briefly go to the restroom?

23 THE COURT: Okay.

24 MR. THOMPSON: And would you prefer me to use---

25 THE COURT: That one.

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1 MR. THOMPSON: Yes, sir.

2 THE COURT: One of the jury rooms if it's available.

3 SOLICITOR HAMMACK: Your Honor, along the same vein,
4 the victim's mother is being escorted to the bathroom as
5 well or a bathroom.

6 THE COURT: Madam Clerk, it shouldn't be where the
7 jurors are. Avoid the jurors.

8 THE CLERK: The jurors are right here -- in the jury
9 assembly room. So they are all the way down there.

10 THE COURT: But she's going back there somewhere.

11 (Pause.)

12 THE COURT: We'll, we'll take a break. About five
13 minutes or so.

14 You may step down. Please do not discuss your
15 testimony.

16 THE COURT: Did she hand you an exhibit?

17 SOLICITOR CHARBONNEAU: Yes, sir.

18 (WHEREUPON, a short recess was taken at this time.)

19 THE COURT: Mr. Thompson.

20 MR. THOMPSON: Your Honor, may it please the Court.

21 My understanding is that this photograph, and I, I
22 believe Your Honor may have a picture of it, do -- can
23 you -- are you able to view the photograph?

24 THE COURT: Yes, sir.

25 MR. THOMPSON: My understanding is that this photograph

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1 would, would be offered as relevant to show Mr. Dixon being
2 on a -- the car that they alleged is part of the, part of
3 the story in this, in this event. I would, I would argue
4 though that they have used the words factions, groups, words
5 that are euphemistic of gangs.

6 Your Honor, under a Rule 404 analysis, and Rule 403
7 analysis, I, I would argue that Mr. Dixon, for anyone who
8 has common experience with some of these types of pictures,
9 would recognize some of the stuff that he's doing as
10 allegedly being throwing gangs signs, which I would argue
11 is, A, improper character evidence and, B, would be severely
12 much more prejudicial than it is probative in this matter.

13 Again, I have no objection of Investigator Williams
14 being able to, to testify that she was able to view pictures
15 of Mr. Dixon being -- standing next to this other
16 gentleman's car. But the actual picture itself with Mr.
17 Dixon doing what could be very easily interpreted as
18 throwing gang signs is, A, improper character evidence, and,
19 B, much more prejudice than it is probative and that would
20 bes -- be the essence of our objection, Your Honor.

21 THE COURT: All right. Mr. Johnson.

22 MR. JOHNSON: I would join in that objection as well.

23 Just, just to add, the State has described these as two
24 different groups, two different factions, who don't like
25 each other, animosity, and I think they used -- coupled that

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1 along with the picture, the jury could draw an improper
2 inference from that picture and the State can elicit this
3 information through the statements of Investigator Williams
4 and have the same effect without being prejudicial and
5 character evidence being---

6 THE COURT: And who is this a picture of?

7 SOLICITOR CHARBONNEAU: Sha'Kel Dixon.

8 MR. THOMPSON: Your Honor, we would, we could concede
9 that that is a picture of---

10 THE COURT: Well, wait a minute.

11 MR. THOMPSON: ---Sha'Kel Dixon.

12 THE COURT: I'm just asking a question.

13 MR. THOMPSON: Yes, sir.

14 THE COURT: Where you dispute it or not, it's a
15 picture.

16 MR. THOMPSON: Yes, sir. It -- I, I believe it to be a
17 picture of Mr. Dixon standing next to what I believe is---

18 THE COURT: That's what you believe it to be?

19 MR. THOMPSON: Yes, sir.

20 THE COURT: Ms. Charbonneau.

21 SOLICITOR CHARBONNEAU: Judge, State's 93 is a
22 photograph taken from the search warrant on Facebook records
23 of Sha'Kel Dixon. It was posted on May 2nd, 2019, the day
24 after this murder. It is Sha'Kel Dixon sitting on Altashaun
25 Bacon's car in Christian Barnwell's -- outside his home.

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1 It's very relevant because it ties those three
2 defendants together. It puts them there knowing each other
3 at least on May 2nd, 2019, and it's in -- sitting on a car
4 that Derrick body -- Derrick Curry's body was in and may
5 have still been in.

6 To tell you the truth, Your Honor, in 35 years, I did
7 not pick -- even catch that they were gang signs being
8 thrown until Mr. McKellar told me five minutes before now.
9 He just told me that. I did not catch it. I have no, no --
10 I am not eliciting any information whatsoever about what
11 Mr. Dixon is doing in the picture other than he's sitting on
12 the car, where he is, the car, and the -- that it's in
13 Christian Barnwell's driveway or area of the house.

14 THE COURT: So how does the photograph pertain again?

15 SOLICITOR CHARBONNEAU: It was -- it come -- it came
16 pursuant to a search warrant of Sha'kel Dixon's Facebook
17 account and it's posted on Sha'kel Dixon's Facebook.

18 THE COURT: And you say the location is --?

19 SOLICITOR CHARBONNEAU: Christian Barnwell's home.

20 THE COURT: And how do we know that?

21 SOLICITOR CHARBONNEAU: Because Ms. Williams knows.
22 She recognizes the background in the photograph. She
23 knows -- she recognizes the car as Altashaun Bacon's car and
24 it's---

25 THE COURT: You mean at that location at that time?

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1 SOLICITOR CHARBONNEAU: Yes. Yes, it's very
2 relevant---

3 THE COURT: And the---

4 SOLICITOR CHARBONNEAU: ---to my case.

5 THE COURT: And then you say something about the other
6 codefendant?

7 SOLICITOR CHARBONNEAU: It is Altashaun Bacon's car
8 that he's sitting on and Investigator Williams recognizes
9 the car, the person, and where it is. It ties all three of
10 those defendants together May 2nd, 2019, 24 hours after the
11 murder.

12 THE COURT: All right. Yes, sir.

13 MR. JOHNSON: Your Honor?

14 THE COURT: Yes, sir.

15 MR. JOHNSON: If I may add as well, I am unable to
16 cross-examine Mr. Dixon about this photograph. The State is
17 trying three individuals by this photograph to indicate that
18 they had something to do with this. I am not able to fully
19 cross-examine or get to the bottom of what the meaning of
20 those hand gestures are by virtue of this being a joint
21 trial.

22 So, that, in essence, is prejudicial to Mr. Jackson as
23 well cause he is no way mentioned or linked to this
24 photograph that the State is going to try to show to the
25 jury.

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1 THE COURT: Well, I thought the solicitor says he's
2 linked to it based on it being at his property.

3 MR. JOHNSON: No, sir.

4 THE COURT: As whose property?

5 SOLICITOR CHARBONNEAU: Christian Barnwell's, the
6 third---

7 THE COURT: Oh, the third defendant.

8 SOLICITOR CHARBONNEAU: Correct. Correct.

9 THE COURT: All right.

10 SOLICITOR CHARBONNEAU: Your Honor, this evidence would
11 come in as relevant and as a business records exception
12 because it was a Facebook account whether it was a joint
13 trial or it was a severed trial.

14 THE COURT: All right. I think that notion of this
15 business record exception that the Court's make everything
16 admissible is generally overstated. The fact it is, is a
17 Facebook record does not mean it's significant and
18 automatically admitted.

19 Anything else on this, this issue?

20 MR. JOHNSON: Not on behalf of Mr. Jackson.

21 MR. THOMPSON: Nothing further from Mr. Dixon.

22 THE COURT: All right. I overrule the objection.
23 There can be no testimony attempting to interpret how he's
24 holding his hand. It doesn't mean anything to me.

25 SOLICITOR CHARBONNEAU: Correct.

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1 THE COURT: It's just a photograph.

2 All right. Bring the jury.

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: You may proceed.

6 SOLICITOR CHARBONNEAU: Yes.

7 CONTINUED DIRECT EXAMINATION

8 BY SOLICITOR CHARBONNEAU:

9 Q Investigator Williams, looking at State's Exhibit 93 --
10 Your Honor, the State moves 93 into evidence.

11 THE COURT: It is admitted.

12 (WHEREUPON, State's Exhibit No. 93 was received into
13 evidence at this time.)

14 Q Looking at State's Exhibit 93, can you tell us who is
15 in that picture?

16 A Sha'kel Dixon.

17 Q And do you recognize the car that he's sitting on?

18 A Yes, ma'am.

19 Q And whose car is that?

20 A It resembles Altashaun Bacon's vehicle.

21 Q And do you recognize the background of the photograph,
22 where it was taken?

23 A Yes, ma'am.

24 Q And where was it taken?

25 A It resembles the area around Christian Barnwell's home.

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By Solicitor Charbonneau

1 Q And on the Facebook account, does it say the date that
2 State's 93 was posted?

3 A May 2nd, 2019.

4 Q Thank you.

5 May I publish?

6 THE COURT: Yes.

7 Q In your investigation, do you also check databases or
8 check other places to determine if you can find Derrick
9 Curry alive anywhere?

10 A Yes, ma'am.

11 Q And how do you do that?

12 It is by subpoena or how do you go about that?

13 A Subpoena or search warrants.

14 Q Okay. And were you -- when you made those inquiries,
15 were you able to determine whether Derrick Curry -- tell us
16 which databases you went to.

17 A Equifax, TransUnion, and Experian I believe.

18 Q The credit, the credit card or the credit --

19 A Bureaus, yes, ma'am.

20 Q -- bureaus?

21 Okay. And were you able to---

22 MR. THOMPSON: Your Honor, I have an objection that we
23 have discussed earlier at trial. The burden shifting
24 argument, Your Honor.

25 MR. JOHNSON: I would join in that.

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1 THE COURT: Restate the question please.

2 SOLICITOR CHARBONNEAU: I actually didn't get it out.

3 MR. THOMPSON: Your Honor, I, I would argue that this,
4 this whole line of questioning is, is about to get into a
5 burden shifting argument and I will ask that, that the State
6 be required to proffer it so that the Court can---

7 THE COURT: I didn't hear the question.

8 SOLICITOR CHARBONNEAU: My question is, based on the
9 credit bureaus, were you able to as -- able to ascertain
10 whether Derrick Curry has, has used any credit cards or
11 debit cards since April 30th, 2019.

12 THE COURT: All right. Overrule the objection.

13 Q You can answer it.

14 A Yes.

15 Q You weren't able or the answer is he has not?

16 A He has not.

17 Q Did you also obtain the known DNA standards like we
18 talked about for Victor Curry and Kenya Bush?

19 Did you also obtain the four defendants in this case
20 their DNA standard?

21 A Yes, I did.

22 (WHEREUPON, four DNA standards were marked as State's
23 Exhibit Nos. 102 through 105 for identification purposes
24 only at this time.)

25 Q I want to show you State's Exhibit 102, 103, 104, and

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1 105.

2 Do you recognize them?

3 A Yes, ma'am.

4 Q And did you physically actually take the DNA standards
5 from Denzell Jackson, Sha'Kel Dixon, Christian Barnwell, and
6 Altashaun Bacon?

7 A Yes.

8 Q In the same manner that you described to us earlier?

9 A Yes.

10 SOLICITOR CHARBONNEAU: At this time I'd move State's
11 Exhibits 102, 103, 104, and 105 into evidence.

12 MR. JOHNSON: No objection, Your Honor.

13 MR. THOMPSON: No objection.

14 THE COURT: They're admitted.

15 (WHEREUPON, State's Exhibit Nos. 102 through 105 were
16 received into evidence at this time.)

17 Q And were they kept also sealed and taken to evidence
18 for processing data?

19 A Yes.

20 Q In your investigation, did you ever think to ask
21 Shaniyah Toney about any prior attempts against Derrick
22 Curry?

23 A No.

24 Q When you learned about -- when did you learn about
25 that?

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By Solicitor Charbonneau

1 A The prior attempt?

2 Q Yes.

3 A A week or so ago.

4 Q Is that from our office?

5 A Yes.

6 Q Okay. Had you ever asked her about that?

7 A No.

8 Q When you subpoenaed or, I'm sorry, did, did a search
9 warrant for the cell phone records, did you obtain and
10 receive back cell phone records on Derrick Curry, Denzell
11 Jackson, Sha'kel Dixon?

12 A I did.

13 Q When you got those records back, did they also have a
14 subscriber page?

15 A Yes, they did.

16 Q And did they also come back with a certification from
17 the records custodian?

18 A Yes.

19 Q And those, those records are kept in the normal course
20 of business for -- by each carrier?

21 A Yes.

22 Q Do you remember who the carrier is for Derrick Curry?

23 A AT&T.

24 Q And who is the carrier for Denzell Jackson?

25 A Verizon wireless.

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1 Q And who is the carrier for Sha'kel Dixon?

2 A AT&T.

3 (WHEREUPON, the phone records for Derrick Curry were
4 marked as State's Exhibit No. 108 for identification
5 purposes only at this time.)

6 Q I'm gonna show you what's been marked as State's 108.

7 If you would, take a look at it and tell me if you
8 recognize it.

9 A Yes, ma'am.

10 Q Okay. How do you recognize it?

11 A It depicts the number [REDACTED] which is the phone
12 number to Derrick Curry.

13 Q Okay. And are those the cell phone records that you
14 received back from AT&T in regards to his phone?

15 A Yes, ma'am.

16 Q Okay. And the last page, is that a -- the
17 certification on the records for the records custodian?

18 A Yes, ma'am.

19 Q With AT&T, are they required to give an actual name?

20 The subscriber page, will it have Derrick Curry's name
21 or not necessarily?

22 A Not necessarily, no.

23 Q And is they -- are they in the same condition as when
24 you received them?

25 A Yes, ma'am.

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1 Q Now, there's no text message content in there, right?
2 This is just called the records?

3 A Yes, ma'am.

4 SOLICITOR CHARBONNEAU: At this time I'd move State's
5 Exhibit 108 into evidence.

6 MR. JOHNSON: No objection, Your Honor.

7 MR. THOMPSON: No objection.

8 THE COURT: They're admitted.

9 (WHEREUPON, State's Exhibit No. 108 was received into
10 evidence at this time.)

11 (WHEREUPON, the phone records for Denzell Jackson were
12 marked as State's Exhibit No. 109 for identification
13 purposes only at this time.)

14 Q If you would, take a look at State's Exhibit 109.
15 Tell me if you recognize them.

16 A Yes, ma'am.

17 Q And before we go off, on 108, does it also have
18 locations of where the phone is listed?

19 A Yes, ma'am.

20 Q Okay. All right. Going to 109, do you recognize that?

21 A Yes, ma'am, I do.

22 Q And are those the records that you received pursuant to
23 a search warrant to Verizon?

24 A Yes, ma'am.

25 Q And what is the phone number indicated in those

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1 records?

2 A [REDACTED].

3 Q And whose number is that connected to?

4 A Denzell Jackson.

5 Q And are those records in the same condition as when you
6 received them back pursuant to a search warrant?

7 A Yes, ma'am.

8 Q Again, are they just the call records, no content of
9 any text messages or anything like that?

10 A No, ma'am.

11 Q And the last page is the certification from the records
12 custodian that these records are kept in the normal course
13 of their business?

14 A Yes.

15 SOLICITOR CHARBONNEAU: At this time I'd move State's
16 Exhibit 109 into evidence.

17 MR. JOHNSON: No objection, Your Honor.

18 Q Does---

19 MR. THOMPSON: No objection.

20 Q ---the -- I'm sorry.

21 THE COURT: 109 is admitted.

22 (WHEREUPON, State's Exhibit No. 109 was received into
23 evidence at this time.)

24 Q Does 109 -- do -- does Verizon also give location
25 information with their records?

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1 A Yes, they do.

2 (WHEREUPON, the phone records for Sha'Kel Dixon was
3 marked as State's Exhibit No. 110 for identification
4 purposes only at this time.)

5 Q And State's Exhibit 110, if you would take a look at
6 those and tell me if you recognize them?

7 A I do.

8 Q Okay. And how do recognize them?

9 A By the phone number [REDACTED].

10 Q Who is connected to that phone number?

11 A Sha'Kel Dixon.

12 Q Those records are from AT&T?

13 A Yes, ma'am.

14 Q Are they in the same condition as when you received
15 them pursuant to your search warrant?

16 A Yes, ma'am.

17 Q The last page, does it have the certificate from the
18 records custodian saying it was kept in the normal course of
19 their business?

20 A Yes.

21 Q Again, any hearsay content as far as text messages or
22 is it just cell phonecalls and location of the phone?

23 A Cell phonecalls and location of the phone. No content
24 from text messages.

25 SOLICITOR CHARBONNEAU: At this time I'd move State's

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1 Exhibit 110 into evidence.

2 MR. JOHNSON: No objection, Your Honor.

3 MR. THOMPSON: No objection.

4 THE COURT: 110 is admitted.

5 (WHEREUPON, State's Exhibit No. 110 was received into
6 evidence at this time.)

7 Q Okay. Did you also obtain phone records from Altashaun
8 Bacon?

9 A I did.

10 Q Okay. And was that pursuant to a search warrant?

11 A Yes.

12 Q And are you -- were you able to -- in your hundreds of
13 cases dealing with cell phone records, are you able to tell,
14 from reading the records in this case, whether there was
15 communication between Sha'Kel Dixon and Altashaun Bacon on
16 the day of the murder?

17 A Yes.

18 Q And was there communication?

19 A Yes, there was constant communication between the two.

20 Q Also on Derrick Curry's records --

21 A Uh-huh. (Affirmative).

22 Q -- are you able to read them and tell us the last
23 outgoing activity on that phone?

24 Not incoming calls or texts but outgoing.

25 A It was on April 30th around one or two o'clock I

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1 believe.

2 Q 2019?

3 A Yes, ma'am.

4 Q Now, in those records, will you see any other activity
5 after April 30th, 2019?

6 A Yes.

7 Q Okay. And if it's has -- can we tell whether it's
8 ingoing or outgoing?

9 A Yes.

10 Q There's plenty of incoming?

11 A Yes.

12 Q Is there anything that looks like outgoing activity
13 after April 30th, 2019?

14 A Some, yes.

15 Q And can you describe what that is?

16 A They're outgoing calls but they're not calls. They're
17 actually forwarded calls that are essentially like a spoof
18 call. That is an application that you download on your
19 phone when you want that number to show up at the other
20 party's phone that you're trying to contact through to show.

21 Q So, if there's a spoof call listed April -- after
22 April 30th, 2019, would that person actually have Derrick
23 Curry's phone?

24 A No.

25 Q It would just be forwarded somehow?

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By Solicitor Charbonneau

1 A Yes.

2 Q And is there any of that activity on those records?

3 A Yes.

4 Q Are there any real phone calls, text messages, or any
5 activity on Derrick Curry's phone after April 30th, 2019?

6 A No.

7 (WHEREUPON, a map of Aiken County was marked as State's
8 Exhibit No. 111 for identification purposes only at this
9 time.)

10 Q Let me show you State's 111.

11 Looking at State's Exhibit 111, do you recognize it?

12 A Yes, ma'am.

13 Q Okay. And is it a fair and accurate depiction of this
14 part of Aiken County?

15 A Yes, ma'am.

16 SOLICITOR CHARBONNEAU: Okay. At this time I'd move
17 State's Exhibit 111 into evidence.

18 MR. JOHNSON: No objection, Your Honor.

19 MR. THOMPSON: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (WHEREUPON, State's Exhibit No. 111 was received into
22 evidence at this time.)

23 SOLICITOR CHARBONNEAU: Your Honor, may the witness
24 step down --

25 THE COURT: Yes.

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1 SOLICITOR CHARBONNEAU: -- while we publish to the
2 jury?

3 THE COURT: Yes.

4 (WHEREUPON, the witness leaves the stand.)

5 Q Can you just please point out to the jury -- first of
6 all, let's start at the McDonald's that you said was on
7 Richland Avenue.

8 A Uh-huh. (Affirmative).

9 Q Okay. If you would please point that out on the map.

10 A It would be right here.

11 Q And that's on Richland Avenue?

12 A Yes, 3604 Richland Avenue West in Aiken and it also has
13 the longitude and latitude, his name, and (indiscernible).

14 Q would you then point out [REDACTED] Nokesville Circle, Aiken?

15 A That would be right here.

16 THE COURT: You must speak loud enough in order for the
17 recorder to record what's being said.

18 A It's gonna be right here. It's gonna be labeled as the
19 Cornerstone crime scene with the latitude and longitude.

20 Q And is that where -- the bedroom of Shaniyah Toney
21 where Derrick was killed?

22 A Yes.

23 Q Looking at this, would you please point out where
24 Christian Barnwell lives?

25 A Within this location.

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1 THE DIGITAL MONITOR: Keep your voice up.

2 THE WITNESS: In this location right here.

3 Q Okay. And is that slightly south of where Nokesville
4 Circle is?

5 A Yes.

6 Q And that's also on whiskey -- off of whiskey Road?

7 A Yes.

8 Q Please point out where Denzell Jackson's house is.

9 A Right here labeled as [REDACTED] Green Street in New Ellenton,
10 South Carolina also with the latitude and longitude present.

11 Q And that is south of the other three places?

12 A Yes.

13 Q Okay. And tell us about the last where it says
14 Savannah River site.

15 A That's the general vicinity of the Savannah River site
16 near Wilson Road. A lot of the phone activity shows where a
17 good portion of time to be in this vicinity.

18 Q And that's when you looked at the records as far as
19 where the phone was pinging off the cell towers?

20 A Yes.

21 Q Thank you.

22 (WHEREUPON, the witness returns to the stand.)

23 Q At what point do you do the search warrant on Altashaun
24 Bacon's car?

25 A The day after we located it.

Savanna Williams - Direct examination
By Solicitor Charbonneau

1 Q Do you remember when that was?

2 A No, ma'am.

3 Q Okay. We're talking about after the search warrants on
4 the cell phones and, and that?

5 A Yes.

6 Q Okay. And after the third time with Miss Toney?

7 A Yes.

8 Q Do you try -- based on the cell phone records that you
9 get, do you attempt to locate Derrick Curry's body?

10 A Yes.

11 Q Can you tell us different areas that you went to?

12 A Williston Road near SRS1. We also went out to Houston
13 Loop in Jackson as well as certain areas near Savannah
14 River.

15 Q Did you also go look at Langley Pond?

16 A I didn't personally, no.

17 Q Someone from the Sheriff's Office?

18 A From Burnetown Police Department.

19 Q Did you attempt to locate Derrick Curry's body with
20 cadaver dogs?

21 A Yes.

22 Q And why go to you said Houston Loop?

23 A We had received a anonymous tip that his body possibly
24 could be located near I think it was a Sycamore, Sycamore
25 Festival, which I later found out is a festival that's held

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1 off of Houston Loop.

2 Q And obviously we have not found Derrick Curry's body
3 yet?

4 A No.

5 Q Did you also go to the Savannah River?

6 A Yes.

7 Q And any signs that you could pinpoint to a particular
8 area in, in the river?

9 A No.

10 Q Thank you.

11 I have nothing further.

12 THE COURT: Mr. Johnson.

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q Good morning, investigator.

16 A Morning.

17 Q So, Mr. Jackson agreed to give his DNA sample?

18 A Yes, sir.

19 Q So that was done voluntarily without any issue,
20 correct?

21 A Yes, ma'am. Yes, sir.

22 Q All right. And I believe you said that he was arrested
23 at the same time that you executed a search warrant around
24 between 5:00AM and 6:00AM---

25 A Yes, sir.

Savanna Williams - Cross-examination
By Mr. Johnson

1 Q ---in the morning?

2 And were you personally there when the search warrant
3 was executed and that arrest, arrest was effectuated?

4 A Yes.

5 Q And who was in the, in the home when was -- he was
6 taken into custody?

7 A It was him, his sister, and mother.

8 Q And was he arrested peacefully?

9 A Yes.

10 Q So have you had a, a chance to review the DNA report
11 from SLED in this case?

12 A Yes.

13 Q And would that be something that, that you would have
14 received as a part of completing your investigation?

15 A Yes, sir.

16 Q And there was no DNA of Mr. Jackson found in the
17 apartment or, excuse me, in the home of Miss Toney.

18 Is that correct?

19 A No.

20 Q No---

21 A No, there was none found in her home.

22 Q And there was actually no DNA found in her vehicle as
23 well that links back to Denzell Jackson, correct?

24 A No.

25 Q And the person talked about Mr. Barnwell's car.