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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Edgefield County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL TIRRELL MEANS,

APPELLANT

APPELLATE CASE NO. 2021-000752

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS #7-9 (PHOTOGRAPHS); STATE’S EXHIBIT # 17 (RECORDING OF
APPELLANT’S PHONE CALL); and STATE’S EXHIBIT #65 (AUTOPSY PHOTOGRAPH)**

1 State of South Carolina) Court of General Sessions
2 County of Edgefield) Eleventh Judicial Circuit

3
4 State of South Carolina,) Transcript of Record
5 vs.) 2019-GS-19-00356
6 Michael Tirrell Means,) 2019-GS-19-00357
7 Defendant.)

8
9 June 28th-July 1st, 2021
10 Edgefield, South Carolina

11
12 B E F O R E:

13 The Honorable Debra R. McCaslin, Judge
14

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

16 Laura Suzanne Mayes, Deputy Solicitor
17 Douglas Wayne Fender II, Assistant Solicitor

18 On behalf of the State of South Carolina

19 Robert M. Madsen, Esquire
20 Erin Rebecca Conroy, Esquire

21 On behalf of the Defendant
22

23 Reported by: Stacy S. Johnson,
24 Circuit Court Reporter
25

1 THE COURT: Okay.

2 MR. FENDER: May it please the Court, Your Honor?

3 THE COURT: Yes, sir.

4 MR. FENDER: "I pulled a gun at her and I said the
5 same way I'm about to kill you. She turned to the side
6 and I popped her in her head". Those are his words,
7 not mine. July 2, 2019, was the last day that Yumonica
8 Means spent alive on this Earth. The last thing that
9 she did, her last act as a mother, was coming out to
10 help, coming out to a dark road in the middle of the
11 night here in Edgefield county out in a peach field.
12 She thought that she was coming to rescue TT, her
13 two-year-old -- or three-year-old. She thought that
14 she was coming to help Michael Tirrell Means. He brought
15 her out there, he tricked her. His words. "I acted
16 like I had a car accident". But there was no accident,
17 there was no wreck. He made up a lie to bring her out
18 there and kill her.

19 Yumonica and Tirrell, they had been married, they
20 were married, going through a separation. You will hear
21 an audio recording of the defendant where he says "I
22 done signed the paperwork for legal separation". But he
23 didn't want to move out, he didn't want to move on. He
24 over-drafted her bank account and he killed her, brought
25 her out to the middle of nowhere, killed her and left

1 her body laying there on that dirty road on that dark
2 night.

3 We, the State, have the burden of proving murder.
4 The unlawful killing of another with malice aforethought.
5 Killing of another with malice. The judge will tell you
6 what malice is. It can be hostility, hatred, ill will.
7 It can be evil in his heart. That is what we'll be
8 proving to you. That is -- the facts of this case,
9 they're undeniable. That is what will be proven to you
10 from the evidence that you will see, from the witnesses
11 you will hear from. Cold, calculated, planned. We will
12 prove to you that he had evil in his heart, that he had
13 evil in his mind when he killed Yumonica. You will see
14 malice in this case. You will see it in the way he
15 thought of tricking her out there in the middle of
16 nowhere in the middle of the night.

17 Now there's no length of time for malice. It's
18 not two hours, it's not two minutes, it's not even two
19 seconds. All the State must prove is that he had malice
20 at the time he shot her, at the time that he pulled the
21 trigger. In this case, he had a gun and he says that he
22 popped her in the head. He tricked her to get her out
23 there that night, a place with no neighbors, a place
24 with no streetlights, a place with no cameras, a place
25 that he thought he could get away with it. He had a plan

1 and he went through with it. Malice will be proven to
2 you from his own words. The words that he told Johnston
3 police chief Lamaz Robinson when he described the killing
4 in this case. You will see malice in his actions. He
5 fled. He tried to get away. He cleaned out her bank
6 account, took all of her money, and he killed her. He
7 left her there in the dirt. Tried to get away. He made
8 it all the way to Georgia. You will see evidence of
9 malice. Be on the lookout for it. The proof of malice
10 is undeniable.

11 Every time that Tirrell Means made a choice, it was
12 all about him. What was gonna happen to Tirrell? How
13 was he gonna get away with it? No thoughts for his
14 children. He brought the mother of his child out there
15 in the middle of the night in the middle of nowhere and
16 put a bullet in her head. Is that malice? That's for
17 you to decide. Did Tirrell Means when he saw that
18 bullet go through Yumonica's head, when he saw her
19 lifeless body there in the dirt, did he call for help?
20 No, he didn't. He ran away. He knew that what he did
21 was wrong. That's why he didn't call for help. He knew
22 that what he did was wrong. That's why he ran. He tried
23 to save himself. A father is supposed to love his
24 children. Tirrell Means, he loved himself more. Tirrell
25 Means is not a father. He's a killer.

1 Did he seek assistance? No. Who did he leave
2 behind to call 9-1-1? A ten-year-old. Yumonica's
3 daughter. He left her there with her mother's bleeding
4 body. He killed Yumonica Means with malice aforethought
5 and evilness in his heart. He's a murderer.

6 During this trial you're gonna get to hear from
7 some of Yumonica's family, the people who knew her, the
8 people who loved her. Yumonica, she had a big heart.
9 She worked hard for her kids. She worked at the Milliken
10 plant in Johnston for over fifteen years. She brought
11 home around six hundred dollars a week. She put food on
12 that table, she put a roof over their head. She had a
13 nice little house in a nice little neighborhood not too
14 far from the heart of downtown Aiken. A good home, a
15 good neighborhood. The kind of place a kid would want to
16 grow up in. A yard to play in, a quiet street to learn
17 how to ride a bike on, friends just a short walk away.
18 Yumonica, she cared about her family. She cared about
19 that home. That's how she first met Tirrell Means. He
20 was working as a handyman and she paid him to do some
21 work on her house. She brought him into her home. She
22 put a roof over his head. But Yumonica, the mother with
23 a big heart, she didn't know that she had let in her own
24 killer, the man who would take her life, the man who
25 would take her from her children.

1 She married him. Now nobody goes into a marriage
2 thinking things won't last, but the reality is that
3 couples are separated and divorced every day across
4 this country. Especially when there's money problems.
5 Especially when one person like Yumonica has to carry
6 all the weight.

7 Ladies and gentlemen of the jury, you're gonna hear
8 evidence in this case, evidence that the marriage was
9 over. He'd signed the paperwork. You'll hear an audio
10 recording of him talking about that. At the time that
11 she was murdered, the evidence will show that she wanted
12 him to move out, she wanted him to move on, but Tirrell
13 Means, he doesn't think like that. He doesn't respect
14 women. She was his meal ticket. To him she was property,
15 a possession, someone to be thrown out when no longer
16 useful, someone to be left dead on the side of the road
17 in a dark peach field in the middle of the night. If he
18 couldn't have her, nobody could. Yumonica, she was a
19 mother with a big heart. She cared. So when Tirrell
20 concocted that story, concocted that lie, told her that
21 he had been in a wreck, what does she do? She went out
22 there in the middle of the night. She went out there
23 to help. She was gonna save TT. She was gonna help
24 Tirrell. But it was all a story, it was all a lie.
25 There was no car wreck and now she's dead. "I pulled a

1 gun at her and said the same way I'm about to kill you.
2 She turned to the side and I popped her in her head".
3 Those are his words. That's malice. That's murder.

4 THE COURT: Thank you.

5 Mr. Madsen.

6 MR. MADSEN: A person can only take so much. A
7 person can only take so much. A person can only take
8 so much before they snap. You will hear Tirrell Means
9 testify and you won't hear about a heart filled with
10 malice. You will hear a heart filled with hurt, a heart
11 filled with despair, and a heart field with anguish. He
12 will tell you about their relationship, his relationship
13 with Yumonica, how it could be one way one day, another
14 way another day. Kind of your proverbial hot and cold
15 relationship.

16 Monica worked at Milliken, but she had been out
17 of work with an injury for a period of time. As the
18 Solicitor said, Tirrell was a handyman. He worked on
19 houses. He was their only source of income at that point
20 in time. Sometimes he would have to take money from one
21 project to finish up another project, sometimes he would
22 have to use that money just to kind of keep him afloat.
23 As you can imagine, there were some financial problems
24 which caused arguments.

25 You will hear the name Kendrick Gambrell and the

1 mixed messages Tirrell would receive. Kendrick is the --
2 there's some kind of kin to Monica's sister's wife. So
3 Monica has a sister Renee, she's married to a woman, and
4 Kendrick is somehow related to her. You will hear how
5 Tirrell wakes up one night, his CPAP machine on, hears
6 Monica and Kendrick having phone sex, I can hear you,
7 but he lets it go because he loves his wife. He wants
8 to make his marriage work. How at other times talked
9 about maybe Kendrick could move in. Is it a thruple? Is
10 it polyamorous? Maybe he could move in. Not something
11 he's interested in, but he loved his wife and he wanted
12 to make it work. Hey, what about a threesome with the
13 three of us? Yumonica, Kendrick and Tirrell. Not
14 something he's interested in, but if it means keeping
15 his wife, it's something he might consider. He wanted
16 to make their marriage work.

17 On the incident date he left from work from their
18 marital home in Aiken. He had multiple projects going
19 on, things that he couldn't handle by himself, so he
20 asked a friend, Kareem Williams, who lived in Saluda,
21 and his brother, George Means, who lived in Greenville,
22 if they would help him out. The only problem is neither
23 of them had any transportation, so he would have to go
24 get them. He had a truck, goes and gets Kareem in
25 Saluda, he ends up getting George from the Hot Spot in

1 Ware Shoals. He brings them back, drops George off at
2 a place in Johnston where he's doing some demo work. He
3 and Kareem go on to get some supplies and work on one of
4 the other jobs that they have going on at that point in
5 time.

6 Tirrell's driving his truck, but he's having some
7 suspension problems with the truck. He'll tell you. I
8 think it was struts. At some point in time during the
9 day Monica and TT, the three-year-old, come out and meet
10 him for lunch at Logan's. He finishes up his projects
11 for the day. He, Kareem and George all head back to
12 that marital home in Aiken. They get there. You've got
13 those three there, you've got Monica there, you've got
14 J. V. who is Monica's ten-year-old, and you have TT,
15 the three-year-old there.

16 They all stay there for a while and at some point
17 in time it becomes time to take George back up to
18 Greenville. Tirrell's taking him, Kareem's gonna ride
19 with him, George is in the car. They're gonna take TT
20 with them also. Yumonica knows about the problems with
21 the truck. Hey, take my car, the Kia Soul, I'm gonna go
22 to the gym later with Patricia, so they all leave.

23 At some point in time J. V. doesn't want to go.
24 And they've got some home cameras and so Tirrell's asked
25 hey, can you just kind of watch the cameras to watch

1 J.V. since I'll be at the gym. Of course, Tirrell is
2 driving the Kia Soul, so watching the cameras kind of
3 becomes Kareem's job. At some point in time he realizes
4 that Kendrick Gambrell is over at the house, at his
5 marital home. J.V. lets him in. They're in there
6 for just a few minutes.

7 A person can only take so much. They leave. George
8 is dropped off. They start heading back. Kareem and
9 Tirrell get back to his house. Yumonica's not there.
10 Kareem's not there. J.V. is. Yumonica had a friend,
11 Patricia Pixley. Her car had been at that house for a
12 few days. It's now gone. Tirrell thinks, I wonder, maybe
13 Yumonica took the car and went over to Patricia's place.
14 It's not very far, so he drives over there, he sees
15 Patricia's car there and he gets out and he walks up to
16 the house and he hears something. He hears two people
17 having sex and he recognizes one of those voices. His
18 wife, Yumonica. He doesn't know what to do. His heart
19 is hurt. His heart is filled with despair and his heart
20 is filled with anguish.

21 He leaves. Just starts driving. Kareem's in the
22 car with him. His mind's racing. He can't think
23 straight. He starts to try to call her. He tries again,
24 he tries again. He's trying to contact her. He wants to
25 talk about what he heard. He wants to try to save his

1 marriage. No answer. Doesn't hear anything. He keeps
2 trying and keeps driving. He just wants to figure out
3 is there some way that I can fix this, but he can't get
4 in touch with her.

5 Finally, he comes up with the idea hey, if I tell
6 her I'm in an accident, she knows I'm with TT, maybe
7 that will do it. Maybe she'll contact me. So he does.
8 She -- finally they talk. She's mad, she's angry. She
9 believes he's gotten in a wreck with their three-year-old,
10 but when they talk he tells her it's not true. I just
11 want to talk. I didn't wreck the car. I just want to
12 talk with you.

13 She insists on coming to him anyway. Where are you
14 at? I'm coming to you. She drives in Patricia Pixley's
15 car stopping on the way at her house to pick up J. V. [REDACTED]
16 the ten-year-old, who's still at home alone, and heads
17 over to Edgefield.

18 She gets out. She's mad. She's angry. There's
19 an argument. He confronts her about what we saw, he
20 confronts her about hearing the sex, and she confirms
21 it. You will hear what she says and you will hear what
22 she does and you will hear how he snaps and in the heat
23 of passion he shoots her. A person can only take so
24 much.

25 Ladies and gentlemen, his actions were clearly

1 unlawful that night, but they weren't murder. His heart
2 was not filled with malice. His heart was filled with
3 hurt, despair and anguish. A person can only take so
4 much before they snap. Tirrell Means is not guilty of
5 murder. His conduct is certainly unlawful and he is
6 guilty of voluntary manslaughter, which is the unlawful
7 killing of another during a sudden heat of passion with
8 sufficient legal provocation, but he's not guilty of
9 murder.

10 Thank you.

11 THE COURT: All right. Is the State ready to call
12 their first witness?

13 MR. FENDER: The State calls Amanda Moore. Amanda
14 Moore.

15 THE CLERK: Please raise your right hand and place
16 your left hand on the Bible.

17 (Whereupon, Amanda Moore was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: Thank you, ma'am. Please be seated.
20 State your full name and spell your last for the record.

21 THE WITNESS: Amanda Moore, M-O-O-R-E.

22 AMANDA MOORE,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. FENDER:

1 Q. Ms. Moore, can you please tell us just a little bit
2 about what kind of work you do?

3 A. I'm the dispatch supervisor of the Edgefield County
4 Sheriff's Office.

5 Q. When you say dispatch, is that 9-1-1?

6 A. Yes.

7 Q. Can you tell the jury just a little bit about the
8 9-1-1 system?

9 A. So when you call 9-1-1, it rings into your local
10 agency. One of the dispatchers will be there to answer
11 the phone and create what we call a CAD, computed-aided
12 dispatch, where we put all of the information you give us
13 so we can dispatch police, fire or EMS.

14 Q. What's your title there at 9-1-1?

15 A. Mine is dispatch supervisor.

16 Q. As part of your responsibilities as dispatch
17 supervisor, do you maintain records of the calls?

18 A. Yes.

19 Q. Subject to a subpoena, did you review records from
20 July 3, 2019?

21 A. I did.

22 Q. Was that from an incident at Highway 191 and Younce
23 Pond Road?

24 A. Yes.

25 Q. Were records of that activity and conversation kept as

1 a regularly conducted business activity?

2 A. Yes.

3 MR. MADSEN: Judge, I have no objection.

4 THE COURT: Okay. I don't know what he's doing
5 with it, but that's fine.

6 MR. MADSEN: Well, I think that -- when he asks me,
7 I'm not going to have an objection.

8 THE COURT: Okay.

9 BY MR. FENDER:

10 Q. I'm showing you now what's been marked as State's
11 Exhibit 1. Can you please tell us what this is?

12 A. That is a recording of the 9-1-1 call into our
13 dispatch center in reference to the call on 191 and Old
14 Plank Road.

15 Q. Is that fair and accurate?

16 A. Yes.

17 MR. FENDER: Your Honor, at this time I'd enter
18 into evidence State's Number 1.

19 THE COURT: Any objection?

20 MR. MADSEN: No objection.

21 THE COURT: It's admitted.

22 (State's Exhibit Number 1, a 9-1-1 call, was
23 admitted into evidence.)

24 MR. MADSEN: Judge, do you mind if I -- I keep on
25 forgetting to take this off and I know it can be hard to

1 hear for the court reporter with it.

2 THE COURT: No. You know, just for housekeeping
3 purposes, let me tell you I do not allow the witness to
4 wear a mask while on the stand, nor the lawyers, because
5 I want to make sure the jury can hear them and I want
6 them to see everybody's face.

7 MR. MADSEN: Thank you, Your Honor.

8 BY MR. FENDER:

9 Q. What was the call time, Ms. Moore?

10 A. 1:31 AM.

11 MR. FENDER: Thank you, Ms. Moore.

12 MR. MADSEN: No questions.

13 MR. FENDER: The State calls Felicia Barfield.

14 THE COURT: Well, let me get Ms. Moore off the
15 stand.

16 Ms. Moore, you may be excused. Thank you for
17 coming.

18 (Witness excused.)

19 THE CLERK: Raise your right hand and place your
20 left hand on the Bible.

21 (Whereupon, Felicia Barfield was duly sworn by the
22 Clerk of Court.)

23 THE CLERK: Thank you, ma'am. Please be seated.
24 State your full name. Spell your last name for the
25 record.

1 THE WITNESS: Felicia Barfield, B-A-R-F-I-E-L-D.

2 FELICIA BARFIELD,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FENDER:

6 Q. Ms. Barfield, can you tell us just a little bit about
7 who you work for and what you do?

8 A. I currently work for North Augusta Public Safety. I
9 was a dispatcher at Edgefield County at the time this call
10 came in.

11 Q. Were you working on July 3rd of 2019?

12 A. Yes.

13 Q. I'm showing you now what's State's Exhibit 1. Are you
14 familiar with this item?

15 A. Yes.

16 Q. Can you please tell us what that is?

17 A. That is a 9-1-1 recording of the call that I took on
18 July 3rd.

19 Q. Can you tell us the nature of the call?

20 A. It was a female subject on the ground with a gunshot
21 wound.

22 Q. What was the nature of the call? Was it a -- who was
23 the caller?

24 A. The caller was a ten-year-old juvenile.

25 Q. Is there a telephone number?

1 A. There is.

2 Q. Can you please read that to us?

3 A. There's two different numbers. There's 864-506-3519
4 and also 803-508-5357.

5 Q. I'm sorry, could you give that to us one more time?

6 A. Yes. 864-506-3519. And then there's another number,
7 803-508-5357.

8 Q. So after this call was received, what was the law
9 enforcement's response?

10 A. They responded out to Highway 191 and Old Plank Road.

11 Q. What number was calling in?

12 A. The phone number that called in was the 864 number.

13 Q. What was the callback number?

14 A. The callback number was 803-508-5357.

15 MR. FENDER: Thank you.

16 THE COURT: Any questions?

17 MR. MADSEN: No questions.

18 THE COURT: All right. May I excuse Ms. Barfield?

19 MR. MADSEN: Yes, Your Honor.

20 THE COURT: From the State?

21 MS. MAYES: Yes, Your Honor.

22 THE COURT: Ms. Barfield, thank you for coming in.

23 You may be excused.

24 (Witness excused.)

25 MS. MAYES: The State calls Jacob Derrick.

1 THE CLERK: Raise your right hand and place your
2 left hand on the Bible.

3 (Whereupon, Jacob Derrick was duly sworn by the
4 Clerk of Court.)

5 THE CLERK: Thank you very much. Please be seated.
6 State your full name. Spell your last name for the
7 record.

8 THE WITNESS: Jacob Derrick, D-E-R-R-I-C-K.

9 THE COURT: Mr. Derrick, move that microphone a
10 little closer to you so they can hear.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Thank you.

13 JACOB DERRICK,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Good morning, Mr. Derrick.

18 A. Good morning.

19 Q. Tell us a little bit about yourself first, if you
20 could. Where are you currently employed?

21 A. I'm employed at Crabbe Aviation, which is located in
22 Ward, South Carolina.

23 Q. You said Ward, South Carolina. What county is that
24 in?

25 A. Saluda.

1 Q. And where do you actually live?

2 A. I live in Aiken. On the west side of Aiken.

3 Q. Now how familiar are you with Edgefield county?

4 A. Pretty familiar. I pretty much drive through
5 Edgefield county to get to work every day.

6 Q. All right. Working in Ward and living in Aiken?

7 A. Yes, ma'am.

8 Q. Now how old are you, Mr. Derrick?

9 A. 28.

10 Q. Tell us a little bit about your background and
11 training, specifically in any type of civil service
12 fields.

13 A. Okay. So I graduated college at Clemson with a
14 bachelor's of wildlife fisheries biology. I work at
15 Crabbe Aviation. What I do there is mapping. I give my
16 crews a file that I create from an aerial imagery, so I
17 work a lot with aerial imagery. I also have been a
18 voluntary firefighter with Ridge Spring Fire Department for
19 going on thirteen years now, I believe.

20 Q. All right. So I want to ask you a little bit more
21 about that. Your work as a volunteer firefighter with
22 Ridge Spring, now what county is Ridge Spring in? I'm
23 gonna move this microphone back a little bit from you.

24 Judge, if I may approach?

25 THE COURT: You may.

1 A. Ridge Spring is in Saluda county.

2 Q. All right. So how old were you approximately when
3 you began to work as a volunteer firefighter for Ridge
4 Spring?

5 A. I began -- they had an explorer program, so I began
6 at an early age of 14 or 15 and by the age of 18 I was
7 allowed to do more in-structure firefighting, but at the
8 age of 14 I was able to find a ride and ride with one of
9 my brothers, who are also involved with the fire
10 department, and I was able to attend wrecks, help with
11 ladder carrying, hose carrying.

12 Q. All right. So I want to ask you a little bit about
13 that. As a volunteer firefighter, do you have experience
14 in your background in providing first aid, for example?

15 A. Yes.

16 Q. And responding to situations such as car accidents
17 or attending to persons in distress?

18 A. Yes. Throughout my years of volunteering, I've come
19 upon many vehicles that have been abandoned or off in a
20 ditch and that have either resulted in a wreck or something
21 to that effect.

22 Q. Now you mentioned that you live in Aiken, but you work
23 in Ward?

24 A. Yes, ma'am.

25 Q. How is it that you normally travel that route from

1 Aiken to Ward or the area in Saluda county that you most
2 commonly frequent?

3 A. So basically I live on the west side of Aiken and I
4 travel to Highway 19 and I take Highway 19 all the way down
5 to the intersection in Eureka and it branches off into a
6 road that's called 191 and I take 191 all the way to Old
7 Plank Road and I turn right on Old Plank Road and then
8 McCreight and then Beechcreek and then to work.

9 Q. And that's the normal route that you take?

10 A. Every day, yes, ma'am. Well, except Saturday.

11 Q. And then are there times that you need to travel that
12 route after hours, for example?

13 A. Yes, ma'am. My brother lives in that area on
14 McCreight Road and every once in a while I'll dog sit for
15 him and I like to take my time to get there and a lot of
16 times I won't need to be there until the morning, so I will
17 stay at my house until the early hours of the night and
18 then just kind of go there so I won't have to wake up so
19 early to get to work. And also after work we stay late,
20 sometimes 9:00 at night, 10:00 at night finishing up this
21 or that, and I take that way home late at night.

22 Q. Okay. I want to take you to the date of July 3, 2019,
23 in the early morning hours around 1:30 AM. Do you recall
24 that date, Mr. Derrick?

25 A. Yes, ma'am.

1 Q. All right. I'm gonna show you what is State's
2 Exhibit 3, being an aerial map, and ask you whether or not
3 you recognize this?

4 A. Yes, ma'am, I do.

5 Q. Do you see in this the road for -- the road you
6 mentioned previously that you travel to and from Saluda to
7 Aiken?

8 A. Yes, ma'am. This right road right here, 191.

9 Q. All right.

10 MS. MAYES: Your Honor, if the witness may step down.

11 THE COURT: You may.

12 MR. MADSEN: She probably needs to introduce that
13 first and I don't have an objection.

14 THE COURT: Are you introducing it?

15 MS. MAYES: Your Honor, this would be State's
16 Exhibit 3 with no objection.

17 MR. MADSEN: No objection.

18 THE COURT: It's entered.

19 (State's Exhibit Number 3, an aerial map, was
20 admitted into evidence.)

21 THE COURT: And I'm gonna allow you, Mr. Derrick,
22 to step down if she wants you to.

23 (Whereupon, the witness steps down from the witness
24 stand.)

25 BY MS. MAYES:

1 Q. All right. If you could, let's take a look at this
2 particular exhibit. It's in evidence as State's Exhibit 3.
3 I'm gonna hand you this pointer and ask you if you can
4 take us through how one would come from Aiken towards
5 Edgefield.

6 A. What was the question? I'm sorry.

7 Q. How would one travel from Aiken towards Edgefield
8 county looking at this map?

9 A. Okay. Coming from Aiken, which is down here, you
10 would be travelling this way toward my work, toward
11 Edgefield.

12 Q. All right. Now what is this particular location here
13 that is marked at Younce Pond Road?

14 A. This is a dirt road, very dark, very secluded. I'm
15 not even sure if there is a sign dictating it as Younce
16 Pond Road it's so secluded, but it is a dirt road that
17 travels right to Old Plank Road, which goes across right
18 here, it's not shown, but -- and this is another side dirt
19 road here.

20 Q. All right. Mr. Derrick, on the - or in the early
21 morning hours of July 3, 2019, were you travelling that
22 road at approximately 1:30 AM?

23 A. Yes, ma'am.

24 Q. Looking at this map, tell us what, if anything, you
25 observed.

1 A. As I was travelling down this -- in this direction,
2 I came upon a vehicle that was parked right along the side
3 of the road right here and the vehicle's door was in the
4 roadway open, the driver door, and so I went round and
5 pulled over to the side to see what was the matter.

6 Q. Okay. You may return to your seat.

7 A. (Witness complies.)

8 Q. And so to clarify, that particular vehicle was right
9 here at the intersection of the 191 and the Younce Pond
10 Road intersection?

11 A. Yes, ma'am.

12 Q. Tell us about the vehicle that you observed.

13 A. As I was approaching, the vehicle was a black
14 four-door vehicle and, like I said, it was parked on the
15 side of the road but close enough to where the driver door
16 was in the roadway and I had to go to the other lane to
17 avoid hitting it.

18 Q. All right. So I want to ask you a little bit more
19 about that. You recall that where the black vehicle was
20 parked its doorway was actually open?

21 A. Yes, the driver's door was open in the road.

22 Q. And where it was open, how close to the roadway was
23 that open door?

24 A. The open door was in the roadway. The drive -- the
25 wheels were right on the white line.

1 Q. All right. Right there at that intersection of Younce
2 Pond and 191?

3 A. Yes, ma'am.

4 Q. What, if any, concern did you have about observing a
5 vehicle at that hour with the driver's side door open?

6 A. Generally when I see something like that it either
7 means -- especially with a door open, it either means
8 there was some kind of accident or somebody was ejected or
9 something was -- somebody hit something and got out and
10 couldn't get no further and then collapsed, and that was my
11 suspected belief at that time.

12 Q. Do you remember if the lights were on on the vehicle?

13 A. I do not.

14 Q. Okay. What happened next?

15 A. When I pulled over, I approached the vehicle and at
16 that time as I was approaching I saw the victim. I
17 received the phone from the 9-1-1 dispatch -- or the phone
18 that had the 9-1-1 call on it and I proceeded to speak to
19 the 9-1-1 dispatcher.

20 Q. Okay. So I want to slow you down and go through that
21 a little bit more.

22 A. Sure.

23 Q. You said you saw the victim. Tell us exactly what you
24 saw and in what relation the victim was to that vehicle.

25 A. Okay. So as I walked up, the victim was laying on

1 the ground not too far from the vehicle kind of in the
2 dirt. I could see blood as I got closer. I could not see
3 any breathing or any sign of life.

4 Q. Who else was at the scene with the victim?

5 A. There was a little girl at the time and she was
6 outside the vehicle and she was crying hysterically,
7 extremely upset.

8 Q. All right. So you saw a little girl. How close was
9 she to the victim?

10 A. She was on the driver's side of the vehicle. She was
11 within less than ten feet from the victim, I believe.

12 Q. All right. And was the victim male or female?

13 A. The victim was female.

14 Q. With your training as a volunteer firefighter, what,
15 if any, action did you take when you observed her there in
16 the roadway?

17 A. Basically I wanted to make sure that -- all this was
18 happening as I was speaking to the 9-1-1 dispatcher and I
19 wanted to make sure that they got to the correct location.
20 I made sure that -- I came over to the victim and made sure
21 that her vitals were -- seemed to be not there. Checked
22 her vitals. Sorry.

23 Q. Let me -- let me ask you a little bit more about that.

24 A. Okay. I'm sorry.

25 Q. When you say that you came over to her to check for

1 vitals, did you disturb the scene in any way?

2 A. I did not. No, ma'am.

3 Q. And where on her body do you recall checking her vital
4 signs?

5 A. I just got close enough to hear her breathing. I did
6 not touch the body.

7 Q. Okay. And did she appear to be breathing?

8 A. No, ma'am, she did not. She appeared to be deceased.

9 Q. And you mentioned the little girl?

10 A. Uh-huh.

11 Q. And eventually did you obtain the phone where the
12 9-1-1 call was being made?

13 A. Yes, I did.

14 Q. And do you recall what you did with that phone?

15 A. After I directed responding officers to the scene,
16 once they got there I directly handed the phone to one of
17 the officers at the scene.

18 Q. I'm gonna show you some photographs and ask you to
19 take a look at them. This is State's 11. If you could
20 just take a moment to look at that. State's 12.

21 State's 6. And then for ID only State's 7, which means
22 I'm just gonna show you this and ask you whether or not
23 you recognize State's 7?

24 A. Yes.

25 Q. Does State's 7 appear to be a fair and accurate

1 representation of the victim as you recall her?

2 A. Yes.

3 Q. And beyond that, did you disturb the scene or the body
4 of the victim in any way?

5 A. No, ma'am.

6 Q. Going back to these photographs, which are State's 6,
7 State's 12 and State's 11, do all of these photographs
8 appear to be a fair and accurate representation of the
9 events at the scene as you recall them?

10 A. Yes.

11 Q. And in State's 6, does that appear to be a fair and
12 accurate representation of the vehicle that you recall?

13 A. The only difference in State's 6 is that the vehicle
14 had the driver's door open when I --

15 Q. When you --

16 A. -- when I arrived, yes.

17 Q. Okay. And does State's 6 depict how the vehicle
18 appeared at the scene once first responders arrived and the
19 door was closed?

20 A. Yes. Well, I mean --

21 Q. After the door --

22 A. -- after the door was closed, yes. I'm sorry.

23 Q. Okay. So all of these appear to be fair and accurate
24 representations of the scene as you remained there that
25 night?

1 A. Yes.

2 Q. Now, Mr. Derrick, did you remain there after the
3 arrival of the first officers?

4 A. Yes.

5 Q. And even further when additional officers and
6 investigators arrived?

7 A. Yes, I talked to the officer and he told me to wait
8 around and wait for a statement.

9 Q. Okay.

10 MS. MAYES: Your Honor, this would be State's 6,
11 11 and 12 for evidence.

12 THE COURT: Any objection?

13 MR. MADSEN: No objection.

14 THE COURT: They're admitted.

15 (State's Exhibit Number 6, 11 and 12, photographs,
16 were admitted into evidence.)

17 THE COURT: And I've marked Number 7 as ID only.

18 BY MS. MAYES:

19 Q. I'm gonna ask you, Mr. Derrick, if you can, to take
20 a look at the screen behind you.

21 A. Okay. Yes, ma'am.

22 Q. That would be State's Exhibit 6 that you've already
23 identified as the victim's vehicle, and then looking here
24 at State's Exhibit 3, if you could show us approximately
25 where you recall that vehicle being parked here at 191 and

1 Younce Pond Road.

2 A. Right there.

3 Q. Okay. And then looking at this photo, where is the
4 roadway in relation to that photograph?

5 A. So the Highway 191 is on the far side of the car right
6 here on the driver's side and Aiken would be that way and
7 Edgefield and Ward would be this way.

8 Q. All right. And can you actually see the roadway in
9 this photograph?

10 A. Yes.

11 Q. Can you show us where that is?

12 THE COURT: You may.

13 (Whereupon, the witness steps down from the witness
14 stand.)

15 THE WITNESS: Sorry. Right here. So Aiken would
16 be coming from that way and then heading this way would
17 be how I would get to Ward and this dirt road goes this
18 way.

19 MS. MAYES: Okay. Thank you.

20 (Whereupon, the witness returns to the witness
21 stand.)

22 BY MS. MAYES:

23 Q. Next I want to show you a photograph, State's 12,
24 and ask you what we're looking at in that particular
25 photograph?

1 A. That would be me, I believe, talking to one of the
2 officers and I think I might have been handing him my
3 identification at that point or close to that.

4 Q. Okay. And then tell us what is happening in State's
5 Exhibit 11.

6 A. That is me handing over the phone to the officers at
7 the end of the 9-1-1 call.

8 Q. Okay. And do you see the phone in -- present in that
9 photograph?

10 A. Yes, ma'am, I do.

11 Q. Can you show us where that phone is?

12 A. Yes, ma'am. Right here.

13 Q. Okay. And so you're actually handing the phone to the
14 officer who's wearing this body cam?

15 A. Yes, ma'am.

16 Q. All right. So I want to ask you a little bit more
17 about that. You said that is the phone where the 9-1-1
18 call was -- was made?

19 A. Yes, ma'am.

20 Q. And that's how you were communicating with 9-1-1
21 dispatchers?

22 A. Yes, ma'am.

23 Q. Now you mentioned that there was a child at the scene,
24 a little girl?

25 A. Yes, ma'am.

1 Q. Is it your understanding that she had already been in
2 communication with 9-1-1 at the time of your arrival?

3 A. Yes, ma'am, because the dispatcher kind of already had
4 a location.

5 Q. Okay. And upon your arrival, how did you assist the
6 child in taking over that 9-1-1 call? Was the phone handed
7 to you at some point?

8 A. Yes, it was. Sorry.

9 Q. And did the child remain there at the scene as you
10 were on the phone with 9-1-1?

11 A. Yes, ma'am, she did. She was.

12 Q. Now when you arrived and you found the child there,
13 how did you go about making sure that she was safe and that
14 there was no suspect at the scene, that sort of thing?

15 A. As I was arrived, she -- she seemed to be at the car
16 and from as best I could tell, it was dark, but there was
17 -- it seemed to be nobody else in sight. I was not a
18 hundred percent sure, but there was peach trees. I mean,
19 there was woods. It was dark.

20 Q. Where the suspect, Michael Tirrell Means, is
21 concerned, did you see any signs of him at that scene?

22 A. No, ma'am, I did not.

23 Q. Or the Kia Soul that belonged to Yumonica Means that
24 he was driving?

25 A. No, ma'am, I did not.

1 Q. Now the 9-1-1 call that is already marked as evidence
2 in this case, you have previously had a chance to hear
3 that?

4 A. Yes, ma'am.

5 Q. Let me show you State's Exhibit 1. Do you recognize
6 your initials?

7 A. Yes, ma'am, I do.

8 Q. Can you tell us whether or not this 9-1-1 call is a
9 fair and accurate representation of your communications
10 with dispatch as you recall that night trying to get
11 assistance out to that location at 1:30 in the morning?

12 A. Yes, ma'am.

13 MS. MAYES: Your Honor, at this time the State
14 requests permission to publish.

15 THE COURT: Any objection?

16 MR. MADSEN: No, Your Honor.

17 THE COURT: You may.

18 BY MS. MAYES:

19 Q. Now before we get started, you had a chance to listen
20 to the 9-1-1 call?

21 A. Yes, ma'am.

22 Q. In the beginning of the call, whose voice is it?

23 A. In the beginning of the call, whose voice was on the
24 9-1-1 call?

25 Q. Right. At the start, can you tell us whether or not

1 the child was on the call?

2 A. Yes. Yes.

3 Q. And then later when we hear a male voice, whose voice
4 is that?

5 A. My voice.

6 (Whereupon, State's Exhibit Number 1, a 9-1-1 call,
7 was played.)

8 BY MS. MAYES:

9 Q. Now to clarify, Mr. Derrick, from the time you arrived
10 and you observed the victim until when that call ended,
11 did you ever see the victim move or show any signs of life?

12 A. No, ma'am.

13 Q. Okay. And you mentioned in the call that there had
14 been another vehicle that stopped in front of you. Did
15 that also appear to be a bystander or passing motorist?

16 A. Yes, ma'am.

17 Q. That was not the Kia Soul with the suspect?

18 A. No, ma'am.

19 Q. And you mentioned your familiarity to us many times
20 of your travel route from Aiken to this location. When we
21 talk about this particular area of the intersection between
22 191 and Younce Pond Road, are there any cities nearby?

23 A. No, ma'am.

24 Q. What would be the nearest city nearby?

25 A. I believe the outskirts of Johnston would be seven or

1 eight miles if you kept going north and Ward and Ridge
2 Spring would be ten or eleven miles to the northeast.

3 Q. All right. And are there any businesses or well-lit
4 areas around this intersection of Younce Pond Road?

5 A. No, ma'am, not at all.

6 Q. How is it when you're travelling this route at night?
7 How does it appear to you?

8 A. Very eerie.

9 MS. MAYES: Nothing further of Mr. Derrick, Your
10 Honor.

11 THE COURT: Mr. Madsen.

12 CROSS-EXAMINATION

13 BY MR. MADSEN:

14 Q. So -- so, Mr. Derrick, I guess you work or you
15 volunteer at the fire department with my friend Chris
16 Bradley?

17 A. Yes. I don't think he's there anymore.

18 Q. Is he retired?

19 A. I think -- I thought so. I haven't seen him in a
20 while.

21 Q. Me neither. That's why I asked you. Let me ask you,
22 you say when you get there that the door is open. Do you
23 know who shuts the door to the car?

24 A. I do not. I assume it was the officers on-scene.

25 Q. And then the solicitor asked you about -- and I'm

1 gonna try to speak up, so --

2 (Siren going down the street.)

3 THE COURT: Sorry about that. I'm hoping that if
4 we give it just a second, it will hopefully go on down
5 the road.

6 THE DEPUTY: It will stop momentarily.

7 THE COURT: It will?

8 THE DEPUTY: Yes, ma'am.

9 MR. MADSEN: If anyone could -- if anyone will
10 raise their hand if they can't hear me. I only have a
11 few questions.

12 BY MR. MADSEN:

13 Q. So she asked you about, you know, close to a town
14 or that. I mean, that's -- most of Edgefield county
15 realistically is kind of out -- farmland, away from
16 everything else, correct?

17 A. Yes. Yes.

18 Q. And then you had said that J. V. [REDACTED] was about ten feet
19 from her mom when you got out there and you said that
20 Ms. Means was -- was she from me to you to the car, farther
21 away, back where I was standing over here?

22 A. If I'm the car, I believe she was a little -- a little
23 closer than me and you maybe.

24 Q. About this like?

25 A. I -- I think so.

1 Q. Fifteen, twenty feet?

2 A. Possibly, yes.

3 MR. MADSEN: That's all the questions I have.

4 THE COURT: Redirect.

5 MS. MAYES: Yes, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. You mentioned -- you mentioned that you live in Aiken.
9 There's plenty of well-lit areas in Aiken even at 1:30 in
10 the morning; aren't there, Mr. Derrick?

11 A. Yes, ma'am.

12 Q. There's a twenty-four hour Wal-Mart?

13 A. Yes, ma'am.

14 Q. A twenty-four hour Kroger?

15 A. Yes, ma'am.

16 Q. There's a Waffle House at Exit 18 when you're coming
17 down Edgefield Highway?

18 A. Yes, ma'am. Multiple gas stations as well.

19 MS. MAYES: Nothing further.

20 RECROSS-EXAMINATION

21 BY MR. MADSEN:

22 Q. Well, that's Aiken city, isn't it? I mean, you've
23 been out to Wagener, Salley. I mean, there's a large
24 portion of Aiken that's kind of rural also, isn't there?

25 A. Yes.

1 Q. And Edgefield doesn't have like the big Aiken city?

2 A. Right.

3 MR. MADSEN: That's all the questions I have.

4 MS. MAYES: The State calls Deputy James Morgan.

5 THE COURT: Hold on. Let me excuse Mr. Derrick and
6 let me ask, Mr. Foreman, if you'd consult with the jury.
7 Y'all have been sitting for about hour and twenty minutes.
8 I didn't know if you wanted a quick break.

9 Mr. Derrick, thank you for coming. You may be
10 excused.

11 (Witness excused.)

12 FOREPERSON: Yes.

13 THE COURT: That's a yes?

14 FOREPERSON: Unh-unh. No, we don't need a break.

15 THE COURT: Okay. Go ahead. Call your next
16 witness.

17 MR. MADSEN: Judge, can we approach for just a
18 second?

19 THE COURT: Sure.

20 (Proceedings held at the bench; not reported.)

21 THE CLERK: Who did you call?

22 MS. MAYES: The State calls James Morgan.

23 THE CLERK: Raise your right hand and place your
24 left hand on the Bible.

25 (Whereupon, James Morgan was duly sworn by the

1 Clerk of Court.)

2 THE CLERK: Thank you, sir. Please be seated.
3 State your full name. Spell your last name for the
4 record.

5 THE WITNESS: James Morgan, M-O-R-G-A-N.

6 JAMES MORGAN,

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. MAYES:

10 Q. I want to start by asking you a few questions about
11 yourself. Where are you currently employed?

12 A. With the Edgefield County Sheriff's Office.

13 Q. All right. How long have you been in law enforcement?

14 A. I've been in law enforcement approximately ten years.
15 This September will make my tenth year.

16 Q. Tell us what your current rank is.

17 A. I'm a sergeant for the road patrol.

18 Q. All right. Now, Sergeant Morgan, what is involved in
19 road patrol?

20 A. Road patrol, we answer calls for service, also do
21 patrol checks, traffic stops. Just the daily operations
22 of law enforcement.

23 Q. Does that also involve shift work for the Edgefield
24 County Sheriff's Office?

25 A. It does.

1 Q. Does that mean sometimes you're working the midnight
2 shift?

3 A. Correct.

4 Q. I want to take you back to July 3, 2019, in the early
5 morning hours, 1:30 AM.

6 A. Yes, ma'am.

7 Q. Tell us what, if anything, you recall, Sergeant
8 Morgan.

9 A. I was on the -- what we refer to as the midnight shift
10 or nightshift. During that time we come into work at 5 PM
11 and we get off at 5 AM in the morning, so during that time
12 I was on patrol and answering calls for service.

13 Q. And how were you alerted that there was an emergency
14 at that location?

15 A. Through our dispatchers. The Edgefield County
16 Sheriff's Office dispatchers.

17 Q. What did you do next?

18 A. Ma'am?

19 Q. What did you do next?

20 A. During that time they gave us a callout for the area
21 of 191 with a female laying on the side of the road and
22 bleeding. We ran code, which is blue lights and sirens, to
23 the area not knowing what was going at the time, but, you
24 know, needed to get there quickly if somebody's on the side
25 of the road bleeding to render aid.

1 Q. And who was the first officer who arrived at the
2 scene?

3 A. That would be me and Deputy Gentry was right behind
4 me.

5 Q. And you were the first at the scene?

6 A. Yes, ma'am.

7 Q. Sergeant Morgan, do you have a record of the time of
8 your arrival there as the first officer at the scene?

9 A. Yes, ma'am, I do. I have my incident report.

10 Q. What was the arrival time?

11 A. The incident report was 1:40 AM.

12 Q. That shows your arrival time?

13 A. I'm sorry, I missed that through the siren.

14 Q. 1:40 AM would be your arrival time?

15 A. Yes, ma'am.

16 Q. All right. And do you also have a record as to what
17 time that 9-1-1 call came in and you officers were
18 dispatched out to that location?

19 A. Yes, ma'am. We were dispatched at 1:31 AM.

20 Q. All right. So 1:31 and your arrival time is 1:40,
21 it took you approximately nine minutes to get there as the
22 first officer at the scene?

23 A. Yes, ma'am.

24 Q. I want to show you what is State's Exhibit 3 already
25 in evidence and ask you whether or not you're familiar with

1 this?

2 A. Yes, ma'am. This is a portion of Edgefield county on
3 Highway 191 and Younce Pond Road.

4 Q. All right. And specifically which area or which
5 location did you respond to there at 1:40 AM?

6 A. Right here at the intersection of the dirt road
7 portion of Younce Pond and South Carolina Highway 191.

8 Q. All right. Sergeant Morgan, tell us what you recall
9 when you arrived at that location at 1:40 AM.

10 A. I recall Mr. Derrick, who was previously up here, he
11 was on the side of the road and there was a child there
12 also. I didn't speak to Mr. Derrick, I just immediately
13 went to the child to make sure she was okay. I'd seen
14 there that it was a lifeless body on the side of the road
15 with a pool of blood, so I grabbed the child and I asked
16 her was anybody else around to secure the scene to make
17 sure there was no ambush or anybody else lying in wait not
18 knowing what I had at the time. She said no and I said
19 come with me. She was obviously shaking, just terrified
20 more or less. Being a small child like that I immediately
21 just wanted to get her away from the body and the scene
22 for, you know, just traumatic events. So I told her, I
23 said come with me, sweetie, and I took her to the back of
24 the car. Deputy Gentry pulled up. I said let's put her in
25 the back of the car and that way she doesn't have to see

1 any more of what our operation entailed that was going on
2 and to get her away from the body. So Deputy Gentry pulled
3 up and we put her in the back of his car and secured her
4 there.

5 Q. Now at that point in time, were there any signs of the
6 suspect, Michael Tirrell Means?

7 A. No, ma'am. There was only a pick-up truck that was up
8 the road back towards Johnston a short piece with their
9 hazard lights on. There was a black car, a four-door sedan
10 there, and that was it. And then our two patrol cars.

11 Q. Okay. And you are looking now at State's Exhibit 11
12 already up on the screen. Do you recognize that
13 individual?

14 A. Yes, ma'am. That would be Mr. Derrick, who was the
15 passerbyer that night.

16 Q. Okay. And he was already present there when you
17 arrived?

18 A. Yes, ma'am.

19 Q. And then you mentioned a black vehicle also at the
20 scene. I'm gonna show you what is State's Exhibit 6
21 already in evidence and ask you whether or not you
22 recognize that vehicle?

23 A. Yes, ma'am. That is the black four-door sedan.

24 Q. And when you arrived, were there other officers
25 arriving, too?

1 A. Yes, ma'am.

2 Q. Was your initial concern the vehicle or the child?

3 A. The child.

4 Q. And you mentioned that you had her placed in your
5 vehicle.

6 A. In Deputy Gentry's vehicle.

7 Q. Did you or Deputy Gentry attempt to interview her
8 yourself?

9 A. No, ma'am.

10 Q. Why is that?

11 A. Just based off about my years of experience, if
12 you get to asking too many questions, then the stories
13 get confused and questions get confused later on when
14 investigators get on the scene, so, therefore, we just --
15 one a major event like that we tend to leave the child or
16 victim or witnesses out of it, out of the deputies's part
17 of it, until the investigators get there so there's only
18 one set of questions and one answer.

19 Q. All right. And who is the investigator who was
20 working as the lead investigator at the scene that night?

21 A. Investigator Smith was the on-call investigator that
22 night.

23 Q. Jimmy Smith?

24 A. Yes, ma'am.

25 Q. Tell us about Jimmy Smith.

1 A. Jimmy Smith was a wonderful guy. I had the
2 opportunity to work with him for many years. I worked
3 with him closely on many different cases, but unfortunately
4 Mr. Smith had some health problems and he passed away
5 just a couple -- well, about a year ago, year and a half
6 ago.

7 Q. And a few months after this crime occurred?

8 A. Correct.

9 Q. But that night Investigator Jimmy Smith responded out?

10 A. Yes, ma'am.

11 Q. And you recall him being at the scene?

12 A. Yes, ma'am.

13 Q. And that particular night who was in the role as lead
14 investigator?

15 A. Investigator Smith.

16 Q. All right. Now in addition to Investigator Smith,
17 who would have been the ranking officer at the scene that
18 night?

19 A. The ranking officer as far as road patrol?

20 Q. For the investigation.

21 A. Investigations would have been at the time Lieutenant
22 Doran over investigations.

23 Q. Lieutenant Randy Doran?

24 A. Correct.

25 Q. Now do you have knowledge as to whether or not

1 Investigator Smith in his role as an investigator did have
2 a chance to speak with the child?

3 A. Yes, ma'am.

4 Q. And do you -- can you tell us whether or not you
5 recognize the name J. [REDACTED] V. [REDACTED]

6 A. Yes, ma'am.

7 Q. Is J. [REDACTED] V. [REDACTED] the child?

8 A. Yes, ma'am.

9 Q. And are you aware that she was ten years old?

10 A. Yes, ma'am.

11 Q. And then in addition to Investigator Jimmy Smith, did
12 you have anyone else on staff at the Edgefield County
13 Sheriff's Department who you deferred to for interviewing
14 children in a situation such as this?

15 A. Yes, ma'am. When I made the notifications, I also
16 requested that Investigator Mason, Gladys Mason, she's
17 our victim's advocate, respond to the scene due to she
18 is very -- very well in speaking with kids and getting
19 on their level and just being kind of that mother role,
20 that female soft voice more than, you know, maybe a male
21 sometimes.

22 Q. And are you familiar with whether or not Gladys Mason
23 did respond as well to speak with J. [REDACTED] V. [REDACTED]

24 A. She did.

25 Q. I'm gonna show you what is State's 16 and ask you

1 whether or not you recognize that?

2 A. I do.

3 Q. And also State's 13 and 14, and ask you whether or not
4 you recognize these photographs from your review of body
5 cam footage?

6 A. I do. And also on Number 13, yes, ma'am.

7 Q. And you recognize all of the persons depicted in these
8 photographs?

9 A. Yes, ma'am.

10 Q. Now did you remain at the scene throughout that
11 evening assisting with this investigation?

12 A. Yes, ma'am.

13 Q. While Investigator Smith was there?

14 A. Yes, ma'am.

15 Q. While Lieutenant Doran was there?

16 A. Yes, ma'am.

17 Q. And ultimately after Gladys Mason arrived?

18 A. Yes, ma'am.

19 Q. Okay. And, of course, you've already mentioned your
20 interaction with ten-year-old J. [REDACTED] V. [REDACTED]

21 A. Correct.

22 MS. MAYES: Your Honor, at this time the State
23 would offer 13, 14 and 16 as evidence.

24 MR. MADSEN: No objection.

25 THE COURT: They're entered.

1 (State's Exhibit Number 13, 14 and 16, photographs,
2 were admitted into evidence.)

3 BY MS. MAYES:

4 Q. And you mentioned that J.V. [REDACTED] was placed inside a
5 law enforcement vehicle?

6 A. Yes, ma'am.

7 Q. I'm gonna show you State's 14. Who are we looking at
8 in this photograph?

9 A. If you're looking at the photograph, the male subject
10 with the glasses on to the left, that is Investigator
11 Smith, and you can see the young female in the white shirt,
12 that is the ten-year-old in the matter.

13 Q. And she's seated in a patrol car?

14 A. Correct.

15 Q. And is all --

16 A. You can see the cage divider between the back seat
17 and the front seat right there in front of her depicts the
18 patrol car.

19 Q. And all of this is happening while at the scene at
20 Younce Pond Road?

21 A. Correct. Yes, ma'am.

22 Q. I'm gonna show you what is State's 13.

23 A. That is also a picture of the ten-year-old sitting in
24 the back of the patrol car.

25 Q. And do you recognize Investigator Smith in that

1 photograph?

2 A. Based off the hands, I assume that's Investigator
3 Smith writing down something, but without a picture of his
4 face I'm not gonna testify to it.

5 Q. And State's 16?

6 A. That there, the lady closest to you in the black
7 shirt, is Investigator Mason, and then on the other side
8 of that in the white shirt is the ten-year-old.

9 Q. This is J. [REDACTED] V. [REDACTED]

10 A. And Investigator Mason right there, yes.

11 Q. Gladys Mason. You mentioned that you remained on the
12 scene?

13 A. (Nods head.)

14 Q. During the course of this investigation and the
15 contact that investigators had with J. [REDACTED] V. [REDACTED] was a
16 suspect in this case developed?

17 A. Yes, ma'am.

18 Q. Who was that suspect?

19 A. That would be Mr. Tirrell Means.

20 Q. And, again, was he ever at the scene that night from
21 the time of your arrival to any point afterwards?

22 A. No, ma'am.

23 Q. When you're working a case and a suspect flees the
24 scene of a crime, what action does law enforcement take
25 next?

1 A. The next action would be to immediately place out a
2 BOLO, which is be on the lookout, to other agencies,
3 including the surrounding agencies within Edgefield and
4 then the outside agencies of Edgefield, and this case
5 being a murder case it would go off across the state.
6 After that, we come back and complete an incident report
7 and once the incident report is completed we give it to
8 our dispatchers and it is placed on NCIC, which is the
9 National Crime Information Center, and then from there it
10 is broadcasted across the United States.

11 Q. Now the vehicle at the scene, was that believed to be
12 the vehicle the victim, Yumonica Means, and her daughter,
13 J. [REDACTED] V. [REDACTED] arrived in?

14 A. Yes, ma'am.

15 Q. What efforts did law enforcement take to trace that
16 vehicle or find out who that vehicle belonged to?

17 A. We ran the plates on the vehicle and then the
18 dispatcher's given the information of who the plates come
19 back to. Also I went inside the vehicle and found a
20 pocketbook inside the vehicle and got Ms. Means' ID out
21 of it and also ran her identification and confirmed the
22 ID to the person on the ground.

23 Q. All right. So even though you had J. V. [REDACTED] there, you
24 had to actually confirm the identity of Yumonica Means at
25 the scene?

1 A. Correct, because at the time we did not know who she
2 was.

3 Q. Okay. And you were able to do that based on a
4 driver's license?

5 A. Correct.

6 Q. And then were you also with that information able to
7 determine whether or not there are any vehicles registered
8 to the victim, Ms. Means?

9 A. I believe Investigator Smith conducted that part of it
10 and determined there was other vehicles registered to her.

11 Q. Ultimately was there a BOLO as you put it, be on the
12 lookout for, for a vehicle in this case?

13 A. Correct.

14 Q. So that night at the scene there's a BOLO for the
15 suspect, Michael Tirrell Means, and you mentioned also a
16 vehicle. What was that vehicle description?

17 A. I believe it was a Kia Soul.

18 Q. So Michael Tirrell Means and the Kia Soul were the
19 subjects of that BOLO and through the entire time that you
20 were at the scene was there ever any indication that he had
21 been apprehended?

22 A. No, ma'am.

23 Q. He remained on the run?

24 A. Yes, ma'am.

25 Q. I'm gonna show you a photograph and ask you whether or

1 not you recognize it. This is for identification only at
2 the time.

3 A. Yes, ma'am.

4 Q. Now while you were at the scene, what effort, if
5 any, did you take to determine whether or not the
6 victim may still be alive or may be in need of medical
7 assistance?

8 A. Once the child was secured in the vehicle, I returned
9 back to the victim laying on the side of the road. I
10 checked for a pulse on the right hand, didn't move any
11 other part of the body not to disturb any evidence, I did
12 not feel a pulse, so at that time I radioed our dispatch
13 to make notifications and they, of course, already had EMS
14 en route before I made the notification. Notification is
15 calling investigators to the scene, to find top ranking
16 officials within the department, and also the coroner's
17 office.

18 Q. When you checked Ms. Means, what part of her body did
19 you check?

20 A. I checked the wrist portion of her left hand.

21 Q. Were there any signs of life?

22 A. None.

23 Q. While you were there and checking for her vital signs,
24 did you disturb the body or change the condition of the
25 body in any way?

1 A. I did not move the body in an effort to preserve any
2 evidence.

3 Q. Does State's Exhibit 7 for ID at this time, accurately
4 depict the condition of Yumonica Means as you arrived there
5 at the scene that night?

6 A. Yes.

7 Q. And in addition to you checking her, did you observe
8 anyone else do anything to alter her condition at the
9 scene?

10 A. No, ma'am.

11 Q. Did she remain in that condition during the time that
12 that photograph was taken and other similar photographs at
13 the scene?

14 A. Yes, ma'am.

15 MS. MAYES: Your Honor, at this time this would be
16 State's Exhibit 7 for evidence.

17 MR. MADSEN: Judge, we would object under Rule 403.

18 MS. MAYES: We can approach, Your Honor.

19 THE COURT: Yes, let's talk about this just for a
20 second.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: All right. For the record, Mr. Madsen,
23 I understand your objection and I'm gonna note it;
24 however, I'm gonna allow this photograph to be admitted
25 as Exhibit 7.

1 (State's Exhibit Number 7, a photograph, was
2 admitted into evidence.)

3 MR. MADSEN: And, Judge, I would just -- and
4 she's going to introduce State's 8, 9, I don't have
5 an objection to 10, but I would have the same 403
6 objection to 8 and 9.

7 MS. MAYES: If we may approach, Your Honor.

8 THE COURT: Can I just see them before I rule
9 on it?

10 (Proceedings held at the bench; not reported.)

11 THE COURT: I understand your objection. I'm
12 gonna note it for the record, but I'm gonna allow it.

13 BY MS. MAYES:

14 Q. I'm gonna show you what is State's 8, 9 and 10. If
15 you could look at those photographs. Do these appear to be
16 a fair and accurate representation of the scene?

17 A. Yes, ma'am.

18 Q. Now in State's 9 and 10 the victim is covered. Who
19 would have taken the action to cover the victim after
20 you have already testified as to how she was found in
21 State's 7?

22 A. I believe that would be deputies and maybe one of the
23 EMS personnel.

24 Q. And is that routine procedure as well?

25 A. Yes, ma'am. It's to try to preserve it from the

1 public eye as passing motorists come by.

2 Q. And then just to clarify, State's 7 would be as you
3 recall Ms. Means being when you first arrived and checked
4 for vital signs?

5 A. Correct. Yes, ma'am.

6 MS. MAYES: These would be State's 7, 10, 8 and 9
7 for evidence, Your Honor.

8 THE COURT: Thank you. They're moved in and noted
9 with Mr. Madsen's objection except for Number 10 there
10 was no objection.

11 (State's Exhibit Number 8, 9 and 10, photographs,
12 were admitted into evidence.)

13 MS. MAYES: And, Your Honor, if we may individually
14 publish State's 7 directly to the jury?

15 THE COURT: You can.

16 BY MS. MAYES:

17 Q. Now once Ms. Means is covered, I want to have you
18 describe a little bit more where she is in relation to that
19 black car that we're looking at right there in State's 6
20 and ultimately that roadway.

21 I'm gonna show you what is State's 8 and if you could,
22 please, Sergeant Morgan, step down and for the jury show
23 where Highway 191 is located.

24 A. As you see here, this is the fog line for Highway 191.
25 The ambulance is actually pointed in the northbound

1 direction towards the town of Johnston.

2 Q. All right.

3 A. This road here is a small dirt road. You see a stop
4 sign here. This is a small dirt road that takes you to
5 Old Plank Road, which is the next intersection up on
6 Highway 191.

7 Q. All right. And the black vehicle there, being the
8 vehicle that the victim arrived in, that vehicle is pointed
9 in a direction towards where?

10 A. Towards the city of Johnston.

11 Q. And having come from which direction?

12 A. From Aiken county.

13 Q. And here, if you could remain, State's 9. If you
14 could show us -- this is the same location a different
15 angle. Tell us what we're looking at from this angle.

16 A. Yes, ma'am. Once again, this is the fog line for
17 Highway 191. The direction this way would be back toward
18 the Aiken county line. You can see a different angle
19 of the dirt road here, which is Younce Pond, and then
20 ultimately the body in front of the vehicle.

21 Q. All right. And just to clarify, that is the black
22 Toyota Corolla shown there just off the roadway?

23 A. Yes, ma'am.

24 Q. Okay. Thank you.

25 (Whereupon, the witness returns to the witness

1 stand.)

2 BY MS. MAYES:

3 Q. Throughout that time that you were there at the scene,
4 Sergeant Morgan, did J. [REDACTED] V. [REDACTED] remain there?

5 A. Yes, ma'am. The ten-year-old?

6 Q. Yes.

7 A. Yes, ma'am.

8 Q. And ultimately were members of the Edgefield County
9 Sheriff's Office able to locate family members?

10 A. Yes, ma'am.

11 Q. Who also came to the scene?

12 A. They were just up the roadway from the scene. We
13 didn't allow them to come down to the actual crime scene.

14 Q. Okay. I'm gonna show you this just for identification
15 at this time. Looking here at State's 11, are you familiar
16 with whether or not the phone belonging to Yumonica Means
17 was used to call 9-1-1 by her child?

18 A. Yes, ma'am.

19 Q. And are you familiar with whether or not that phone
20 was collected as evidence by the Edgefield County Sheriff's
21 Department there at the scene?

22 A. Yes, ma'am, I believe so.

23 Q. Okay. You were there and present throughout that --
24 that evening?

25 A. Yes, ma'am.

1 MS. MAYES: Nothing further, Your Honor, of
2 Sergeant Morgan at this time.

3 THE COURT: Mr. Madsen.

4 CROSS-EXAMINATION

5 BY MR. MADSEN:

6 Q. Sergeant, were you able -- you were able to confirm
7 that the black vehicle out there was owned by a Patricia
8 Pixley in Aiken, correct?

9 A. Can I refer back to my incident report, please?

10 Q. Sure.

11 A. I don't -- I'm not gonna put out -- let's see. I'll
12 look back at my other notes here because in my incident
13 report I stated what the VIN number was to the vehicle,
14 the make, model, color. I didn't have listed in my
15 incident report of who the owner is.

16 Q. Okay. And then I guess the solicitor showed you
17 State's Exhibit Number 9?

18 A. Correct.

19 Q. And Ms. Means is I guess, what, about ten yards from
20 the black car?

21 A. Yes, sir. Around approximately twenty feet or so
22 give or take.

23 Q. Okay.

24 MR. MADSEN: That's all of the questions I have.

25 THE COURT: Any redirect?

1 11:07 AM.)

2 THE COURT: Okay. I guess just for the record
3 on your -- the exhibits that were marked, 7, 8 and 9,
4 I didn't put on the record as to why I was gonna let
5 them in, but I think from our discussion it's to show
6 the condition of the crime scene, the condition of the
7 victim and I think really the location and you can't
8 have the location of the truck without the victim in the
9 picture it appears to me and how -- how she was first
10 discovered.

11 Under those I'm letting them in because I think it
12 corroborates the testimony of the officer and that was
13 what's been presented.

14 Anything from the lawyers?

15 MS. MAYES: Not at this time, Your Honor.

16 MR. MADSEN: No, Your Honor.

17 THE COURT: Okay. Well, then let's take a --
18 we'll be in recess. That's for everybody. Let's come
19 back about 11:20, 11:25.

20 The next witness, is it gonna be a long witness,
21 Ms. Mayes?

22 MS. MAYES: Pretty short. I think we may be able
23 to get two witnesses in. If we come back at 11:20, we
24 should be able to get two witnesses in before lunch.

25 THE COURT: Okay. Great. That sounds good.

1 (Recess taken at 11:09 AM.)

2 (Back on the record at 11:32 AM.)

3 BAILIFF: All rise. Stay seated. Stay seated.

4 THE COURT: Can I bring the jury in, Ms. Mayes?

5 MS. MAYES: Yes, Your Honor.

6 THE COURT: Let's bring the jury.

7 (Whereupon, the jury return to the courtroom at
8 11:34 AM.)

9 THE COURT: All right. Mr. Foreman, is the jury
10 ready?

11 FOREPERSON: Yes, ma'am.

12 THE COURT: Okay. The State can proceed.

13 MR. FENDER: The State calls Justin Gentry to the
14 stand.

15 THE CLERK: You can take your mask off, sir.

16 Raise your right hand and place your left on the
17 Bible.

18 (Whereupon, Justin Gentry was duly sworn by the
19 Clerk of Court.)

20 THE CLERK: Thank you, sir. Please be seated.

21 State your full name. Spell your last name for
22 the record.

23 THE WITNESS: Justin Gentry, G-E-N-T-R-Y.

24 JUSTIN GENTRY,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. FENDER:

3 Q. Justin, can you please tell the jury a little bit
4 about your background, where you grew up, what kind of work
5 you do?

6 A. Yes. I was raised in Ward, South Carolina. I
7 began law enforcement in 2016 with the Johnston Police
8 Department through December 2017. 2017 is when I was
9 employed with Edgefield County Sheriff's Office through
10 November of 2020.

11 Q. What kind of training do you have to go through to
12 work in law enforcement?

13 A. You have to go through the training at the South
14 Carolina Criminal Justice Academy.

15 Q. What kind of work are you doing now?

16 A. I'm a business owner, a fence contractor, here in
17 Edgefield.

18 Q. When you were working in law enforcement, what
19 agencies did you say that you worked for?

20 A. Johnston Police Department and Edgefield County
21 Sheriff's Office.

22 Q. Both of those are located in Edgefield county?

23 A. That's correct.

24 Q. What kind of work did you do for the sheriff's
25 department?

1 A. I was a deputy with the Edgefield County Sheriff's
2 Office.

3 Q. Working as a deputy, can you tell us just, you know,
4 generally what your job responsibilities were?

5 A. My main job responsibility was to patrol the county.

6 Q. Work the roads?

7 A. Correct.

8 Q. Was that shift work?

9 A. It was.

10 Q. Were you working on July 3rd of 2019?

11 A. I was.

12 Q. Did you receive a call for service that evening
13 approximately at 1:30 in the morning?

14 A. We did.

15 Q. Can you tell us a little bit about receiving that
16 call?

17 A. The call came in as the victim laying on the ground
18 bleeding. At that time myself and at the time Corporal
19 Morgan went en route to -- to the scene.

20 Q. Can you tell us about what time you received the
21 call?

22 A. It was -- would it be fine to look at the CAD just
23 to be exact?

24 Q. Yes.

25 A. The call came in at 1:31 AM.

1 Q. What time did you first arrive on-scene?

2 A. I arrived at 1:42.

3 Q. And what location did you respond to?

4 A. We responded to Highway 191 and Younce Pond Road.

5 Q. About how far away from that location were you at the
6 time you received the call?

7 A. I'm not exactly sure. I mean, it couldn't have been
8 far being with the response time.

9 Q. All right. You testified that you received the call
10 at 1:31 AM?

11 A. Correct.

12 Q. And then you arrived on-scene at 1:42 AM?

13 A. That's correct.

14 Q. So approximately ten minutes?

15 A. Correct.

16 Q. Can you tell the jury just a little bit about this
17 incident location that you responded to?

18 A. Once we got on-scene?

19 Q. (Nods head.)

20 A. Okay. I mean, it's just a very secluded area, very
21 dark. I believe there was peach trees on one side of the
22 road and pine trees. I mean, it was a bunch of trees, a
23 very secluded area, no light.

24 Q. Were there any businesses in this location?

25 A. No, sir.

1 Q. Any houses in this location?

2 A. No.

3 Q. Any streetlights?

4 A. No, sir.

5 MR. FENDER: Your Honor, if the witness may step
6 down?

7 THE COURT: He may.

8 (Whereupon, the witness steps down from the witness
9 stand.)

10 BY MR. FENDER:

11 Q. I'm showing you now what's in evidence as State's
12 Exhibit 3. Can you describe this to the jurors, please?

13 A. Yes. This is Highway 191. Going back this way would
14 be going back towards Aiken county, coming this way would
15 be going towards the town of Johnston. The incident
16 location was right here at the intersection of 191 and
17 Younce Pond Road.

18 Q. Approximately how far away is this from the city of
19 Johnston?

20 A. I guess seven miles. Seven or eight miles.

21 Q. What about Aiken?

22 A. I guess maybe to the county -- I mean, roughly the
23 same.

24 Q. Would you describe Johnston and Aiken as more
25 residential and commercial-type areas?

1 A. Yes.

2 Q. How would you describe this area?

3 A. Very rural.

4 Q. If you want to have a seat back up there.

5 A. (Witness complies.)

6 Q. So, Justin, after you responded to the scene, you
7 know, what did you observe?

8 A. First I observed the -- of course, the victim on the
9 ground, but the next thing I observed was the juvenile,
10 at which time the first thing I done on-scene was take her
11 to my patrol vehicle and secure her in the back seat.

12 Q. Did you observe the victim or the juvenile first?

13 A. I believe I observed the victim first on the ground,
14 but then immediately observed the juvenile with Corporal
15 Morgan.

16 Q. I'm showing you now what's in evidence as State's
17 Exhibit 7. Can you tell me what you see here?

18 A. It's the victim laying on the ground.

19 Q. Is this fair and accurate?

20 A. It is.

21 Q. And this is what you observed when you arrived
22 on-scene?

23 A. Correct.

24 Q. Were you wearing a body camera that night?

25 A. I was.

1 Q. Have you had an opportunity to review the footage
2 that the body camera captured?

3 A. I did. Yes.

4 Q. I'm showing you now what's been marked as State's
5 Exhibit 2. Can you tell the jury what that appears to be?

6 A. That is the -- my body cam that I reviewed.

7 Q. Okay. Is that fair and accurate?

8 A. It is.

9 Q. And is that the footage from when you responded to
10 this incident?

11 A. Correct.

12 MR. FENDER: Judge, at this time I'd seek to enter
13 State's 2 into evidence and publish for the jury the
14 relevant portions, which is him arriving at the scene
15 and brief parts of the investigation.

16 THE COURT: Any objection?

17 MR. MADSEN: I think we've discussed this and
18 there's no objection.

19 THE COURT: Okay. It's admitted.

20 (State's Exhibit Number 2, a body cam video, is
21 admitted in evidence.)

22 MR. FENDER: If you could --

23 THE WITNESS: Stand up?

24 MR. FENDER: Judge, may he step down?

25 THE COURT: He may. Thank you.

1 (Whereupon, the witness steps down from the
2 witness stand.)

3 (Whereupon, State's Exhibit Number 2 was played.)

4 BY MR. FENDER:

5 Q. Is this your body camera footage?

6 A. It is.

7 Q. What's going on at this point in the video?

8 A. This is me arriving on the scene here. This is me
9 with the juvenile, of course, securing her in the back
10 of the car for safety reasons. This is me getting the
11 phone that was used to call 9-1-1 from Mr. Derrick, the
12 passerby, securing it until investigators could arrive
13 on-scene and also getting his ID for the report and crime
14 scene log.

15 Q. I'm gonna stop the video just briefly. What did you
16 do after you received the telephone from the -- from the
17 passerby?

18 A. Secured it on the scene until investigators arrived to
19 do their part with the telephone.

20 Q. During the course of the investigation, did you
21 determine that was the phone used to call 9-1-1?

22 A. Correct.

23 Q. I'm showing you now State's Exhibit 19. Can you,
24 please, look into that and if you would, please, examine
25 the contents of that bag.

1 A. The inside?

2 Q. (Nods head.)

3 A. (Witness complies.)

4 Q. Is this the phone that you secured on the scene that
5 night?

6 A. Yes, sir.

7 Q. And law enforcement, did they take that into evidence?

8 A. Yes, sir.

9 Q. Was that part of the crime scene investigation?

10 A. It was.

11 MR. FENDER: Judge, at this time I'd enter into
12 evidence State's Exhibit 19.

13 THE COURT: Any objection?

14 MR. MADSEN: I would just renew our in limine
15 motions made pre-trial.

16 THE COURT: And so noted for the record.

17 (State's Exhibit Number 19, a cell phone, was
18 admitted into evidence.)

19 BY MR. FENDER:

20 Q. You testified you were working as a deputy at that
21 time. Who were the investigators?

22 A. At that time it was Investigator Smith and Lieutenant
23 Doran.

24 Q. Can you tell the jury just kind of what the role of an
25 investigator is?

1 A. Pretty much if we go on a call where it needs further
2 investigation to, I guess, have tools that we don't have as
3 road deputies, that's when we give these guys a call, the
4 investigators. Each one is given a case to work. They're
5 the ones that are responsible for that case.

6 Q. Did investigators respond to this scene?

7 A. They did.

8 Q. Can you tell us about that? Who responded to this
9 scene?

10 A. On this scene Investigator Smith and Lieutenant Doran
11 also showed up.

12 Q. Is -- Mr. Smith, is he still living?

13 A. He is not. Investigator Smith actually is deceased.

14 Q. As you were on-scene there that night with your body
15 camera, did some of your body camera capture footage of
16 Investigator Smith?

17 A. It did. I walked to my -- actually before
18 Investigator Smith talked with the juvenile, I actually
19 moved the juvenile from my patrol vehicle to Deputy
20 Bowman's just so the juvenile couldn't keep looking back
21 and seeing any part of the scene, but when Investigator
22 Smith did arrive on-scene I did walk with him to my -- or
23 to Dexter Bowman's vehicle, so it can all be captured on
24 body cam as he spoke to the juvenile.

25 Q. If I could direct your attention to the monitor.

1 A. Do you mind if I --

2 (Whereupon, State's Exhibit Number 2 was played.)

3 BY MR. FENDER:

4 Q. What's going on at this point?

5 A. This is Investigator Smith arriving on the scene. At
6 this point, this is -- at the time was Sergeant Densmore
7 placing crime scene tape around the crime scene.

8 Q. Does this video show y'all using the flashlights?

9 A. Yes.

10 Q. Why were you using flashlights?

11 A. It was a very dark area.

12 Q. What is the yellow tape there?

13 A. That's the caution crime scene tape that was placed
14 around the crime scene.

15 Q. Can you tell us what's going on at this point in the
16 video?

17 A. At this point it's mainly looking for -- trying to
18 stay away from the body, looking to see if there was any
19 evidence shown on-scene -- or left on-scene.

20 Q. Did Gladys Mason also arrive on-scene?

21 A. She did.

22 Q. Can you describe her role?

23 A. She's our victim advocate. I believe at this point
24 of the video is where I am -- this is where Investigator
25 Smith begins the interview with the juvenile.

1 Q. Were you aware that the juvenile was ten years old?

2 A. I was.

3 Q. Through the course of your investigation, did you
4 observe Investigator Smith interviewing the juvenile?

5 A. I did.

6 Q. Did law enforcement -- did y'all develop a suspect at
7 that time?

8 A. We did.

9 Q. All right. Can you tell us about that?

10 A. After speaking with the juvenile and all the
11 investigation it was determined that the suspect was
12 Michael Tirrell Means.

13 Q. All right. Did you have a vehicle?

14 A. Yes, it was -- I'm not exactly sure of the year, but
15 it was a Kia Soul.

16 Q. Okay. Had the suspect fled the scene?

17 A. Yes, there was no one on-scene.

18 MR. FENDER: I've got --

19 MR. MADSEN: No objection.

20 BY MR. FENDER:

21 Q. I'm showing you now what's been marked as State's
22 Exhibit 15. What does this appear to be?

23 A. It is Investigator Smith and Lieutenant Doran.

24 Q. Was this image captured by your body cam?

25 A. It was.

1 Q. Does this show the investigators as they're conducting
2 their investigation with the juvenile?

3 A. Correct.

4 MR. FENDER: That's State's 15, Your Honor.

5 THE COURT: It's admitted without objection.

6 (State's Exhibit Number 15, a photograph, was
7 admitted into evidence.)

8 MR. FENDER: Thank you.

9 THE COURT: Mr. Madsen.

10 CROSS-EXAMINATION

11 BY MR. MADSEN:

12 Q. Mr. Gentry, did you do a report?

13 A. I do not believe I did.

14 Q. And then you had indicated that, I guess, the incident
15 location that you were called out to was about seven or
16 eight miles from Aiken?

17 A. Approximately. I'm not sure. I'm not very familiar
18 with the Aiken side.

19 MR. MADSEN: That's all the questions I have.

20 THE COURT: Okay. Any redirect?

21 REDIRECT EXAMINATION

22 BY MR. FENDER:

23 Q. Was this a dark and secluded location?

24 A. Yes, very much so.

25 Q. After the suspect was developed, was a BOLO issued?

1 A. Yes.

2 MR. MADSEN: Judge, it's not subject to redirect.

3 THE COURT: I agree.

4 MR. FENDER: Thank you.

5 THE COURT: Okay. May I excuse Mr. Gentry?

6 MR. MADSEN: Yes, Your Honor.

7 THE COURT: All right. Thank you. You're excused.

8 (Witness excused.)

9 MS. MAYES: The State calls J. [REDACTED] V. [REDACTED]

10 THE COURT: All right. Let me -- let me see the
11 lawyers right quick just briefly. And the clerk.

12 (Proceedings held at the bench; not reported.)

13 THE CLERK: You can take your mask off. Raise
14 your right hand and put your left hand on the Bible.

15 (Whereupon, J. [REDACTED] V. [REDACTED] was duly sworn by
16 the Clerk of Court.)

17 THE CLERK: Have a seat for me. Pull up to the
18 microphone. I need you to state your full name and
19 spell your last name, okay?

20 THE WITNESS: Now?

21 THE CLERK: State your full name.

22 THE WITNESS: J. [REDACTED] V. [REDACTED]

23 THE CLERK: And spell your last name.

24 THE WITNESS: V. [REDACTED].

25 THE CLERK: Okay. Thank you, dear.

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J. [REDACTED] V. [REDACTED]

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. MAYES:

Q. So, J. V. [REDACTED] first what I want to do is ask you your full name and if you could tell us how old you are today?

A. J. V. [REDACTED] I'm 12 years old.

Q. Okay. So I'm having a super hard time hearing you, and I'm just a couple of feet away, but even these last jurors will have to be able to hear you, so I'm gonna move the microphone just a little bit closer and we'll see if that works.

THE CLERK: I turned it up a little bit.

BY MS. MAYES:

Q. Okay. So one more time, how old are you now, J. V. [REDACTED]

A. 12.

Q. Okay. I can hear much better. And what is your birthday, J. V. [REDACTED]

A. [REDACTED].

Q. And what year were you born?

A. [REDACTED].

Q. So that means you just had a birthday --

A. Yes.

Q. -- just a couple of weeks ago. How did that go?

A. Good.

1 Q. Okay. J. V. [REDACTED] right now you're on summer vacation.
2 Who are you staying with right now?

3 A. My grandma.

4 Q. Okay. And then your dad, Jermaine V. [REDACTED] is he also
5 in the courtroom?

6 A. Yes.

7 Q. Okay. Where's he at?

8 A. (Indicating.)

9 Q. Sitting right there in the red shirt?

10 A. Yes.

11 Q. Okay. Is your grand-momma also in the courtroom?

12 A. Yes.

13 Q. Okay. And what's her name?

14 A. Margaret Williams.

15 Q. All right. And you said that you now live with your
16 grand-momma?

17 A. Yes.

18 Q. What state is that that you live in now?

19 A. Pelham.

20 Q. Okay. And where is Pelham? What state is that?

21 A. Georgia.

22 Q. Okay. J. V. [REDACTED] did something happen that made you
23 have to go to Georgia to live with your grand-momma?

24 A. Yes.

25 Q. Did you used to live here?

1 A. Yes.

2 Q. All right. When you lived here, who did you live
3 with?

4 A. With my auntie.

5 Q. Okay. And did you also stay at Camellia Street?

6 A. Ma'am?

7 Q. Did you also stay at the house at Camellia Street?

8 A. Yes, ma'am.

9 Q. Whose house was that?

10 A. My mom's house.

11 Q. And do you remember the name of the city that that
12 house at Camellia Street was at?

13 A. Aiken.

14 Q. Okay. I know you said you were living in Pelham,
15 Georgia now with your grand-momma, what grade are you going
16 to be going into?

17 A. Seventh.

18 Q. How did sixth grade go?

19 A. It was good.

20 Q. All right. And when you say it was good, I'm gonna
21 ask you a little bit about that because I want to -- I want
22 to brag a little bit about your grades, okay? What kind of
23 grades did you just make when you finished school?

24 A. A's.

25 Q. Okay. And with making A's, did you get invited to

1 join any kind of club?

2 A. Yes.

3 Q. What club is that?

4 A. Beta Club.

5 Q. All right. And did that just happen this past school
6 year?

7 A. Yes.

8 Q. Okay. Now going back to when you used to live
9 in Aiken, do you remember -- you talked about Camellia
10 Street, but I want to show you this photograph, which is
11 State's 22, and ask you whether or not you recognize the
12 place shown in this photograph?

13 A. Yes.

14 Q. Okay.

15 MR. MADSEN: No objection.

16 THE COURT: Are you moving to have it admitted?

17 MS. MAYES: Yes, Your Honor. State's 22 for
18 evidence.

19 THE COURT: It's admitted.

20 (State's Exhibit Number 22, a photograph, was
21 admitted into evidence.)

22 BY MS. MAYES:

23 Q. J. V. [REDACTED] whose house was this?

24 A. My momma's house.

25 Q. Okay. You told us about your mom and I'm gonna ask

1 just a couple of questions about that. I'm gonna move --
2 I want to ask a little bit, J. V. [REDACTED] about your family.
3 Now you said that your date of birth is -- if you could
4 tell us that one more time.

5 A. [REDACTED]

6 Q. [REDACTED]

7 A. [REDACTED]

8 Q. And what year were you born?

9 A. [REDACTED]

10 Q. Okay. [REDACTED] Now are you the -- where are you at in
11 the family? Are you the youngest child, the oldest child
12 or in the middle?

13 A. In the middle.

14 Q. Okay. So who is the older child than you?

15 A. My sister Shabba.

16 Q. Okay. Now do you know how old Shabba is?

17 A. 29.

18 Q. Okay. Shabba's 29. And your mom's name?

19 A. Yumonica Means.

20 Q. Now did your mom already have Shabba and you before
21 she met Tirrell?

22 A. I don't know.

23 Q. Okay. And tell us whether or not you have a younger
24 sibling?

25 A. Yes.

1 Q. And what is her name?

2 A. Taraji.

3 Q. Okay. How old is Taraji?

4 A. Five.

5 Q. So she's five right now?

6 A. (Nods head.)

7 Q. Now going back to when y'all lived together in --
8 before you moved to Georgia, were there times that Taraji
9 -- first of all, what kind of nickname did y'all call
10 Taraji?

11 A. TT.

12 Q. Do you know whether or not Tirrell is her father?

13 A. Yes.

14 Q. Okay. Were there times when Tirrell would take TT
15 places with him?

16 A. Yes.

17 Q. Okay. I want to go back to 2019 and you would have
18 been 10 and TT would have been three. J.V. [REDACTED] what do you
19 remember happening back on the night of July 2nd and the
20 early morning hours of July 3rd?

21 A. We had went -- me, my mom and my sister had went
22 shopping and when we got back TT went with her daddy and I
23 stayed home with my momma.

24 Q. Okay. So I want to stop you right there and we'll go
25 a little bit slower. You said TT had went with her daddy

1 and who was that?

2 A. Tirrell.

3 Q. Okay. So when you say TT would have went with her
4 daddy and she was three at the time, that was Tirrell, and
5 where did you go?

6 A. With my momma.

7 Q. Okay. And when you say your momma, you're talking
8 about Yumonica?

9 A. Yes.

10 Q. Okay. What do you remember happening next?

11 A. We went home and my Auntie Pat had called her to come
12 over and I stayed home and she let me get her phone and she
13 left and I stayed at home and he -- a few hours later he
14 texted -- texted my momma's phone.

15 Q. So I want to ask you a few questions about that. You
16 said that your momma went over to your Auntie Pat's and you
17 stayed behind?

18 A. (Nods head.)

19 Q. Did you stay behind here at this house at Camellia
20 Street?

21 A. Yes.

22 Q. And what did your momma leave with you when she left?

23 A. Her phone.

24 Q. Okay. And you had her phone and you said a few hours
25 later something happened?

1 A. (Nods head.)

2 Q. What -- what kind of message did you see on the phone?

3 A. He sent to the phone that they had got in a bad
4 accident and TT was hurt bad.

5 Q. Okay. And you got that message on your mom's phone?

6 A. Yes.

7 Q. Okay. And, J. V. [REDACTED] when you got the message that
8 they had been in an accident, how did you respond? How did
9 you react?

10 A. I was scared, so I called my Auntie Pat's phone and I
11 talked to my mom.

12 Q. Okay. So you called your Auntie Pat's phone and you
13 did that to reach your momma?

14 A. Yes.

15 Q. Now in addition to getting those text messages that
16 you told us about, did anyone call that phone?

17 A. Yes.

18 Q. Who called the phone?

19 A. Tirrell.

20 Q. When you say Tirrell, you're referring to the
21 defendant in this case, Tirrell Means?

22 A. Yes.

23 Q. When Tirrell called the phone, did you answer?

24 A. At first, no.

25 Q. And then what -- what happened next?

- 1 A. My momma told me to answer the phone.
- 2 Q. Okay. And did you answer?
- 3 A. Yes.
- 4 Q. Whose voice was on the other end of the phone?
- 5 A. Tirrell's.
- 6 Q. J.V. [REDACTED] what did he tell you?
- 7 A. That he had got into an accident and TT was hurt.
- 8 Q. So he told you that TT was hurt?
- 9 A. Yes.
- 10 Q. And how did you react to that?
- 11 A. I called my mom.
- 12 Q. And what did y'all do next after he gave you this
- 13 message that TT had been hurt?
- 14 A. My momma had came back to the house.
- 15 Q. And when your mom came back to the house, whose car
- 16 was she in?
- 17 A. In my Auntie Pat's.
- 18 Q. Okay. I'm gonna show you a picture. Do you recognize
- 19 that car?
- 20 A. Yes.
- 21 Q. Whose car is that?
- 22 A. My Auntie Pat's.
- 23 Q. Okay. So the black car that you and your momma were
- 24 in that night was Auntie Pat's car?
- 25 A. Yes.

1 Q. Okay. So once your momma came and picked you up in
2 the black car, what happened next?

3 A. She called Tirrell back and they started arguing.

4 Q. Okay. So you could hear that happening on the phone?

5 A. Yes.

6 Q. Now during this time did y'all still believe that TT
7 had been hurt?

8 A. Yes.

9 Q. And did you hear him on the phone at any point?

10 A. Unh-unh.

11 Q. Did you hear your momma on the phone?

12 A. Yes.

13 Q. How was your mom -- who was your mom worried about?

14 A. TT.

15 Q. How did your mom appear? Did she appear worried?

16 A. Yes.

17 Q. Where did y'all start driving to?

18 A. Up to Saluda.

19 Q. Say that again.

20 A. Saluda.

21 Q. Did you recognize the place that you were going?

22 A. No.

23 Q. Okay. This house right here, J.V. [REDACTED] is it in Aiken?

24 A. Yes.

25 Q. When y'all were driving in the middle of the night,

1 did you have any idea where y'all were headed to?

2 A. No.

3 Q. Was your mom still worried about TT?

4 A. Yes.

5 Q. Were you still worried about TT?

6 A. Yes.

7 Q. How did you express that you were worried about TT?

8 A. I started crying.

9 Q. So you were crying on the way there?

10 A. Yes.

11 Q. And your mom knew you were still worried about TT?

12 A. Yes.

13 Q. What happened next?

14 A. When we got there to the car, my momma's car was there
15 and I stayed in the car and my momma had got out.

16 Q. So I want to stop you right there. When you say when
17 you got there to the place, did you recognize the place?

18 A. No.

19 Q. Was it light outside or dark outside?

20 A. Dark.

21 Q. And you said you saw that your momma's car was already
22 there?

23 A. Yes.

24 Q. Was that the Kia Soul? Was it a Kia?

25 A. Yes.

1 Q. And who had driven your momma's car out there?

2 A. Tirrell.

3 Q. So he was already there waiting on y'all?

4 A. Yes.

5 Q. And when your momma got out, what did you hear her
6 say?

7 A. Where TT was.

8 Q. Where's TT. And what did you see your mom do?

9 A. Got out of the car.

10 Q. At that point in time was your mom calm or was your
11 mom scared?

12 A. She was scared.

13 Q. Did she get out of the car slow or quick?

14 A. Quick.

15 Q. And you heard her ask about TT. What do you remember
16 happening next?

17 A. She got out of the car and went to the other side of
18 her car.

19 Q. Meaning the Kia?

20 A. Yes.

21 Q. Is that where TT was?

22 A. Yes.

23 Q. She got out and went to the side of the car to check
24 on TT?

25 A. Yes.

- 1 Q. What did you hear next, J. V. [REDACTED]
- 2 A. I heard a loud pop.
- 3 Q. When you heard the pop, did you look to see anything?
- 4 A. Yes.
- 5 Q. Who did you see?
- 6 A. Tirrell.
- 7 Q. What was Tirrell doing?
- 8 A. Going back to the car.
- 9 Q. And when you say going back to the car, do you mean
- 10 your mom's Kia?
- 11 A. Yes.
- 12 Q. What side of the car was he getting in on?
- 13 A. The driver's seat.
- 14 Q. And what happened next?
- 15 A. He drove off.
- 16 Q. You saw him drive off?
- 17 A. Yes.
- 18 Q. Where was your mom?
- 19 A. On the ground.
- 20 Q. Did you get out to check on her?
- 21 A. Yes.
- 22 Q. Whose the person that called 9-1-1, J. V. [REDACTED]
- 23 A. Me.
- 24 Q. And right before you called 9-1-1, did you call
- 25 anybody else to ask what to do?

1 A. Yes.

2 Q. Who did you call?

3 A. My Auntie Pat.

4 Q. You called your Auntie Pat to ask her what to do?

5 A. Yes.

6 Q. You were 10. Did you even know what to do to help
7 your mom? Did you even know what to do?

8 A. Yes.

9 Q. Call 9-1-1?

10 A. Yes.

11 Q. And the voice that we hear on that 9-1-1 call, whose
12 voice is that?

13 A. Mine.

14 Q. Do you remember once the police got there?

15 A. Ma'am?

16 Q. Do you remember still being -- being there when the
17 police arrived?

18 A. Yes, ma'am.

19 Q. Tirrell was your step-dad?

20 A. Yes.

21 Q. J. V. [REDACTED] did he ever come back to check on your mom?

22 A. No.

23 Q. I'm gonna show you something, which is State's 23.

24 What that means is I'm gonna walk up and show you something
25 and ask you if you recognize it. Look at that, and this

1 phone, State's 19, is already in evidence. So that night
2 when you were at the house, your mommy left the phone?

3 A. Yes.

4 Q. And you had the phone when you said that Tirrell
5 started sending text messages and he started calling the
6 phone?

7 A. Yes.

8 Q. Is that the same phone that y'all later took with you
9 when y'all went out to check on TT?

10 A. Yes.

11 Q. And the same phone that you used to call 9-1-1?

12 A. Yes.

13 Q. Okay. Let's take a look at those messages and if
14 you can just read them to yourself real quick. Do you
15 recognize those messages?

16 A. Yes.

17 Q. Are those the messages you got that night from
18 Tirrell?

19 A. Yes.

20 MS. MAYES: Your Honor, this would be State's 23
21 for evidence.

22 MR. MADSEN: Judge, I would renew my previous
23 objection. Additionally, I do not believe a sufficient
24 foundation has been laid at this point in time.

25 THE COURT: I'm noting your objection for the

1 record and I'm gonna allow it in.

2 (State's Exhibit Number 23, text messages, were
3 admitted into evidence.)

4 BY MS. MAYES:

5 Q. Now State's 23, J. V. [REDACTED] how did your mommy have him
6 in her phone? The messages that were coming from Tirrell,
7 how did your mom have him in her phone under her contacts?

8 A. As Tirrell.

9 Q. Okay. And what phone number was Tirrell calling from?

10 A. 803-335-6628.

11 Q. All right. And now after you got these text messages,
12 you said you actually talked to him on the phone. Did you
13 recognize the voice that was talking to you on the phone?

14 A. Yes.

15 Q. Whose voice was that?

16 A. Tirrell.

17 Q. I'm gonna show you what is marked as State's 20 and
18 when you had your mom's phone, did you know how the
19 contacts part of her phone worked?

20 A. Yes.

21 Q. So when you said that you had to call Auntie Pat at
22 one point, you knew how to find Auntie Pat in your mom's
23 phone?

24 A. Yes.

25 Q. How was Auntie Pat listed in your mom's phone?

1 A. Patricia Williams.

2 Q. Okay. And then when a call comes in, you knew from
3 contacts who it was?

4 A. Yes.

5 Q. And you said that your mom had Tirrell as Tirrell and
6 then when you actually talked to him on the phone, you
7 recognized his voice?

8 A. Yes.

9 Q. And that was from that number that you already told us
10 about that ended in the 6628?

11 A. Yes.

12 Q. Going back to around the time that the first text
13 message arrives, and that's gonna be 11:38 PM on State's
14 23, do you see phone calls coming from Tirrell Means to
15 your mom's phone?

16 A. Yes.

17 Q. And then do you see phone calls going out to Patricia
18 Williams?

19 A. Yes.

20 Q. Who was the person calling out to your Auntie Pat?

21 A. Me.

22 Q. And then once you talked to your mom, did she say it
23 was okay to take Tirrell's call?

24 A. Yes.

25 Q. At that point in time did your mom have Tirrell

1 blocked? Do you know what I mean by that?

2 A. Yes.

3 Q. Okay. You felt like you had to check with mom before
4 you talked to Tirrell?

5 A. Yes.

6 Q. Okay. And then there's a call from Tirrell at
7 12:48 AM for forty-two seconds and you remember talking to
8 him yourself?

9 A. Yes.

10 Q. And then there was a call on July 3, 2019, at 12:57
11 AM, and that's calling Tirrell back, and that's two minutes
12 and twelve seconds. And you said you were on the phone
13 long enough for him to tell you that TT had been hurt?

14 A. Yes.

15 Q. And you told that to your momma, too?

16 A. Yes.

17 Q. And did you believe that the whole way out to that
18 place in Johnston when you met up with his car?

19 A. Yes.

20 Q. Okay. And based on everything that you saw about your
21 mom, did your mom believe that the whole time, too?

22 A. Yes.

23 MS. MAYES: Your Honor, this will be State's 20 for
24 evidence being the call log from Yumonica Means' phone
25 extraction for 7-2 and 7-3, 2019.

1 THE COURT: I've got your objection.

2 MR. MADSEN: Again, I renew my pre-trial.

3 Additionally, I do not believe that there's a proper
4 foundation at this point time to introduce this.

5 MS. MAYES: This being the phone of Yumonica Means,
6 Your Honor, the phone that previously it was established
7 there was no standing to challenge.

8 THE COURT: That's exactly right. I've already
9 ruled it on it. I've noted your objection for the
10 record. I'll note it again and let Ms. Mayes make her
11 foundation and go.

12 (State's Exhibit Number 20, a call log, was
13 admitted into evidence.)

14 BY MS. MAYES:

15 Q. So I'm about to put this on the screen, J. V. [REDACTED] but
16 I wanted to show it to you one more time. This is gonna be
17 State's 23 with the messages because we're gonna talk about
18 them. I know it's kind of hard to read the way they're
19 written out here, so I'll read them and ask you a little
20 bit more about them, okay?

21 So, J. V. [REDACTED] the first message, again, over there at
22 the contacts you see in red how your mom had it in the
23 phone and she had Tirrell's name?

24 A. Yes.

25 Q. And then that number that Tirrell was calling from

1 that you told us about that ends in the 6628 and then this
2 shows that the message was read, and who's the person who
3 read the message?

4 A. (Nods head.)

5 Q. Who was that person?

6 A. Tirrell.

7 Q. Who's the person that actually read the message when
8 it came in?

9 A. Me.

10 Q. Okay. And that is on the night of July 2, 2019, at
11 11:38 at night. I'm gonna write that down. And that's the
12 message that says someone just hit us in the back real bad,
13 just trying to get you. And that night did you know that
14 TT was with -- with her dad?

15 A. Yes.

16 Q. And did your mom know that, too?

17 A. Yes.

18 Q. So when it said someone just hit us in the back, did
19 you take that to mean Tirrell and TT, too?

20 A. Yes.

21 Q. And then the next message is at 11:40, so it's two
22 minutes later, and it says we called for help and it says
23 read. Who's the person who read that message?

24 A. Me.

25 Q. The next message is at 11:43, so it's three minutes

1 after that, and it says damn, please call back. Who's the
2 person who read that message?

3 A. Me.

4 Q. And then about twelve minutes later at 11:55 it says
5 can't get nobody to answer, and it says read. Who read
6 that message?

7 A. Me.

8 Q. All right. And after getting all those messages, did
9 you and your mom decide to do something?

10 A. Yes.

11 Q. What was that?

12 A. Go over there.

13 Q. And when you say go over there, where did you end up
14 going? Where did -- where did y'all go to first when she
15 first picked you up?

16 A. She came to the house and picked me up.

17 Q. Okay. In the black car?

18 A. Yes, ma'am.

19 Q. And from there you remember going out to the place
20 that you didn't recognize?

21 A. Yes.

22 Q. And that's the place you heard the gunshot?

23 A. Yes.

24 Q. J.V. [REDACTED] was your mom out of the car a long time or a
25 short time when you heard the gunshot?

1 A. A short time.

2 MS. MAYES: I beg the Court's indulgence.

3 THE COURT: Take your time.

4 MS. MAYES: Nothing further at this time, Your
5 Honor.

6 THE COURT: Thank you.

7 Mr. Madsen.

8 CROSS-EXAMINATION

9 BY MR. MADSEN:

10 Q. J. V. [REDACTED] how are you?

11 A. Good.

12 Q. My name is Rob and I'm gonna ask you just a few
13 questions, okay?

14 A. Okay.

15 Q. If I ask you something and you don't understand it or
16 need me to repeat it, just let me know that, okay, and I'll
17 do that.

18 A. (Nods head.)

19 Q. So I want to go back a little bit. I think you told
20 Ms. Mayes you weren't living with your mom, but you were
21 living with your auntie back then, correct?

22 A. Yes.

23 Q. Is that Auntie Renee?

24 A. Yes.

25 Q. And I think y'all were living in Augusta?

1 A. Yes.

2 Q. But you would come and stay, I guess, with your mom
3 and TT and Tirrell at their house in Aiken sometimes,
4 right?

5 A. Yes.

6 Q. I think you had mentioned that you had an older sister
7 Shabba?

8 A. Yes.

9 Q. Now I wasn't sure, is she 29 now or was she 29 back
10 then?

11 A. She's 29 now.

12 Q. 29 now?

13 A. (Nods head.)

14 Q. And I think back at that time she was about ready to
15 have a baby and your mom had just gone to a baby shower in
16 Savannah for her. Do you remember that?

17 A. Yes.

18 Q. Did you go with her to the baby shower?

19 A. No.

20 Q. So would you have stayed then with your Auntie Renee
21 or would you have stayed with Tirrell and TT?

22 A. My auntie.

23 Q. And then, I guess, your mom came home and you were
24 just kind of there for the summer at that point in time
25 staying mostly with your mom then?

1 A. Yes.

2 Q. And so you would have woke up at your momma and
3 Tirrell's house in Aiken that morning, correct?

4 A. Yes.

5 Q. And I think you had talked to some folks and had told
6 them that, I guess, that morning you and TT were playing
7 with some dolls?

8 A. Yes.

9 Q. And that at some point in time Tirrell left for work?

10 A. Yes.

11 Q. Because, I guess, he works on houses or repairs them
12 or something like that, right?

13 A. Yes.

14 Q. And do you remember or do you know where your mom
15 worked?

16 A. No.

17 Q. Do you remember if she worked at Milliken?

18 A. Yes.

19 Q. And she had worked there for a while, hadn't she?

20 A. Yes.

21 Q. But she was out at that point in time because she had
22 some kind of injury, right?

23 A. Yes.

24 Q. And then I think you had said that at some point in
25 time you and your mom and TT left during the day and went

1 to an uncle's, maybe an Uncle Jerome; is that right? Or do
2 you have an uncle that lives in Aiken?

3 A. I don't know.

4 Q. Okay. But I think y'all went and got something to eat
5 at Burger King?

6 A. Yes.

7 Q. And then you kind of stayed at the house that whole
8 time until your mom came back over from Auntie Pat's house
9 and picked you up, right?

10 A. Yes.

11 Q. At some point in time during the day your mom and TT
12 left and you just said na, I want to stay home, correct?

13 A. No. TT was with her dad.

14 Q. And so at some point in time Tirrell came back from
15 work and he had a fella by the name -- or a couple of
16 fellas with him; one by the name of Kareem and one by the
17 name of George. Do you remember them?

18 A. I remember one.

19 Q. Who do you remember?

20 A. Kareem.

21 Q. Kareem coming back to the house with him?

22 A. Yes.

23 Q. And at some point in time Tirrell and Kareem leave
24 with TT to go somewhere. Do you remember that?

25 A. Yes.

1 Q. And they actually take your mom's car --

2 A. Yes.

3 Q. -- that Kia Soul, don't they?

4 A. Yes.

5 Q. Because Tirrell would -- a lot of times normally he
6 had a truck that he would drive, kind of a work truck?

7 A. Yes.

8 Q. And then I think you said that one of mom's work
9 friends had come over to the house for a little bit. Do
10 you remember letting them in?

11 A. I don't remember.

12 Q. Do you remember when you talked to -- do you remember
13 going to a place and talking with someone and they asked
14 you if anyone came over to see y'all or did your mom have a
15 friend come over and you said her friend from work had come
16 over to see the house because he had never been in the
17 house and then he left. Do you remember telling them that?

18 A. Yes.

19 Q. He wasn't there very long, was he?

20 A. Unh-unh.

21 Q. And then he left and your mom left with him and they
22 were gonna go to Auntie Pat's house, but you said no, I'm
23 -- I'm gonna stay?

24 A. Yes.

25 Q. And you're -- that black car I think that Ms. Mayes

1 had showed you a picture of, that's Auntie Pat's car,
2 correct?

3 A. Yes.

4 Q. And that had been at your house for a few days?

5 A. Yes.

6 Q. But when she left, that's what your mom -- your mom
7 took that car and the fella that came over, I guess, he
8 took whatever car he had there, correct?

9 A. Yes.

10 Q. But your mom left her phone with you?

11 A. Yes.

12 Q. And at some point in time Tirrell started calling that
13 phone, didn't he?

14 A. Yes.

15 Q. And you weren't sure if you should pick it up or not,
16 but at some point in time you did answer, correct?

17 A. Yes.

18 Q. And I think we pointed at the text messages and I
19 think you said that -- that he had told you that TT had
20 gotten hurt real bad, but that's not what the text messages
21 say, are they?

22 A. No.

23 Q. It just says that they got hit real bad, but you were
24 worried that TT had gotten hurt, weren't you?

25 A. Yes.

1 Q. I mean, that's what big sisters do, don't they? They
2 worry about their younger sisters, right?

3 A. Yes.

4 Q. And so, I guess, it was pretty late at night when your
5 mom -- you finally get in touch with your mom and say hey,
6 you need to get in touch with Tirrell, correct?

7 A. Yeah.

8 Q. Because he's calling the phone?

9 A. Yes.

10 Q. And she does that, correct?

11 A. Yes.

12 Q. And then she comes and picks you up?

13 A. Yes.

14 Q. And it's pretty late at night at that point in time,
15 isn't it?

16 A. Yes.

17 Q. What time do you normally go to bed or did you back
18 then?

19 A. I don't know.

20 Q. Well, I mean, are you a night owl? Are you someone
21 that goes to bed pretty early?

22 A. Yes.

23 Q. You go to bed pretty early?

24 A. Yes.

25 Q. So you were probably pretty tired at that point in

1 time, weren't you?

2 A. Yes.

3 Q. And so you and your mom were in Auntie Pat's car and
4 you drove to where Tirrell was?

5 A. Yes.

6 Q. And your mom and Tirrell were talking on the phone,
7 correct?

8 A. Yes.

9 Q. And you couldn't hear what they were saying, but they
10 were arguing, weren't they?

11 A. Yes.

12 Q. And your mom was mad at him?

13 A. Yes.

14 Q. And I think -- I think you had told that interviewer,
15 that person that interviewed you, that Tirrell had gotten
16 into an accident and that your mom said -- or said that she
17 was on the way and she came and picked you up and you were
18 crying and you were scared, weren't you?

19 A. Yes.

20 Q. And you were worried that TT had gotten hurt?

21 A. Yes.

22 Q. But your mom says -- or told you she'll be okay, she's
23 okay, didn't she?

24 A. Yes.

25 Q. And when you get there, you don't get out of the car,

1 do you?

2 A. No.

3 Q. Your mom does?

4 A. Yes.

5 Q. And you hear arguing, don't you?

6 A. Yes.

7 Q. And you don't see TT, do you?

8 A. No.

9 Q. Because she's in the other car. Do you -- do you see
10 your mom's Kia Soul?

11 A. Yes.

12 Q. But you don't see TT in it because it's pitch black,
13 right?

14 A. Yes.

15 Q. And you don't see Kareem there, do you?

16 A. No.

17 Q. But you hear them arguing back and forth, don't you?

18 A. Yes.

19 Q. And after you heard the gunshot you called your Auntie
20 Pat first, didn't you?

21 A. I got out of the car first.

22 Q. You got out of the car first and then you called her?

23 A. Yes.

24 Q. And then you called 9-1-1 after that, right?

25 A. Yes.

1 Q. And, I guess, a bunch of police officers started
2 showing up?

3 A. Yes.

4 MR. MADSEN: I beg the Court's indulgence.

5 THE COURT: Take your time.

6 MR. MADSEN: That's all the questions I have,
7 Your Honor.

8 THE COURT: Thank you. Redirect.

9 MS. MAYES: Yes, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. MAYES:

12 Q. Mr. Madsen was asking you about the car that Tirrell
13 was -- was driving when y'all went out there to meet
14 him, the car that TT was in. I'm gonna show you what is
15 State's 24 and ask you whether or not you recognize that?

16 A. Yes.

17 Q. Okay. Whose car did that belong to?

18 A. My mom.

19 Q. The car belonged to your mom. Is that the Kia?

20 A. Yes.

21 Q. One of the things that Mr. Madsen was asking you about
22 was about getting those messages and then being told that
23 TT was hurt and he said the messages didn't say TT was
24 hurt.

25 A. Yes.

1 Q. Let me ask you this. Who told you TT was hurt?

2 A. Tirrell.

3 Q. And he told you that in that phone call?

4 A. Yes.

5 Q. When you called him back?

6 A. Yes.

7 Q. And then on the way there, he was asking about your
8 mom, you were still upset about TT?

9 A. Yes.

10 Q. Was your mom upset?

11 A. Yes.

12 Q. You were crying?

13 A. Yes.

14 Q. Was your mom trying to calm you?

15 A. Yes.

16 Q. Did your mom look scared, too?

17 A. Yes.

18 Q. And when she got there and y'all got to that dark
19 place, who did she go check on?

20 A. TT.

21 Q. Did she still appear to be scared to you?

22 A. Yeah.

23 Q. You said, J.V. [REDACTED] -- he was asking you about Kareem,
24 but let me ask you this. After you heard that loud pop,
25 did you see who got back into that Kia?

1 A. Yes.

2 Q. Who was that person?

3 A. Tirrell.

4 Q. Any doubt in your mind he's the person that got back
5 in that car?

6 A. Yes.

7 Q. And do you see him in this courtroom?

8 A. Yes.

9 Q. You recognize him when you see him?

10 A. Yes.

11 Q. And you're sure that's the person you saw getting back
12 in the car behind the driver's seat?

13 A. Yes.

14 MS. MAYES: Thank you, J. V. [REDACTED]

15 MR. MADSEN: No further questions.

16 THE COURT: Can I let J. V. [REDACTED] step down?

17 MS. MAYES: Yes, Your Honor.

18 MR. MADSEN: Yes, Your Honor.

19 THE COURT: J. V. [REDACTED] thank you.

20 (Witness excused.)

21 THE COURT: This looks like our -- it might be a
22 good time to take a lunch break.

23 MR. MADSEN: (Nods head.)

24 THE COURT: What time do y'all want to start back?

25 MS. MAYES: May we approach, Your Honor?

1 MR. MADSEN: Judge, my position would be that a
2 12-year-old cannot authenticate the extraction report
3 that is State's Exhibit Number 20. I had renewed that.
4 Initially, as Your Honor is aware, it was received by a
5 search warrant. Your Honor felt that we didn't have
6 standing to challenge that, which my argument is that
7 under the Fourth Amendment we would not, but under a
8 search warrant entered against a party they do have
9 standing, but I don't believe a sufficient factual --

10 THE COURT: Hold on. I just can't hear with all
11 of this going on. It's hard for me to...

12 All right. Let me get everybody be seated and
13 quiet.

14 MR. MADSEN: The creaky benches.

15 THE COURT: Yes. Those benches have been here since
16 1800s and everybody's --

17 THE CLERK: Sat on them.

18 THE COURT: Okay. I'm sorry. Start over.

19 MR. MADSEN: I do not believe that State's
20 Exhibit 20, that a 12-year-old can authenticate an
21 extraction report from a cell phone, Judge. Obviously,
22 like I initially argued, these were taken by a search
23 warrant. Your Honor ruled that I don't have -- or that
24 Mr. Means does not have standing on a search warrant.
25 I believe that applies to the Fourth Amendment, but I

1 believe he would have standing to challenge items that
2 are introduced by a cell phone. Like I said, I don't
3 believe that the appropriate foundation was laid.

4 Additionally, I believe that any of these text
5 messages are hearsay, the phone records are hearsay.
6 I just wanted to renew that objection. Your Honor
7 ruled against me. I just wanted to kind of explain my
8 rationale a little bit more.

9 THE COURT: All right.

10 MS. MAYES: Judge, first of all, with the text
11 messages, the only messages that have been offered thus
12 far are from State's 23. These are four messages sent
13 from the defendant to the child that she received and
14 she recognized, so she has personal knowledge of those.
15 She also recognized the defendant in the contacts of her
16 mother. She had her mother's phone. She recognized
17 that the messages were sent from Tirrell as he's listed
18 in her mom's phone and she provided that phone number,
19 but most specifically she had direct and personal
20 knowledge of those messages as they were received and
21 they would not be hearsay. Those four messages are
22 statements made by the defendant and offered by the
23 adverse party.

24 Next, Your Honor, as for the call log, the call log
25 does not contain any content in terms of text messages

1 or anything of that nature. The call log simply shows
2 the names of the parties in the contacts of the mother's
3 phone, which she testified she recognized. She
4 recognized Patricia Williams because that is Auntie Pat
5 she called after receiving the telephone call from the
6 defendant and she also recognized the defendant's name
7 Tirrell in her mom's messages -- or, I'm sorry, in her
8 mom's contacts as the person calling in and calling out
9 and she testified she spoke directly with him that night
10 and recognized his voice.

11 In terms of the fact that this information, although
12 the child has identified it and has personal knowledge
13 of it, this information was obtained pursuant to a phone
14 extraction. Your Honor, that certainly doesn't affect
15 the admissibility of it once the child, who has personal
16 knowledge, has identified the information that she --
17 that she's looking at, but that particular analyst, Pat
18 Pruitt, will be testifying in this case.

19 THE COURT: To the other messages.

20 MS. MAYES: He's gonna testify tomorrow, Your Honor,
21 and he will certainly be able to expound further on the
22 full extraction.

23 THE COURT: All right. And, again, I'm gonna tell
24 you when we first started here I think, Mr. Madsen, you
25 made a motion to suppress the search warrant, which you

1 said he had no standing, and that ruling stands. I think
2 she had every right to bring in these text messages. I
3 think she's laid the foundation. She ID'd the defendant
4 out of the contact list along with her aunt. I wrote
5 down here she even ID'd his voice from a phone call
6 during this whole time. She is the one who read the
7 text messages herself from her mother's phone. It's not
8 hearsay because I believe it's an admission of a party
9 opponent and in the alternative I think it met the
10 exception for hearsay as a statement against interest.
11 It's relevant and I don't believe that it's unfairly
12 prejudicial, so it stands, but your objection is noted
13 for the record.

14 MR. MADSEN: Thank you. Your Honor.

15 THE COURT: Anything else, Ms. Mayes?

16 MS. MAYES: Your Honor, if we could get with
17 Mr. Madsen just briefly. We just want to make sure that
18 we are all on the same page regarding these redactions.
19 There were multiple locations. We had to redact
20 information regarding probation, references to jail and
21 things like that, so we just want to make sure that
22 everybody's on the same page.

23 THE COURT: Okay. Sure.

24 What do y'all need, about ten minutes?

25 MS. MAYES: Yes, sir. Yes, Your Honor.

1 State your full name for the record and spell your last
2 name.

3 THE WITNESS: Randy Doran, D-O-R-A-N.

4 RANDY DORAN,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. All right. Good afternoon, Lieutenant Doran. Tell us
9 a little bit about yourself. Where have you been employed
10 the last thirty years?

11 A. Edgefield County Sheriff's Office.

12 Q. All right. Tell us a little bit about your job
13 description there, how you started at the sheriff's
14 department -- and ultimately have you retired?

15 A. Yes, ma'am.

16 Q. How you retired and your ranking at retirement.

17 A. I started at the sheriff's office on January the 7th
18 of 1991 as a jailer and dispatcher. I stayed in that
19 position until 1994. I was made a road deputy at that
20 point. In 1996, I was promoted to sergeant over the road
21 patrol. I done that position until 2000 when Sheriff Dobey
22 was elected sheriff and I was put in investigations in
23 2000. I became the chief investigator in 2002. I stayed
24 chief investigator up until retirement on January the 30th
25 of 2021.

1 Q. So for Sheriff Dobey you worked as chief investigator
2 from 2002 until 2020?

3 A. '21.

4 Q. Okay. So roughly nineteen years as chief
5 investigator?

6 A. Yes, ma'am.

7 Q. And during the course of your employment over those
8 thirty years working with Sheriff Dobey, what type of
9 investigators do you recall working with there at the
10 sheriff's department?

11 A. I worked with Investigator Jimmy Smith, Investigator
12 Phil Ireland, Curtis Moss. That was the main investigators
13 that we had at the time.

14 Q. All right. And there at the Edgefield County
15 Sheriff's Department, you mentioned only -- only three
16 investigators in addition to yourself. Were your
17 investigators trained in working major crimes?

18 A. Yes, ma'am, we were.

19 Q. Did that include Investigator Jimmy Smith?

20 A. Yes, ma'am.

21 Q. Had Jimmy Smith worked numerous murders prior to this
22 investigation in 2019?

23 A. Several.

24 Q. And were you the ranking supervising member of that
25 investigative team?

1 A. Yes, ma'am.

2 Q. And were you working in that capacity on the night and
3 early morning hours of July 3rd of 2019?

4 A. Yes, ma'am.

5 Q. Lieutenant Doran, I want to take you back through
6 that. You mentioned earlier that the lead investigator was
7 Investigator Jimmy Smith?

8 A. Yes, ma'am.

9 Q. And is it common even in the middle of the night like
10 this if there is a homicide investigation for you to get up
11 in the middle of the night and go to that scene?

12 A. Yes, ma'am.

13 Q. Was that routine for Investigator Smith as well?

14 A. Yes, ma'am.

15 Q. What do you remember about your arrival there that
16 night?

17 A. When I arrived, like I said, I met with Investigator
18 Smith on the scene. I noticed right away that it was a
19 crime scene, tape put up. There was a dark colored vehicle
20 at the intersection of Younce Pond Road and Highway 191
21 and there was also a female body laying in the driveway of
22 Younce Pond Road.

23 Q. And I'm gonna ask you to move that microphone just a
24 little bit back from you. It's a little bit muffled. Can
25 you tell us whether or not this location is within the

1 jurisdiction of Edgefield County?

2 A. It is.

3 Q. And you mentioned you have worked for the Edgefield
4 County Sheriff's Department over thirty years?

5 A. Yes, ma'am.

6 Q. During the course of that time, were you familiar with
7 pretty much every mile of Edgefield County?

8 A. Yes, ma'am.

9 Q. Does that include Johnston?

10 A. Yes, ma'am.

11 Q. Does that include the rural areas such as peach
12 fields?

13 A. Yes.

14 Q. What can you tell us, Lieutenant Doran, about this
15 particular area, especially at that time in the early
16 morning hours at 1:30 AM?

17 A. Well, it's -- like I said, this area of Edgefield
18 County is just approximately about two and a half miles
19 outside of Johnston. It's a real rural area, mostly peach
20 fields, bean fields, cornfields. It's just very few houses
21 up in that area. It's just a place that's really there's
22 nothing around but farmlands.

23 Q. Okay. And on that particular night, can you tell
24 us whether or not yourself and other members of the
25 investigative -- members of the investigative team needed

1 to use flashlights out there?

2 A. Yes, ma'am. We had to use -- we had to use
3 flashlights and lights from our vehicles to be able to see
4 everything.

5 Q. Okay. Without that would you have been able to have a
6 clear view of the surroundings?

7 A. No, ma'am.

8 Q. Are there any well-lit businesses nearby?

9 A. No, ma'am.

10 Q. Or well-lit traffic lights nearby?

11 A. No, ma'am.

12 MS. MAYES: Your Honor, if he may, we'd ask that
13 the witness step down.

14 THE COURT: Absolutely.

15 Lieutenant, you may step down.

16 (Whereupon, the witness steps down from the witness
17 stand.)

18 BY MS. MAYES:

19 Q. I want to start first with this particular exhibit.
20 I'm gonna ask you to come around to where I am and I'm
21 gonna switch places.

22 A. (Witness complies.)

23 Q. Looking here at this diagram, can you tell us where
24 you recall the victim's -- or the black vehicle that the
25 victim had driven being located?

1 A. It was right here at -- this is Highway 191, this is
2 Younce Pond Road, the dirt portion of that comes off of Old
3 Plank Road that connects to 191. There was a dark colored
4 vehicle right here at this intersection on the pavement
5 part.

6 Q. Okay. And now I'm gonna ask to you step around to the
7 other side so that the jurors on the left can also see.

8 A. As I said, the dark colored vehicle was parked right
9 here and there was a body -- a female body laying right in
10 this area.

11 Q. And where you saw and observed the body of Yumonica
12 Means, can you tell us whether that was on the paved road
13 portion or the dirt road portion?

14 A. It was on the paved portion.

15 Q. And do you remember there being dirt nearby?

16 A. Yes, ma'am.

17 MS. MAYES: I beg the Court's indulgence.

18 THE COURT: Take your time.

19 BY MS. MAYES:

20 Q. Looking here at State's 8, you're familiar with that?

21 A. Yes, ma'am.

22 Q. And then State's 9, you're familiar with that?

23 A. Yes, ma'am.

24 Q. I'll put these up real quick and ask you to look
25 behind you. Looking here at State's 8 where we see a

1 portion of the vehicle in the frame, as well as an EMS
2 truck in the frame, and now we see the location of the body
3 of the victim. How close is she to where the pavement
4 turns into the dirt?

5 A. Approximately -- I'd say approximately twenty feet.

6 Q. From where the pavement turns into the dirt.

7 A. Oh, from the dirt?

8 Q. Yes.

9 A. Probably no more than a foot or so.

10 Q. Okay. And from -- the distance approximately between
11 the vehicle and where she is laying?

12 A. Twenty -- about twenty feet.

13 Q. All right. And then looking at this from another
14 angle, State's 9, what is located on each side of the
15 victim?

16 A. A grass -- a grassy area on both sides, asphalt on
17 both sides, dirt towards the victim's head.

18 Q. And when you mentioned the grass on both sides, can
19 you tell us whether that was short grass or tall grass?

20 A. That's -- that's tall grass.

21 Q. All right. And while y'all are out on the scene,
22 was there an attempt by yourself and other members of the
23 investigative team to locate any shell casings?

24 A. Yes, ma'am.

25 Q. Were you able to locate any shell casings there at the

1 scene?

2 A. No, ma'am.

3 Q. Now I'm gonna show you what is State's 15 already in
4 evidence. State's 15 from a body cam.

5 A. Yes, this is me to the right and Investigator Smith to
6 the left.

7 Q. Okay. Lieutenant Doran, throughout the course of your
8 work at the scene that night, how close in proximity were
9 you to Investigator Jimmy Smith?

10 A. In proximity?

11 Q. How -- were y'all working side by side?

12 A. Oh, yes, ma'am.

13 Q. Were y'all conversing throughout the course of your
14 work there at the scene?

15 A. Yes, ma'am.

16 Q. Were y'all consulting with one another?

17 A. Yes, ma'am.

18 Q. State's 14.

19 A. That's Jimmy Smith to the left and the child that
20 called 9-1-1 sitting in the back of the patrol vehicle.

21 Q. All right. And are you aware as to whether that
22 interview conducted at the scene with J. [REDACTED] V. [REDACTED] led to
23 the identity or identification of a suspect that night?

24 A. Yes, ma'am.

25 Q. And I'm gonna show you what is State's 24 already in

1 evidence. In addition --

2 A. Okay.

3 Q. -- in addition to being able to develop a suspect,
4 were members of the investigative team also able to develop
5 the description of a vehicle that the suspect was driving?

6 A. Yes, ma'am.

7 Q. And what was that?

8 A. It was a 2016 Kia Soul.

9 Q. Okay. Thank you. You may return. Or one moment.

10 Lieutenant Doran, when we talk about that particular
11 location out there, just to kind of orient us a little bit
12 better, you've identified what is in State's Exhibit 3 as
13 being the actual location of the intersection of Younce
14 Pond Road and South Carolina Highway 191?

15 A. Yes.

16 Q. I'm gonna show you what's marked as State's 5 and ask
17 you whether or not you recognize what is depicted in this
18 aerial photograph?

19 A. I do.

20 Q. Is that also an area of Edgefield county?

21 A. Edgefield and Aiken county.

22 Q. Okay. And does this depict the route one would take
23 travelling from Aiken to this location at Younce Pond?

24 A. Yes, ma'am.

25 MS. MAYES: Your Honor, this would be State's 5

1 for evidence.

2 MR. MADSEN: No objection.

3 THE COURT: It's admitted.

4 (State's Exhibit Number 5, an aerial photograph,
5 was admitted into evidence.)

6 BY MS. MAYES:

7 Q. Looking here, Lieutenant Doran, at this particular
8 photograph, aerial map, in relation to South Carolina 191
9 headed towards Johnston, if you're coming from Aiken county
10 is there a location along Edgefield Highway where there's a
11 fork in the road?

12 A. Yes, ma'am.

13 Q. And when one comes to that fork in the road, would the
14 driver have to determine if they're gonna bear left towards
15 Edgefield and Trenton or bear right towards Johnston?

16 A. Yes, ma'am.

17 Q. What are we looking at here in State's 5?

18 A. So this here is Highway 19 coming out of Aiken. It
19 comes up to -- it looks like this is Highway 19 coming out
20 of Aiken and I'd say you come up to this intersection here,
21 you've got a quick right here that bears off, and that's
22 where Highway 191 starts. If you stayed in the left lane,
23 19 proceeds all the way into Edgefield county.

24 Q. Okay.

25 A. And this is just a little side road that goes between

1 the two.

2 Q. Okay. And in order to arrive at this location here,
3 the crime scene at the intersection of South Carolina
4 Highway 191 and that Younce Pond Road, being the dirt road,
5 which route would one have to travel coming from Aiken?

6 A. You would have to come down 19 and turn -- stay in the
7 right lane that bears off to State 191.

8 Q. And then continue towards Johnston?

9 A. Yes, ma'am.

10 Q. Once you take that fork in the road and continue
11 towards Johnston, how would you describe that area?

12 A. It's -- it's all rural, a rural area.

13 Q. Okay. Is it well-lit at night?

14 A. No, ma'am.

15 Q. Are there businesses or parking lots that are
16 well-lit?

17 A. No, ma'am.

18 Q. Now in the thirty years that you worked with the
19 Edgefield County Sheriff's Department, did you also have
20 occasion to work with authorities in Aiken county?

21 A. Yes.

22 Q. You're familiar with the location of Aiken Department
23 of Public Safety, Aiken County Sheriff's Department and
24 other businesses in Aiken county?

25 A. Right.

1 Q. I'm gonna show you a photograph and ask you whether or
2 not you recognize it. This is State's 4.

3 A. I do.

4 Q. Is that -- can you tell us whether or not that's a
5 fair and accurate representation of the Aiken county and
6 Edgefield county line near the I-20 exit?

7 A. Yes, ma'am.

8 Q. That would be Exit 18?

9 A. Yes, ma'am.

10 MS. MAYES: State's 4 for evidence, Your Honor.

11 THE COURT: Any objection?

12 MR. MADSEN: No objection.

13 THE COURT: It's admitted.

14 (State's Exhibit Number 4, an aerial photo, was
15 admitted into evidence.)

16 BY MS. MAYES:

17 Q. Now I want to take a minute and have you look at this
18 particular map again in -- in relation to one coming from
19 Aiken county travelling up to eventually hit this fork in
20 the road where one would then take 191 towards Johnston.

21 A. Correct.

22 Q. Before you get to that fork in the road, describe to
23 us the area where Aiken county meets Edgefield county.

24 A. Well, the -- the county line is actually on 191 just
25 past Piper Road, which is off to the right of 191. This is

1 the actual county line.

2 Q. All right. And then what are we looking at right
3 here?

4 A. This is I-20.

5 Q. Okay. And where -- I'm gonna ask you to move over
6 here where I am.

7 A. (Witness complies.)

8 Q. Where I-20 crosses over, there's an Interstate exit
9 there that would allow one to get off and go to Aiken?

10 A. Yes, ma'am.

11 Q. And are you familiar with that being Exit 18?

12 A. Yes, ma'am.

13 Q. Now around that area heading into Edgefield county,
14 are there any twenty-four hour businesses?

15 A. Yes, ma'am.

16 Q. What do you have personal knowledge of being at that
17 location?

18 A. Waffle House.

19 Q. All right. The Waffle House right there at Exit 18
20 coming into Edgefield County, that's twenty-four hours?

21 A. Right.

22 Q. Is it well-lit?

23 A. Yes, ma'am.

24 Q. There's a parking lot?

25 A. Yes, ma'am.

1 Q. Are there service stations around it?

2 A. Yes, ma'am.

3 Q. What other businesses and service stations surround
4 the Exit 18?

5 A. You've got your gas, motels, Circle K restaurant -- I
6 mean, service station with a Subway Restaurant inside, and
7 you've got another Deluxe Motel all in that one little
8 area.

9 Q. And based on your knowledge, is that area well-lit?

10 A. Yes, ma'am.

11 Q. Now looking back even further, if one's coming from
12 Aiken county, are there other businesses coming from that
13 location where the victim resided at 528 Camellia Street
14 headed down towards the Edgefield Highway?

15 A. Yes, ma'am.

16 Q. Are you familiar with whether Aiken has a twenty-four
17 hour Wal-Mart?

18 A. Yes, ma'am.

19 Q. A twenty-four hour Kroger?

20 A. Yes, ma'am.

21 Q. Other twenty-four hour service stations?

22 A. Yes, ma'am.

23 Q. And specifically where is the Aiken County Sheriff's
24 Department located in relation to all of these?

25 A. This is -- this Highway 1. Aiken sheriff's office

1 is back off to the right on York Street. This is off of
2 Hamilton Drive.

3 Q. Would that also be a safe location for parties to meet
4 in the early morning hours?

5 A. Yes, ma'am.

6 Q. Are there numerous other locations that would still
7 have parking lots lit even after businesses closed?

8 A. Yes, ma'am.

9 Q. Such as Dollar General?

10 A. Yes, ma'am.

11 Q. Once you arrive into Edgefield county, do you see any
12 of those type of businesses or commercial locations?

13 A. No, ma'am. Once you -- once you enter Edgefield
14 county, there's no businesses at all.

15 Q. And what about headed towards Johnston up that fork?

16 A. No, ma'am.

17 Q. Thank you. You may return.

18 A. (Witness complies.)

19 Q. So going back, Lieutenant Doran, to 1:31 AM that
20 dispatch call goes out and ultimately you, as well as
21 other members, arrive at the scene, tell us what action was
22 taken next after you indicated there was a search of the
23 surrounding area.

24 A. Like I say, once I got on-scene I met with
25 Investigator Smith. He informed me what he had learned

1 so far at the crime scene and he'd got information from the
2 victim, that is the victim's daughter in this case, that --

3 Q. I'm gonna - I'm gonna stop you right there. State's 6
4 already in evidence. You're familiar with that vehicle
5 being left behind at the scene driven by the victim?

6 A. Yes, ma'am.

7 Q. And was a tag run on that vehicle?

8 A. Yes, ma'am.

9 Q. I'm gonna show you State's 10 I believe already in
10 evidence, but, if not, I'm gonna offer it at this time.

11 A. Yes, ma'am.

12 Q. What is depicted in that photo?

13 A. A South Carolina license plate.

14 Q. Okay. Is that consistent with the license plate on
15 this vehicle, being the black Toyota Corolla?

16 A. Yes, ma'am.

17 MS. MAYES: Your Honor, this would be State's 10,
18 although I believe it already is in evidence.

19 THE COURT: It is in evidence.

20 Let me tell you, Ms. Mayes, Number 24 you said was
21 in evidence, but I don't have it in evidence.

22 THE CLERK: No.

23 MS. MAYES: Okay. We will cover that shortly,
24 Your Honor.

25 THE COURT: Thank you.

1 BY MS. MAYES:

2 Q. Looking here, Lieutenant Doran, at State's 10.

3 A. Yes, ma'am. That's the license plate, license plate
4 number, South Carolina, that came back to a 2016 Toyota
5 Corolla.

6 Q. Okay. Now once y'all are at the scene and you run
7 that tag, of course, on the 9-1-1 call we hear the child
8 giving that tag, and then officers ran it at the scene?

9 A. Right.

10 Q. Who did it ultimately be determined that it belonged
11 to?

12 A. Tricia Pixley.

13 Q. Patricia?

14 A. Okay. Patricia. I'm sorry.

15 Q. And when it was determined that it belonged to
16 Patricia, what, if any, action did Edgefield County
17 Sheriff's Department take next in order to notify any
18 friends or family regarding the child, J. [REDACTED] V. [REDACTED]
19 found at the crime scene?

20 A. Investigator Smith had -- I was dispatched to contact
21 Aiken County dispatch and give them the tag information
22 and the address and advised if they would go get an Aiken
23 County unit to go to this residence that the tag came back
24 to to see if they could locate the owner of that vehicle.

25 Q. All right. And ultimately was that party, Patricia

1 Williams, also known as Patricia Pixley, was she ultimately
2 notified?

3 A. She was.

4 Q. And did she come out there that night in the middle of
5 the night where J.V. [REDACTED] was?

6 A. Yes, ma'am.

7 Q. And do you recall whether other family members came
8 out there as well in the middle of the night where J.V. [REDACTED]
9 was?

10 A. Yes, ma'am.

11 Q. Now once Yumonica Means was identified there at the
12 scene as the victim, can you tell us whether or not it was
13 learned that there was another vehicle associated with her
14 that is now of interest?

15 A. Yes, ma'am.

16 Q. How so?

17 A. Well, like I say, we had learned that the suspect in
18 this incident was driving the victim's 2016 Kia Soul,
19 silver in color, and it had left the scene and we had
20 called our dispatch and got them to run the information on
21 -- on the victim, Yumonica Means since she had a vehicle
22 that was registered in her name, and we was able to get
23 that information back on the vehicle.

24 Q. All right. I'm gonna show you what is State's 24 and
25 ask you whether or not you recognize it?

1 A. I do.

2 Q. And how so?

3 A. It's the 2016 Kia Soul --

4 Q. Ultimately --

5 A. -- silver in color.

6 Q. Ultimately recovered by the Edgefield County Sheriff's
7 Department in this case?

8 A. Yes, ma'am.

9 Q. Is it a fair and accurate representation of the Kia
10 Soul as it appeared when it was recovered?

11 A. Yes, ma'am.

12 MS. MAYES: Your Honor, at this time this will be
13 State's 24 as evidence.

14 MR. MADSEN: No objection.

15 THE COURT: Thank you.

16 (State's Exhibit Number 24, a photograph, was
17 admitted into evidence.)

18 BY MS. MAYES:

19 Q. Lieutenant, once it was learned that the suspect has
20 fled the scene in this Kia Soul, what action was taken
21 next?

22 A. Well, like I say, once we got the information on the
23 vehicle, we advised our dispatch to put out a BOLO on the
24 vehicle.

25 Q. And a BOLO -- just to clarify, BOLO means?

1 A. Be On the Lookout.

2 Q. And that goes to every other agency in South Carolina?

3 A. Yes, ma'am.

4 Q. Can you tell us whether or not it also goes to other
5 states?

6 A. It does.

7 Q. At this particular time, the name of the suspect,
8 Michael Tirrell Means, had that been entered as a BOLO?

9 A. Yes, ma'am.

10 Q. As well as the description of the Kia Soul?

11 A. Yes, ma'am.

12 Q. What, if any, other concerns did you have as the
13 ranking -- the ranking investigator out there at the scene
14 about who else may be inside that vehicle?

15 A. Well, we learned during our -- we learned during our
16 investigation that there was a three-year-old child in the
17 vehicle, too.

18 Q. Taraji Means?

19 A. Right.

20 Q. And you were aware she was three years of age?

21 A. Right.

22 Q. And you had obtained information during the course
23 of your investigation that she was also present in the
24 vehicle?

25 A. Yes.

1 Q. What action did you take next?

2 A. Like I say, we was concerned about her safety because
3 we was getting -- we was gonna out an Amber alert for her.

4 Q. An Amber Alert for that child, Taraji Means?

5 A. Right.

6 Q. And what happened next?

7 A. Before we could get the Amber Alert out, we had -- one
8 of the family members at the scene had learned that the
9 child was dropped off in Saluda at the defendant's sister's
10 house.

11 Q. All right. So I want to stop you right there and make
12 sure we are tracking this information. Taraji Means, TT,
13 now five years of age, at the time was three?

14 A. Yes, ma'am.

15 Q. And during the course of your investigation that night
16 at the scene you learned that she had been dropped off in
17 what county?

18 A. Saluda.

19 Q. And who was the person that dropped her off?

20 A. The defendant, Mr. Means.

21 Q. The defendant, Tirrell Means?

22 A. Yes, ma'am.

23 Q. And it was your understanding she was dropped off with
24 another relative of his?

25 A. Yes, ma'am.

1 Q. And can you tell us whether or not the defendant
2 remained on the run?

3 A. Yes, ma'am.

4 Q. So he was still wanted?

5 A. Yes, ma'am.

6 Q. So he dropped off the child and then still you were
7 looking for him?

8 A. Yes, ma'am.

9 Q. During the time all of you were there at the scene,
10 did Tirrell Means ever return to the scene?

11 A. No, ma'am.

12 Q. He remained wanted by law enforcement throughout that
13 time?

14 A. Yes, ma'am.

15 Q. Ultimately how did the sheriff's department learn of
16 the location of that Kia Soul that belonged to the victim,
17 Yumonica Means, that the defendant had fled the scene in?

18 A. We -- our dispatch had received information from the
19 Laurens County Sheriff's Department that the vehicle in
20 question here, the 2016 Kia Soul, was located in their
21 county in a church parking lot.

22 Q. Okay. So I'm gonna stop you right there. So the Kia
23 Soul is located in Laurens county on what date?

24 A. On 7-4-2019.

25 Q. At what time was that report made to -- or that

1 information relayed to the Edgefield County Sheriff's
2 Department?

3 A. 12:41 AM.

4 Q. So 12:41 AM on July 4th, your department learned that
5 the vehicle has been sighted in Laurens county?

6 A. Yes, ma'am.

7 Q. Now who is the person who actually made the Edgefield
8 County Sheriff's Department aware of that?

9 A. Deputy Jared Arwood -- Atwood.

10 Q. Deputy Atwood with the Laurens County Sheriff's
11 Department?

12 A. Yes, ma'am.

13 Q. And was that vehicle occupied or had it been
14 abandoned?

15 A. It had been abandoned.

16 Q. And were efforts made by the Edgefield County
17 Sheriff's Department to coordinate with Laurens County in
18 order to retrieve that vehicle?

19 A. Yes, ma'am.

20 Q. Throughout that process, did the defendant, Tirrell
21 Means, remain wanted?

22 A. Yes, ma'am.

23 Q. Was he located anywhere near that vehicle?

24 A. No, ma'am.

25 Q. He was still on the run?

1 A. Yes, ma'am.

2 Q. That's July 4th. We know that you were called to the
3 crime scene at 1:30 AM on July 3rd, so we're now a full day
4 in the early morning hours of July 4th. How long did it
5 take before the Edgefield County Sheriff's Department
6 finally made contact with the defendant, Tirrell Means?

7 A. It was July the 5th.

8 Q. Let me show you one more photograph. This is marked
9 as State's 33.

10 A. Yes, ma'am.

11 Q. Do you recognize what's depicted in that photograph?

12 A. Yes, ma'am.

13 Q. And do you recognize the location that photograph was
14 taken?

15 A. Yes, ma'am.

16 Q. Okay. This would be State's 33 as evidence?

17 MR. MADSEN: No objection.

18 THE COURT: Okay.

19 (State's Exhibit Number 33, a photograph, was
20 admitted into evidence.)

21 BY MS. MAYES:

22 Q. Looking here at State's 33, ultimately did Edgefield
23 County retrieve that vehicle from Laurens County?

24 A. Yes, ma'am, we did.

25 Q. So looking here at 33, where is that particular

1 photograph taken of the Kia Soul?

2 A. The vehicle was towed from Laurens to Everett
3 Keesley's Towing here in Edgefield.

4 Q. That would be the Keesley Garage here in Edgefield?

5 A. Yes, ma'am.

6 Q. Can you tell us whether or not that was towed for the
7 purpose of what's called CSI or crime scene collection?

8 A. Yes, ma'am. It was -- we use -- we use Keesley's
9 Towing a good bit. We didn't have an area to put the
10 vehicle inside and we used them several times to take
11 vehicles for -- so it could be enclosed and preserved for
12 the crime scene unit to come.

13 Q. All right. Now you mentioned for the crime scene
14 unit. In this particular case, who did the Edgefield
15 County Sheriff's Department call in to work the crime
16 scene, both at the location of 191 out where the victim
17 was located, and of this vehicle, being the Kia Soul?

18 A. The State Law Enforcement Division. SLED.

19 Q. Okay. So SLED has a CSI team that would respond if
20 requested?

21 A. Yes, ma'am.

22 Q. And they handled the CSI investigation as to both the
23 vehicle and the crime scene?

24 A. Yes, ma'am.

25 Q. You mentioned that on July 5th ultimately there was

1 contact with the defendant in this case, Tirrell Means?

2 A. Yes, ma'am.

3 Q. Now in Edgefield you had the Edgefield County
4 Sheriff's Department?

5 A. Yes.

6 Q. Are there other agencies which -- which also have
7 their own law enforcement departments?

8 A. Yes, ma'am.

9 Q. Does that include the Johnston Police Department?

10 A. Yes.

11 Q. In this particular case, are you familiar with
12 Johnston police chief Lamaz Robinson?

13 A. I am.

14 Q. Tell us how you went about having contact or making
15 contact ultimately with the defendant in this case on
16 July 5, 2019, a day after the Kia Soul is located abandoned
17 in Laurens county.

18 A. Yes, we were contacted by Chief Robinson with Johnston
19 Police Department. He had advised us that he had been
20 talking to the defendant, Mr. Means, and Mr. Means wanted
21 to turn himself into the Edgefield sheriff's office.

22 Q. All right. So just to go back a little bit, Chief
23 Robinson is chief of the Johnston Police Department, also
24 within Edgefield County, and he made Edgefield County
25 Sheriff's Department aware that the defendant, Tirrell

1 Means, was going to turn himself in?

2 A. Yes, ma'am.

3 Q. And can you tell us what date that occurred?

4 A. That was on July the 5th, 2019.

5 Q. And can you tell us whether or not the defendant was
6 placed under arrest on that date?

7 A. Yes, ma'am, he was.

8 Q. And when we say placed under arrest, was he actually
9 brought here really just a block over to the Edgefield
10 County Sheriff's Department?

11 A. Yes, ma'am.

12 Q. Now when someone is turning themselves in because
13 they're wanted, anything of that nature, what is the
14 routine process for someone being searched or secured
15 at that point that they come to the door there at the
16 sheriff's department?

17 A. Once they come to the door at the sheriff's
18 department, the detention center, like I said, they come
19 in through the sally port area. Once at the detention
20 center --

21 Q. Let me slow you down a bit. You say sally port area.
22 What do you mean by that?

23 A. The detention center.

24 Q. Okay.

25 A. That's where law enforcement brings the inmates in

1 after they have been arrested.

2 Q. But if someone is turning themselves in, that's also
3 the location that that would occur?

4 A. 90 percent of the time, yes, ma'am.

5 Q. And that they would be secured and searched, is that
6 normal and routine?

7 A. Yes, ma'am.

8 Q. Did that occur in this particular case?

9 A. It did.

10 Q. All right. And does your file and investigative
11 materials indicate that Tirrell Means was also searched and
12 secured when turning himself in on July 5th?

13 A. Yes, ma'am.

14 Q. Now did you also have a role as an evidence custodian
15 during your time at the Edgefield County Sheriff's
16 Department?

17 A. At that time I did, yes, ma'am.

18 Q. And in 2019, if someone is turning themselves in, do
19 they keep any personal property with them or is it
20 collected?

21 A. It's collected.

22 Q. Does that include personal items such as keys and cell
23 phones?

24 A. Yes, ma'am.

25 Q. If that item is determined to be of value as evidence,

1 can you tell us what the process is for collecting it in
2 evidence?

3 A. Yeah, usually if it's evidence-related, you know, the
4 investigator or officer takes the item before the inmate's
5 processed in the detention center.

6 Q. All right. That's routine in any case?

7 A. Yes, ma'am.

8 Q. In other words, once they're being booked in, do they
9 have any property of their own which remains with them?

10 A. No, ma'am.

11 Q. Would they be able to keep their phone once they're
12 booked in?

13 A. No, ma'am.

14 Q. Would they be able to keep their keys once they're
15 booked?

16 A. No, ma'am.

17 Q. Can you tell us whether or not a cell phone and keys
18 were seized in this particular case pursuant to the
19 defendant, Tirrell Means, turning himself in on July 5,
20 2019?

21 A. They were.

22 Q. I'm gonna show you two items and ask you whether or
23 not you recognize them. First, I'm gonna ask you whether
24 or not you recognize the packaging. I'm gonna start with
25 State's 30.

1 A. Yes, ma'am.

2 Q. How many years did you work with Jimmy Smith?

3 A. Probably fifteen.

4 Q. Do you recognize his handwriting?

5 A. Yes, ma'am.

6 Q. All that time you were working as evidence custodian,
7 how many times or how frequent was it for you to -- for
8 Jimmy Smith to turn over evidence to you?

9 A. Very frequently. I mean, on a daily basis sometimes.

10 Q. You recognize his handwriting in State's 30?

11 A. Yes, ma'am.

12 Q. And State's 31?

13 A. Yes, ma'am.

14 Q. And what date is reflected for these items being
15 turned over to the Edgefield County Sheriff's Department?

16 A. On July 5, 2019.

17 Q. Okay. And then for State's 30?

18 A. July 5, 2019.

19 Q. All right. And as you testified previously, is
20 collection of these items routine as part of the search
21 and securing of a person who's turning them self in?

22 A. Yes, ma'am.

23 Q. And is it your understanding that he turned himself in
24 in the presence of Lamaz Robinson, chief of Johnston Police
25 Department?

1 A. Yes.

2 MS. MAYES: Your Honor, at this time, the State
3 would offer 30 and 31 as evidence.

4 MR. MADSEN: Which one's 30 and which one's 31?

5 MS. MAYES: 30 is the phone. 31 are the keys.

6 MR. MADSEN: No objection as to 31. I would renew
7 my pre-trial in limine motion on 30.

8 THE COURT: Okay. So noted for the record, but I'm
9 allowing them in.

10 (State's Exhibit Number 30, a cell phone, and
11 State's Exhibit Number 31, Kia keys, were admitted into
12 evidence.)

13 BY MS. MAYES:

14 Q. Now in addition to these items, are you aware as to
15 whether or not Chief Robinson turned over any other
16 physical evidence item at the time that the defendant was
17 being processed?

18 A. Yes, ma'am. He turned over a firearm.

19 Q. A firearm. And that was maintained by the Edgefield
20 County Sheriff's Department as well?

21 A. Yes, ma'am.

22 Q. I'm gonna show you what is State's 31 and ask you
23 whether or not you recognize any labeling on this
24 particular key?

25 A. Yes, ma'am. It's got the name of Kia on it.

1 Q. Does that appear consistent with a Kia car key?

2 A. Yes, ma'am.

3 Q. For identification only at this time, I want to show
4 you what is State's 32. You mentioned your role as an
5 evidence custodian back during that point in time in 2019.
6 I'm gonna ask you whether or not this item appears to be
7 properly packaged?

8 A. Yes, ma'am.

9 Q. And secured?

10 A. Yes, ma'am.

11 Q. Does it include a chain of custody tag on the front?

12 A. Yes, ma'am.

13 Q. Do you recognize the handwriting on that tag?

14 A. Yes, ma'am.

15 Q. Whose handwriting?

16 A. Investigator Jimmy Smith.

17 Q. All right. And did Jimmy put the date that this item
18 was collected as well?

19 A. Yes, ma'am. 7-5-2019.

20 Q. Can you tell us whether this type of packaging is
21 consistent with the collection of a firearm?

22 A. Yes, ma'am.

23 MS. MAYES: I beg the Court's indulgence.

24 THE COURT: Take your time.

25 BY MS. MAYES:

1 Q. You've travelled that route from the city of Aiken up
2 to the crime scene in the past?

3 A. Yes, ma'am.

4 Q. And specifically that location where the victim
5 resided at 528 Camellia Street, are you familiar with
6 approximately -- have you researched the travel time for
7 that?

8 A. Yes, ma'am.

9 Q. From Camellia Street?

10 A. Yes, ma'am.

11 Q. And what's the published travel time for that in
12 accordance with Google Earth?

13 A. Twenty minutes.

14 Q. And how long or what is -- what would that distance
15 approximately be?

16 A. 17.6 miles.

17 MS. MAYES: Nothing further.

18 THE COURT: Mr. Madsen.

19 CROSS-EXAMINATION

20 BY MR. MADSEN:

21 Q. So, Lieutenant Doran, you were the ranking officer out
22 there that day, correct?

23 A. Yes, sir.

24 Q. Did you do a report?

25 A. No, sir.

1 Q. And so 33, the Kia Soul, did you ever see that in
2 person?

3 A. Did I ever see it in person?

4 Q. Yes.

5 A. Yes, sir.

6 Q. Okay. How about when the solicitor showed you --
7 you don't remember those license plate numbers, do you,
8 independently?

9 A. No.

10 Q. Someone showed you the photograph and said hey, this
11 is off that car that was out there?

12 A. Yes, sir.

13 Q. And Aiken's a big county. In fact, I think it might
14 geographically be our largest county in the state. There's
15 a lot of different places that you can go depending on
16 where you're at in Aiken and get to a different place in
17 Edgefield, correct?

18 A. Oh, yeah.

19 Q. And the Kia Soul was collected the next day, correct,
20 on the 4th?

21 A. It was collected on -- yes, sir.

22 Q. 7-4?

23 A. Right, from Laurens County.

24 Q. And y'all were out on the day before, 7-3?

25 A. Yes, sir.

1 Q. And Tirrell turns himself in on the 5th, correct?

2 A. Yes, sir.

3 Q. And that's because he contacted Chief Robinson sitting
4 over there?

5 A. Correct.

6 Q. And he cooperated with y'all, correct, when he turned
7 himself in?

8 A. Yes, sir.

9 Q. And you had said this kind of location where the
10 incident scene is, I guess, about two and a half miles
11 outside of Johnston?

12 A. Yes, sir. Give or take.

13 Q. Now I'm assuming Edgefield is the biggest city in
14 Edgefield county.

15 A. Yes, sir.

16 Q. Is Johnston two?

17 A. Johnston would be two and then Trenton.

18 Q. And then Trenton. Okay. I wasn't sure if it was
19 Trenton then Johnston or Johnston then Trenton. So that
20 was -- so two and a half miles out of the second biggest
21 kind of area in Edgefield county?

22 A. Yes, sir.

23 MR. MADSEN: That's all the questions I have.

24 REDIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. Mr. Madsen was asking you if you had a chance to
2 observe that Kia Soul.

3 A. Right.

4 Q. Does that Kia Soul remain in the custody of the
5 Edgefield County Sheriff's Department?

6 A. It does.

7 Q. Was there any exterior damage to that Kia Soul
8 indicating it had been wrecked?

9 MR. MADSEN: Judge, this is not part of redirect.

10 MS. MAYES: He asked if he observed it, Your Honor.

11 THE COURT: I agree. I'm gonna allow it. Go ahead.

12 BY MS. MAYES:

13 Q. Was there any exterior damage indicating that that
14 vehicle had been wrecked?

15 A. There was no damage whatsoever.

16 MS. MAYES: Thank you. Nothing further.

17 MR. MADSEN: No further questions.

18 THE COURT: May I excuse the lieutenant?

19 MR. MADSEN: Yes, Your Honor.

20 THE COURT: Thank you for coming.

21 (Witness excused.)

22 MS. MAYES: May we approach?

23 THE COURT: Yes.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: All right. Mr. Foreman, I need to

1 following up from our -- our hearing that we had,
2 Jackson v. Denno, pretrial in regards to the statement
3 -- telephone conversation between the defendant and
4 police chief Lamaz Robinson. I've met with defense
5 counsel. We reviewed a recording of that. You know,
6 subject to the redactions, we're in agreement with
7 moving forward as presented on this disc.

8 THE COURT: Okay. So we're gonna admit that with
9 no objection?

10 MR. MADSEN: Correct, Your Honor.

11 THE COURT: Thank you.

12 Okay. And just let me ask before I bring the
13 jury back in so I can tell them -- I like to keep them
14 informed. Do you think we're gonna get through one more
15 witness?

16 MS. MAYES: We actually have several short witnesses
17 who are here.

18 THE COURT: Okay.

19 MS. MAYES: What time is it right now?

20 THE COURT: It is 3:41.

21 MS. MAYES: Okay. Judge, after Chief Robinson,
22 we have a witness out of Laurens county who is here
23 in regards to the vehicle and then we have at least two
24 short witnesses after that. We have a third witness we
25 could call late this afternoon or I believe he could

1 then call it a day, okay?

2 Go ahead.

3 MR. FENDER: The State calls Chief Lamaz Robinson
4 to the stand.

5 THE COURT: I didn't expect you to come in that
6 way.

7 (Whereupon, Lamaz Robinson was duly sworn by the
8 Clerk of Court.)

9 THE CLERK: Thank you, sir. Please be seated.
10 State your full name and spell your last a name for the
11 record.

12 THE WITNESS: Lamaz Robinson, R-O-B-I-N-S-O-N.

13 LAMAZ ROBINSON,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. FENDER:

17 Q. Chief Robinson, can you tell us a little bit about
18 your background, where you went to high school and that
19 kind of thing.

20 A. Yes. I'm from Saluda, South Carolina. I went to
21 Saluda High School. I graduated from Saluda on May 26th
22 of 2000. I entered law enforcement working with Saluda
23 County Sheriff's Office in April of 2003 as a
24 dispatcher/jailer, then I came to the Johnston Police
25 Department September the 17th of 2004. I started out as

1 a patrolman in 2007, promoted to the rank of corporal as
2 an investigator. In October of 2010, I was promoted to
3 the rank of sergeant. In December of 2012, promoted to
4 the rank of lieutenant, and then in July of 2014 promoted
5 to the interim chief status and September the 10th of 2014
6 promoted to full-time status as police chief of Johnston.

7 Q. Prior to going into law enforcement, did you know
8 Michael Tirrell Means?

9 A. I did.

10 Q. Is he with us today in the courtroom?

11 A. He is.

12 Q. Can you please identify him.

13 A. Yes, he's seated at the defense table in the black
14 suit.

15 Q. Can you tell us how -- how you knew him?

16 A. Yes, me and Tirrell marched in the marching band
17 together.

18 Q. Is that when you were in high school?

19 A. Yes.

20 Q. Approximately what year was that?

21 A. He marched -- he actually made marching band a year
22 before I did. We started marching together -- I think
23 he started in the seventh grade, I started in eighth
24 grade, so 1996 all the way up until 2000.

25 Q. You graduated in the year 2000?

1 A. I graduated in 2000.

2 Q. And that's when you began your law enforcement
3 career?

4 A. No, I begun my law enforcement career in 2003.

5 Q. When did you first become the -- the police chief of
6 Johnston?

7 A. On an interim status on July the 9th of 2014.

8 Q. Did you have a conversation with Tirrell Means in
9 July of 2019?

10 A. I did. My first conversation was on July 4th of
11 2019.

12 Q. Can you tell us about the circumstances of that
13 call?

14 A. Yes. Tirrell, along with some other people, had
15 reached out to me in a phone conversation. He called me
16 and wanted me to record a phone conversation.

17 Q. Who initiated that telephone call?

18 A. He did.

19 Q. All right. Was he in custody at that time?

20 A. No, he was not.

21 Q. What was his status?

22 A. He was calling me in reference to -- he was -- from
23 what I took it, he was still running from -- he was wanted
24 at the time by the Edgefield County Sheriff's Office for
25 some charges. I mean, he was running at the time.

1 Q. Who requested that the conversation be recorded?

2 A. He did.

3 Q. All right. Did you advise him of his rights?

4 A. I did.

5 Q. Did you, in fact, record that statement?

6 A. I did.

7 Q. I'm showing you now what's been marked as State's
8 Exhibit 17. What does this appear to be?

9 A. It is a disc recording of the conversation that we
10 had.

11 Q. Is that accurate?

12 A. Yes.

13 MR. FENDER: Judge, at this time I'd enter
14 State's 17 into evidence and publish for the jury.

15 THE COURT: And that's without objection?

16 MR. MADSEN: Without objection.

17 THE COURT: It is admitted.

18 (State's Exhibit Number 17, an audio recording,
19 was admitted into evidence.)

20 (Whereupon, State's Exhibit Number 17 was played.)

21 BY MR. FENDER:

22 Q. Chief Robinson, can you identify who's on this call?

23 A. Myself and Michael Tirrell Means.

24 (State's Exhibit Number 17 continued playing.)

25 Q. Chief Robinson, did Tirrell make a statement to you

1 about shooting Yumonica?

2 A. He did.

3 (State's Exhibit Number 17 continued playing.)

4 Q. Chief Robinson, did Tirrell make a statement about
5 acting like he had a car accident?

6 A. Yes.

7 (State's Exhibit Number 17 continued playing.)

8 Q. Chief Robinson, did Tirrell make a statement about a
9 legal separation or separation paperwork?

10 A. Yes.

11 (State's Exhibit Number 17 continued playing.)

12 Q. When he said he'd signed a paper, was that referring
13 to the separation paperwork?

14 A. Yes.

15 (State's Exhibit Number 17 continued playing.)

16 Q. Did Tirrell make a statement about a bump up or car
17 accident?

18 A. Yes.

19 (State's Exhibit Number 17 continued playing.)

20 Q. Did Tirrell make a statement about over-drafting a
21 bank account?

22 A. Yes.

23 (State's Exhibit Number 17 continued playing.)

24 Q. Chief Robinson, did Tirrell make a statement about
25 killing Yumonica Means?

1 A. Yes.

2 (State's Exhibit Number 17 continued playing.)

3 Q. Did Tirrell make a statement to you about where he
4 left the vehicle?

5 A. Yes.

6 (State's Exhibit Number 17 continued playing.)

7 Q. After this telephone conversation, did Tirrell turn
8 himself in?

9 A. He did.

10 Q. Can you tell us about that?

11 A. Yes. On July the 5th, he called me that morning and
12 I met him and Pastor Hoops at Shaker's Gym over in Saluda
13 county where he turned himself into myself. I subsequently
14 took him into custody and transported him to the Edgefield
15 County Detention Center where I turned him over to the
16 investigators there.

17 Q. What happens to somebody's property when they turn
18 themselves in?

19 A. Subsequently he was -- as a part of turning himself
20 in, when we left Shaker's Gym, he turned over a firearm
21 that he said that he used during the -- during the crime.
22 I took possession of that firearm. Subsequently I patted
23 him down, searched him, and took him in custody, put him
24 in handcuffs, took him over to the jail. Subsequently we
25 got to the jail. They subsequently do another search of

1 him to make sure that any belongings that he has on him is
2 turned over at that time also.

3 Q. So would he get to keep stuff like keys and a phone?

4 A. No.

5 Q. That's turned over to law enforcement?

6 A. You don't get to keep anything when you go into the
7 jail. All your property is turned over.

8 MR. FENDER: Judge, may I approach the witness?

9 THE COURT: You may.

10 BY MR. FENDER:

11 Q. Chief Robinson, you testified that when he turned
12 himself in that he had a firearm that was secured?

13 A. Yes.

14 Q. What does this item appear to be?

15 A. A firearm that he turned into me.

16 Q. Chief Robinson, is this the firearm that was turned
17 over to you?

18 A. Yes, sir, it is.

19 Q. Can you describe this gun to us?

20 A. It's a black and silver, I want to say it's a Jimenez,
21 I think is how you pronounce it.

22 MR. MADSEN: Judge, we have no objection to it
23 being introduced. Preferably he ought to do that
24 before he shows it to the jury, but we don't have an
25 objection.

1 MR. FENDER: Judge, at this time we'd enter
2 State's 32 and --

3 THE COURT: I was wondering because I had it marked
4 as ID only.

5 MR. MADSEN: That's fine.

6 THE COURT: If there's no objection, it's admitted
7 into evidence.

8 MR. MADSEN: There's not.

9 (State's Exhibit Number 32, a handgun, was
10 admitted into evidence.)

11 BY MR. FENDER:

12 Q. Chief, so this is the gun that the defendant turned
13 over to you?

14 A. Yes.

15 Q. And what kind of pistol is this? Can you tell us just
16 a little bit about how it operates?

17 A. It's a semiautomatic pistol. It ejects the cartridge
18 out once it's fired. I think it's a Jimenez. It appears
19 to be a 9 millimeter. It has serial number that you can
20 read on it. It had some -- had a magazine with it with
21 some rounds in the magazine. I photographed it and
22 presented it to the investigators as it was. I didn't,
23 you know, do anything to the firearm or examine it myself
24 or anything of that sort.

25 Q. Chief, when you said you took photos, what do these

1 items appear to be?

2 A. These are photographs that I took in the state that
3 the firearm was in, the plastic bag that it was in at the
4 time it was presented to me. Yes.

5 Q. And this was presented to you by the defendant,
6 Tirrell Means?

7 A. That's correct.

8 MR. FENDER: Judge, at this time I'd enter
9 State's 25, 26, 27, 28 and 29.

10 MR. MADSEN: No objection.

11 THE COURT: If no objection, they're admitted.

12 (State's Exhibit Number 25, 26, 27, 28 and 29,
13 photographs, were admitted into evidence.)

14 MR. FENDER: And seek to briefly publish.

15 THE COURT: Yes. And those are all photos of the
16 firearm?

17 MR. FENDER: Yes, Your Honor.

18 BY MR. FENDER:

19 Q. Can you describe this picture, Chief?

20 A. That is a picture of a -- the ammunition that was in
21 the chamber that I ejected out. When I took custody of it,
22 that was in the chamber, a live round. I ejected it out
23 to secure it for transport reasons and photographed the
24 chamber that we took out of it.

25 Q. Is this also a picture of that firearm?

1 A. That is correct. That's the firearm that was in the
2 bag.

3 Q. Can you tell us about this picture?

4 A. That is a picture of the magazine that was loaded
5 inside the magazine holder. It's a picture of the magazine
6 with the round that was inside the clip. I took that out
7 of the -- out of the firearm and photographed the magazine
8 in the state that it was in at the time just to show what
9 state it was in.

10 Q. Is this also a picture of that firearm?

11 A. That is correct.

12 Q. As well as this?

13 A. Yes, and I think that is just a close-up shot to show
14 the serial number of the firearm.

15 Q. Chief Robinson, was Tirrell Means arrested for murder
16 on July 5, 2019?

17 A. Yes.

18 MR. FENDER: Thank you.

19 THE COURT: Mr. Madsen.

20 CROSS-EXAMINATION

21 BY MR. MADSEN:

22 Q. Chief Robinson, so you've known Tirrell a long time?

23 A. Yes, sir.

24 Q. And y'all played trombone in the band together?

25 A. That's correct.

1 Q. Who was the better trombone player?

2 A. Probably him because I played multiple instruments.

3 Q. And I think your niece is friends with his daughters?

4 A. That's correct.

5 Q. And so y'all have kind of stayed in contact over the
6 years?

7 A. Yes, sir.

8 Q. And you've been chief of Johnston, what, seven years?

9 A. Yes, sir.

10 Q. And you knew that Tirrell had been working as a
11 handyman, kind of repairing, remodeling, correct?

12 A. Yes, sir.

13 Q. And I think he would do some stuff in Johnston for
14 people?

15 A. Yes, sir.

16 Q. And as a law enforcement officer, Chief, you've been
17 part of a lot of investigations, haven't you?

18 A. Yes, sir.

19 Q. Interviewed a lot of different subjects?

20 A. Yes, sir.

21 Q. But in this instance you didn't reach out to him, he
22 called you?

23 A. That's correct.

24 Q. So you didn't initiate it?

25 A. No, sir.

1 Q. And, I mean, for the most part you just kind of
2 listened, didn't you?

3 A. Yes, sir.

4 Q. You didn't ask a lot of questions?

5 A. No, sir.

6 Q. You just kind of listened as a friend?

7 A. Yes, sir.

8 Q. As an investigator, you might ask questions, wouldn't
9 you?

10 A. Yes, sir.

11 Q. You might want to follow up on certain things or get
12 some specificity, correct?

13 A. Yes, sir.

14 Q. Look for clarification?

15 A. Yes, sir.

16 Q. But here you just listened?

17 A. Yes, sir.

18 Q. And he had told you about the separation. Did you
19 know that they had signed something that they had printed
20 off the Internet in like April?

21 A. No, he -- he didn't really go into details. He just
22 told me that he had signed a paper and that it was at the
23 house.

24 Q. But they were still living together was your
25 understanding, correct?

1 A. Yes, sir.

2 Q. And he expressed to you that this Kendrick was kind
3 of sending pictures of his privates to her?

4 A. Yes, sir.

5 Q. And that upset him?

6 A. Yes, sir.

7 Q. And he expressed to you kind of all this stuff that
8 he had been through with her and that certainly seemed to
9 upset him, didn't it?

10 A. Yes, sir. He told me some stuff.

11 Q. Even days afterwards he's still upset about that?

12 A. Yes, sir.

13 Q. And when he said he heard her having sex, that clearly
14 upset him, didn't it?

15 A. If you're talking about when he said he went to the
16 apartment and they was having -- he heard them having sex,
17 yes.

18 Q. And when y'all are talking he talks about a -- I just
19 need to go ahead and commit suicide and you remind him
20 about his kids, don't you?

21 A. Yes, sir.

22 Q. And he turned himself in a couple of days or -- well,
23 I guess on the 5th, so a couple of days after this
24 happened?

25 A. Yes, sir.

1 Q. He cooperated with you?

2 A. Yes.

3 Q. Brought the gun to you?

4 A. Yes, sir.

5 Q. He didn't have to do that. He could have thrown that
6 away, couldn't he?

7 A. Yes, sir.

8 Q. It probably would have been tough to find if he threw
9 it in, you know, the Augusta River or any pond or anything
10 like that, but he brought it to you, didn't he?

11 A. Yes, sir.

12 Q. And he turned himself into you?

13 A. Yes, sir.

14 Q. And he cooperated?

15 A. Yes, sir.

16 Q. He didn't give you any problems?

17 A. No, sir.

18 MR. MADSEN: No further questions.

19 THE COURT: Any redirect for the Chief?

20 REDIRECT EXAMINATION

21 BY MR. FENDER:

22 Q. Chief Robinson, were you aware that the defendant was
23 supposed to be leaving the home?

24 A. Was I aware that he was supposed to be leaving the
25 home?

1 Q. Correct.

2 A. Subsequently after this I found out through other
3 means that she asked him to leave, yes.

4 Q. Okay. Did -- Mr. Madsen, did he ask you about
5 separation paperwork from April?

6 A. Yeah, he just asked me that.

7 Q. And what date did you receive the call from the
8 defendant?

9 A. On July the 4th.

10 Q. And that was in reference to events that occurred in
11 July?

12 A. Yes.

13 Q. Okay. Upon getting this information, did you contact
14 the sheriff's department?

15 A. Upon getting what information?

16 Q. After speaking with Tirrell Means, did you contact the
17 Edgefield County Sheriff's Department?

18 A. Yes, I spoke with the sheriff's office after I talked
19 with Tirrell.

20 Q. So you immediately told them what was going on?

21 A. Yes, I did.

22 MR. FENDER: Thank you.

23 MR. MADSEN: No further questions.

24 THE COURT: May I excuse the Chief?

25 MR. MADSEN: Yes, Your Honor.

1 THE COURT: Chief, thank you. You may be excused.

2 (Witness excused.)

3 MS. MAYES: The State calls Deputy Jared Atwood.

4 THE CLERK: Raise your right hand and place your
5 left hand on the Bible.

6 (Whereupon, Jared Atwood was duly sworn by the
7 Clerk of Court.)

8 THE CLERK: Thank you, sir. Be seated. State your
9 full name and spell your last for the record.

10 THE WITNESS: Jared Atwood, A-T-W-O-O-D.

11 JARED ATWOOD,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. Good afternoon. Tell us a little bit about yourself.
16 Where are you currently employed?

17 A. I'm currently employed at the City of Fountain Inn
18 Police Department, located in Greenville and Laurens
19 counties.

20 Q. All right. Now prior to working with the Fountain Inn
21 Police Department, what law enforcement agency did you work
22 with?

23 A. From April 24, 2017, all the way until December 30th,
24 2019, I worked at Laurens County Sheriff's Office.

25 Q. All right. And when you say the Laurens County

1 Sheriff's Office, can you tell us whether you were
2 specifically working there during the time period of
3 July 2019?

4 A. I was.

5 Q. All right. I'm gonna ask you specifically about how
6 you became involved in this particular case.

7 A. Okay.

8 Q. You were working in Laurens county. Can you tell us
9 what your specific description was there? Were you a
10 patrol officer?

11 A. I was a -- I had the rank of master deputy. I was
12 assigned to a uniformed patrol, as well as the K-9 patrol.

13 Q. All right. And ultimately did Laurens County become
14 aware of an abandoned vehicle?

15 A. Yes, ma'am.

16 Q. And I'm gonna ask you specifically what the make of
17 that vehicle was.

18 All right. I'm gonna take a look at this exhibit
19 here looking at a Kia Soul in Laurens county July 4, 2019,
20 specifically 12:41 AM.

21 A. Yes, ma'am.

22 Q. How, if at all, are you familiar with the recovery of
23 that vehicle in Laurens county?

24 A. I'm very familiar.

25 Q. Okay. Tell us about that.

1 A. On July 4, 2019, at around 12:41 in the morning, I
2 was dispatched to what's called the Princeton First
3 Baptist Church, located at 18832 Highway 76 West in Honea
4 Path, located within the county of Laurens. Dispatch
5 advised me that a vehicle was behind the Princeton First
6 Baptist Church and dispatch even informed me that there
7 was a NCIC return or a National Crime Information Center
8 return stating that the vehicle was involved with
9 somebody --

10 Q. Let me stop you right there because I'm just gonna
11 ask you specifically about that. On July 4th of 2019 --

12 A. Uh-huh.

13 Q. -- did you have an opportunity to locate that vehicle
14 yourself?

15 A. Yes, ma'am.

16 Q. And when it's located, if you consider a vehicle
17 abandoned, do you go through the process of trying to
18 identify that vehicle?

19 A. Yes, ma'am. Upon arrival we -- you know, the tag was
20 already ran by dispatch before we even got there.

21 Q. All right. So when you say run by dispatch, let me
22 just ask you this. During the course of your involvement
23 in this case, did you learn whether or not that vehicle was
24 wanted?

25 A. Yes, ma'am.

1 Q. And in addition to the vehicle being wanted, did you
2 learn whether or not there was a specific suspect who was
3 wanted also in conjunction with that vehicle?

4 A. Yes, ma'am.

5 Q. Who was that suspect?

6 A. Michael T. Means.

7 Q. All right. And did you yourself take part in the
8 recovery of that Kia Soul there in Laurens county?

9 A. Yes, ma'am.

10 Q. All right.

11 MS. MAYES: Your Honor, if he may step down, I want
12 to ask a little bit more about that.

13 THE COURT: You may, Deputy Atwood.

14 BY MS. MAYES:

15 Q. And you mentioned, I believe, that this was at a
16 church location?

17 A. Yes, ma'am.

18 Q. And, again, we're talking about July 4th of 2019 and
19 it's in the early morning hours. I believe that's gonna
20 be 12:41 AM.

21 A. Uh-huh.

22 Q. Now who is the -- what is the name or employment
23 description of the person who's actually reporting that to
24 law enforcement as an abandoned vehicle?

25 A. I believe he was the pastor of the church.

1 Q. All right. And was there an indication as to how
2 long that vehicle may have been there prior to it being
3 reported to law enforcement at 12:41?

4 A. He came out to the scene I think he said and saw it
5 on --

6 MR. MADSEN: Judge, I would object to hearsay.

7 THE COURT: It is hearsay.

8 BY MS. MAYES:

9 Q. Without saying what anyone else told you, did you
10 have an indication in the course of your involvement in
11 this whether the vehicle had been there just a short time
12 or for several hours?

13 A. For several hours.

14 Q. All right. So looking here at your discovery at
15 12:41 AM, I'm gonna ask you to show us where that vehicle
16 was located in relation to the church and in relation to
17 the roadway.

18 A. This represents Highway 76 West and it will actually
19 run into Highway 25 here. The parking lot actually loops
20 around and behind the church as such and this right here
21 would be representing where the church is located and the
22 vehicle was located around the back.

23 Q. All right. So where that vehicle is located in the
24 back of the church, is it readily apparent to anyone
25 passing by on the roadway that it's there?

1 A. No, ma'am.

2 Q. All right. It was in a location that would be
3 secluded behind the church?

4 A. Yes, ma'am.

5 Q. All right. Thank you. You may return.

6 A. (Witness complies.)

7 Q. Now at this point in time when the vehicle is located
8 at 12:41 AM, did you see any indication that Michael
9 Tirrell Means was still at the scene?

10 A. No, ma'am.

11 Q. Based upon your observations, did he appear to still
12 be on the run?

13 A. Yes, ma'am.

14 Q. And was that information communicated back to
15 Edgefield County?

16 A. Yes.

17 Q. And that the vehicle had been located?

18 A. Yes, ma'am.

19 Q. How when with Edgefield County became involved, did
20 they make attempts to recover the vehicle?

21 A. Yes, ma'am.

22 Q. And prior to that, what role did you play in taking
23 that vehicle to a secure location?

24 A. We contacted the next wrecker service on rotation,
25 which was Furman Ford, and they came and towed the vehicle

1 to our impound center, which is located at our detention
2 center, and I followed the vehicle.

3 Q. Now when you say you followed the vehicle, were you
4 able to ensure during that time that it was not being
5 tampered with or altered in any way?

6 A. Yes, ma'am.

7 Q. I'm gonna show you a photograph and ask you whether
8 or not you recognize this. This is gonna be State's 34,
9 35, 37 and 39.

10 A. Yes, ma'am.

11 Q. Do those photographs appear to be consistent and a
12 fair and accurate representation of the Kia Soul as you
13 recall recovering it in the early morning hours of July 4,
14 2019?

15 A. Yes, ma'am.

16 MS. MAYES: And, Your Honor, this would be 34, 35,
17 37 and 39 in evidence.

18 THE COURT: Any objection?

19 MR. MADSEN: No, Your Honor.

20 THE COURT: They're admitted.

21 (State's Exhibit Number 34, 35, 37 and 39,
22 photographs, were admitted into evidence.)

23 BY MS. MAYES:

24 Q. And as we're looking at it now, the vehicle is at
25 what location?

1 A. That is our fenced-in impound lot located at the
2 Johnson Detention Center.

3 Q. All right. State's 35 showing there the back of the
4 vehicle?

5 A. Yes, ma'am.

6 Q. State's 37 showing the front right side of the
7 vehicle?

8 A. Yes, ma'am.

9 Q. And then State's 39 showing the front left side of the
10 vehicle?

11 A. Yes, ma'am.

12 Q. Throughout your involvement, Deputy Atwood, with this
13 vehicle was it ever altered or tampered with in any way by
14 yourself or another member of law enforcement to the best
15 of your knowledge?

16 A. No, it was not.

17 Q. And did it remain at that location in Laurens county
18 until it could be retrieved at the request of the Edgefield
19 County Sheriff's Department?

20 A. Yes, it was.

21 MS. MAYES: I beg the Court's indulgence.

22 THE COURT: Take your time.

23 MS. MAYES: Nothing further at this time, Your
24 Honor.

25 THE COURT: Mr. Madsen.

1 CROSS-EXAMINATION

2 BY MR. MADSEN:

3 Q. You were a deputy and now you're an officer at
4 Fountain Inn?

5 A. Yes, sir.

6 Q. And so when you got to the car, was it open or
7 locked?

8 A. I can't recall. As soon as dispatch informed me it
9 was possibly involved in a homicide, we didn't touch it.

10 Q. You didn't even try to get in?

11 A. No, sir.

12 Q. But I think in your report you documented that you
13 saw a shell casing on the floor behind the seat, correct?

14 A. Yes, sir.

15 MR. MADSEN: That's all the questions I have.

16 THE COURT: Any redirect?

17 REDIRECT EXAMINATION

18 BY MS. MAYES:

19 Q. That's based upon an observation you made with the
20 naked eye?

21 A. Yes, from outside the vehicle.

22 Q. Okay. But you weren't able to actually get into the
23 vehicle and conduct an inspection yourself?

24 A. No.

25 MS. MAYES: Thank you. Nothing further.

1 THE COURT: May I excuse Officer Atwood?

2 MS. MAYES: Yes, Your Honor.

3 MR. MADSEN: Yes, Your Honor.

4 THE COURT: Thank you for coming.

5 (Witness excused.)

6 MS. MAYES: The State calls Dexter Bowman.

7 MR. MADSEN: Judge, I don't have any problem
8 stipulating to the chain of custody on the vehicle;
9 that they collected it, took it back, no one tampered
10 with it.

11 THE COURT: Are we gonna do that? Does the State
12 agree?

13 MS. MAYES: Yes, Your Honor. Now that Deputy
14 Bowman has arrived, I think that there's one question
15 that we'll ask him. If there's a stipulation, it
16 shouldn't go much beyond that.

17 THE CLERK: Raise your right hand and place your
18 left hand on the Bible.

19 (Whereupon, Dexter Jerome Bowman was duly sworn
20 by the Clerk of Court.)

21 THE CLERK: Thank you, sir. Please be seated.
22 State your full name and spell your last name for the
23 record.

24 THE WITNESS: Dexter Jerome Bowman, B-O-W-M-A-N.

25 DEXTER JEROME BOWMAN,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. All right. Good afternoon.

5 A. Hello.

6 Q. You are currently employed at what location?

7 A. Aiken County Sheriff's Office.

8 Q. All right. And prior to being with the Aiken County
9 Sheriff's Department, were you with the Edgefield County
10 Sheriff's Department?

11 A. Excuse me?

12 Q. Were you previously with the Edgefield County
13 Sheriff's Department?

14 A. Yes, ma'am, I was.

15 Q. Okay. I want to take a look up there on the screen
16 behind you. That is State's Number 33, and looking there
17 at State's 33 are you familiar with the recovery of that
18 Kia Soul there at Keesley's Garage?

19 A. Yes, ma'am.

20 Q. And can you tell us whether or not you also played a
21 role in unlocking this vehicle?

22 A. Yes, ma'am.

23 Q. And can you tell us at the time that that vehicle
24 arrived from Laurens county and was retrieved by the
25 Edgefield County Sheriff's Department, was it securely

1 locked?

2 A. It was.

3 Q. And who actually had the process of unlocking it or
4 using a lockout kit?

5 A. I think Investigator Smith at the time.

6 Q. Okay.

7 A. I had the lockout kit. I brought up there.

8 Q. Okay. And that was for the purpose of unlocking it
9 for SLED to process that vehicle?

10 A. That's correct.

11 MS. MAYES: Thank you. Nothing further.

12 THE COURT: Mr. Madsen.

13 MS. CONROY: Nothing further, Your Honor.

14 THE COURT: Thank you, Ms. Conroy.

15 MS. MAYES: And, Your Honor, with there being a
16 stipulation, we will release Mr. Keesley as well.

17 THE COURT: Okay.

18 MS. MAYES: Nothing further from Deputy Bowman.

19 THE COURT: Deputy Bowman, you may be excused.

20 (Witness excused.)

21 MS. MAYES: Your Honor, the State calls Charles
22 Painter.

23 THE CLERK: Raise you right hand and place your
24 left on the Bible.

25 (Whereupon, Charles D. Painter was duly sworn by

1 the Clerk of Court.)

2 THE CLERK: Thank you, sir. Be seated. State
3 your full name and spell your last name for the record.

4 THE WITNESS: Charles D. Painter, P-A-I-N-T-E-R.

5 CHARLES D. PAINTER,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. Good afternoon. And can you tell us a little bit
10 about yourself, specifically where you are employed and in
11 what capacity?

12 A. Employed as deputy coroner for Edgefield County.

13 Q. All right. And how long have you been with the
14 Edgefield County Coroner's Office?

15 A. Since January of 2018.

16 Q. All right. When you are working with the coroner's
17 office and there is a homicide, can you tell us what is the
18 normal procedure or protocol for accompanying the deceased
19 for the purpose of an autopsy?

20 A. Well, normally we would take custody of the body,
21 secure the body, take it to our morgue, arrange for an
22 autopsy with Newberry Pathology in Newberry at Newberry
23 Hospital and then depending on when the autopsy is
24 scheduled for, an investigator and myself or another
25 coroner would accompany the body to the location in

1 Newberry.

2 Q. Now during the course of your career with the
3 Edgefield County Coroner's Office, have you had a chance
4 to work directly with Investigator Jimmy Smith with the
5 Edgefield County Sheriff's Department?

6 A. Yes, on several cases.

7 Q. And you had worked with Investigator Smith prior to
8 this event involving Yumonica Smith?

9 A. That's correct.

10 Q. Take us through what you recall about the process of
11 that autopsy and how evidence was collected during the
12 course of that autopsy.

13 A. Well, Investigator Smith and I rode together to
14 Newberry. I think it was sometime that -- that same
15 morning on the 3rd.

16 Q. July 3, 2019?

17 A. July 3rd. Correct. So we got there. You know, they
18 did the autopsy procedures, they removed the fragments,
19 you know, from -- from her skull, the bullet fragments. We
20 were aware of that during the autopsy itself. After it was
21 complete, they drew fluids, you know, to be tested in the
22 SLED laboratory. At the end -- at the end of the day or
23 whatever, all that evidence was collected, bagged, secured
24 and given to Deputy Smith -- Investigator Smith.

25 Q. Now you mentioned that you and he rode together to

1 Newberry?

2 A. Correct.

3 Q. Newberry Pathology conducted the autopsy in this case?

4 A. That's correct.

5 Q. And located within Newberry county?

6 A. Right, at the Newberry County Hospital.

7 Q. And you and Investigator Smith, did you also leave
8 together following the autopsy?

9 A. Yes, we did.

10 Q. And are you also present and taking part or observing
11 that autopsy along with Investigator Smith?

12 A. Yes, we were both in the autopsy room.

13 Q. And that's part of your role as being deputy coroner?

14 A. That's correct.

15 Q. Now you mentioned that certain fragments were
16 recovered from the victim in this case, Yumonica Means?

17 A. Correct.

18 Q. I'm gonna show you a photograph that's State's 38 and
19 ask you whether or not you recognize this photograph?

20 A. Yes.

21 Q. And there is a certain number affiliated with this
22 photograph, an FA number. Can you tell us whether or not
23 that is routine for an individual's autopsy?

24 A. That is the autopsy number on my autopsy report we
25 have in our file room.

1 Q. In reference to Yumonica Means?

2 A. Correct.

3 Q. Can you tell us whether or not the evidence in this
4 photograph is also labeled with the name of Yumonica Means?

5 A. It is.

6 Q. Can you tell us whether or not it also reflects a date
7 for this to have occurred?

8 A. Yes. July 3, 2019.

9 Q. And that's consistent with the autopsy date based on
10 your memory?

11 A. That is correct.

12 Q. All right. And then we also see initials over to the
13 right, a DM. Are you familiar with the pathologist in this
14 case, Darren Monroe?

15 A. That's correct. He performed the autopsy.

16 Q. And when the fragment or projectile is recovered from
17 the victim, who is actually the person that removes it from
18 the body?

19 A. The doctor.

20 Q. Okay. And then can you tell us whether or not it's
21 routine to turn that over to law enforcement who was
22 present there with the coroner's office?

23 A. That's correct.

24 Q. And in this particular case, you observed Investigator
25 Smith have all of this evidence sealed?

1 A. Correct, sealed in a bag.

2 Q. And when you left together it remained sealed?

3 A. Yes.

4 Q. Is this a fair and accurate representation of the
5 evidence as you recall it during the course of the autopsy?

6 A. Yes.

7 MS. MEANS: Tis would be State's 38 for evidence,
8 Your Honor.

9 MR. MADSEN: No objection, Your Honor.

10 THE COURT: It's admitted.

11 (State's Exhibit Number 38, a photograph, was
12 admitted into evidence.)

13 BY MS. MAYES:

14 Q. Deputy Coroner, once those fragments were retrieved
15 and turned over to Investigator Smith, is it the sheriff's
16 office or the coroner's office that actually submits it to
17 the State Law Enforcement Division for analysis?

18 A. The sheriff's office submits it.

19 Q. Okay. And then you mentioned also that bodily fluids
20 are also collected from the victim during the course of the
21 autopsy?

22 A. That's correct.

23 Q. And based upon your observations, were all of those
24 items sealed -- properly sealed in the custody of
25 Investigator Smith when the two of you left Newberry

1 together?

2 A. That's correct.

3 Q. And did they remain sealed throughout the process
4 of you leaving Newberry and arriving back in Edgefield
5 county?

6 A. Correct.

7 MS. MAYES: Nothing further at this time, Your
8 Honor.

9 THE COURT: Mr. Madsen.

10 CROSS-EXAMINATION

11 BY MR. MADSEN:

12 Q. Mr. Painter, when they do that autopsy, not only do
13 they do stuff like collect the bullet fragment and that
14 and take fluids, but they can also do fingernail scrapings
15 underneath fingernails to see if someone hit someone or
16 scratched someone, correct?

17 A. Correct.

18 Q. And if they did that in this case, then that would
19 have been packaged up and sent to --

20 A. I can't -- I can't say that absolutely. I don't know
21 if they did fingernail scrapings or not.

22 Q. But if there's stuff in evidence that says they did,
23 then that would be a normal process?

24 A. Yes.

25 Q. And that's not unusual, is it?

1 THE COURT: Anything from the defense?

2 MR. MADSEN: No, Your Honor.

3 THE COURT: All right. Let's bring the jury in.

4 (Whereupon, the jury enter the courtroom at
5 9:46 PM.)

6 THE COURT: Good morning.

7 Mr. Foreman, are we ready to go?

8 FOREPERSON: Yes, we are.

9 THE COURT: Okay. Ms. Mayes.

10 MS. MAYES: The State calls Agent Melinda Worley.

11 THE CLERK: Raise your right hand and place your
12 left hand on the Bible.

13 (Whereupon, Melinda Worley was duly sworn by the
14 Clerk of Court.)

15 THE CLERK: Please be seated. State your full name
16 and spell your last for the record.

17 THE WITNESS: Melinda Worley. Last name is
18 W-O-R-L-E-Y.

19 MELINDA WORLEY,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. Good morning. Agent Worley, tell us a little bit
24 about yourself. Where are you employed and in what
25 capacity?

1 A. I work for the State Law Enforcement Division,
2 commonly referred to as SLED, in the crime scene unit.

3 Q. Okay. The sound is little bit muffled, so maybe scoot
4 that microphone a little bit back.

5 THE CLERK: I turned it down some.

6 BY MS. MAYES:

7 Q. How long have you been a SLED agent?

8 A. Almost ten years.

9 Q. All right. And specifically what division do you work
10 within the State Law Enforcement Division?

11 A. I'm in the crime scene unit and also within the crime
12 unit I also do work in footwear and tire tread examination.

13 Q. Okay. Footwear and tire tread?

14 A. Right.

15 Q. But in addition to that, just working crime scene in
16 general?

17 A. Yes.

18 Q. Give us a little bit about your background and
19 training that led you to become a CSI agent.

20 A. I have a bachelor's of science degree in anthropology
21 from the University of Tennessee Chattanooga, a bachelor's
22 of science in forensic science from Mercyhurst College,
23 and a master's of science in forensic science from the
24 University of Florida. With that degree I also took a
25 graduate course in forensic death investigations and then

1 within SLED there's an in-house training program for the
2 crime scene unit.

3 Q. Okay. We're still having a little bit of a muffled
4 sound, so maybe push it back a little further.

5 A. (Witness complies.)

6 Q. Agent Worley, you have extensive training in the field
7 of crime scene investigation?

8 A. Yes.

9 Q. Have you testified previously as an expert in the
10 field of CSI work?

11 A. I have.

12 Q. And can you tell us whether or not that includes tire
13 impressions and footwear impressions?

14 A. Yes.

15 Q. How many such times would you estimate you have
16 testified previously as an expert in CSI work that includes
17 tire impressions and footwear?

18 A. I think four -- four or five times.

19 Q. All right. And can you tell us whether or not you
20 have received on-going continual training in the field of
21 CSI work?

22 A. I have.

23 Q. And does that also include footwear and tire
24 impressions?

25 A. Yes, it does.

1 MS. MAYES: Your Honor, at this time the State
2 would offer CSI Agent Melinda Worley as an expert in
3 the field of crime scene investigations to include
4 footwear and tire impressions.

5 THE COURT: Any objection?

6 MR. MADSEN: No objection, Your Honor.

7 THE COURT: All right. I'm gonna admit her as an
8 expert and I'll talk to the jury after she testifies.

9 BY MS. MAYES:

10 Q. Now, Agent Worley, how did you become involved in the
11 crime scene investigation that occurred in the Johnston
12 area of Edgefield county back in the early morning hours of
13 July 3, 2019?

14 A. I received a phone call from SLED's operations desk
15 that there had been a request from Edgefield County
16 Sheriff's Office to assist in a homicide investigation in
17 Johnston.

18 Q. All right. And what actions did you take upon
19 arrival?

20 A. We meet with the investigator and coroner trying to
21 get the general information about what -- what they are
22 aware of at that point in the investigation, do an initial
23 walkthrough of the crime scene to see what all it entails
24 before we document it with photos and a sketch with
25 measurements.

1 Q. Okay.

2 MS. MAYES: I beg the Court's indulgence.

3 BY MS. MAYES:

4 Q. Okay. You mentioned that upon arrival at the crime
5 sign you document with photos?

6 A. Yes, that's right.

7 Q. And you also observe the surroundings?

8 A. That's right.

9 Q. Now do you also take measurements of any distances
10 which may be important?

11 A. We do.

12 Q. And do you also prepare diagrams regarding those
13 findings?

14 A. Yes. We -- we create a rough sketch on-scene of the
15 scene and include our measurements and any evidence markers
16 that are on-scene and then afterwards when we get back in
17 the office we do a computer diagram of that sketch.

18 Q. And were you able to do a diagram, Agent Worley, in
19 this particular case?

20 A. I did.

21 Q. And do you have that with you?

22 A. I do.

23 Q. And do you recognize that as a fair and accurate
24 representation of the diagram that you prepared?

25 A. Yes, it is.

1 Q. And does that include measurements regarding the
2 distance of the victim to the vehicle?

3 A. It does.

4 Q. And other relevant evidence that you would have
5 observed there at the scene?

6 A. Yes.

7 Q. Okay. And, if you could, we're gonna mark that as
8 an exhibit. And this was prepared by you, Agent Worley?

9 A. Yes, it was.

10 (State's Exhibit Number 51 was marked for
11 identification.)

12 MS. MAYES: This is marked as 51 for evidence,
13 Your Honor.

14 THE COURT: 50?

15 MS. MAYES: 51.

16 THE COURT: 51.

17 MR. MADSEN: No objection.

18 THE COURT: All right. Then I'll let her lay the
19 foundation and I'll admit it.

20 BY MS. MAYES:

21 Q. So having examined this further, Agent Worley, were
22 all of these measurements taken by you at the crime scene
23 in conjunction with any other CSI agents who responded?

24 A. My partner, Anna Tankersley, and I took these
25 measurements using a laser measuring device.

1 Q. All right. And what about the preparation of the
2 diagram?

3 A. What do you mean?

4 Q. Who prepared the diagram?

5 A. I did.

6 Q. Okay. And is it a fair and accurate representation of
7 your findings at the scene of the Johnston area regarding
8 the victim Yumonica Means?

9 A. Yes, it is.

10 Q. And it is further identified through a specific SLED
11 lab number?

12 A. It is.

13 Q. What is that SLED lab number?

14 A. It is L19-12074.

15 Q. Okay.

16 MS. MAYES: Your Honor, this is 51 for evidence.

17 THE COURT: Okay. It's admitted without objection.

18 (State's Exhibit Number 51, a CSI diagram, was
19 admitted into evidence.)

20 BY MS. MAYES:

21 Q. Agent Worley, I'm gonna ask you to take a look at the
22 overhead. I'm gonna try to get a little bit closer on this
23 document.

24 Okay. Now looking here at State's 3 already in
25 evidence, I want you to just take a moment and look over

1 this document as well. And you're familiar with that
2 scene?

3 A. Yes.

4 Q. And looking here at this aerial map, is this the same
5 location depicted here in your photograph -- your diagram?

6 A. Yes.

7 Q. Okay.

8 MS. MAYES: Your Honor, if she could step down.

9 THE COURT: You may, Agent Worley.

10 (Whereupon, the witness steps down from the witness
11 stand.)

12 BY MS. MAYES:

13 Q. In looking here at the intersection of Younce Pond
14 Road and South Carolina Highway 191, we see the diagram
15 that you prepared. Where's Younce Pond Road on this
16 diagram?

17 A. It is this one right here.

18 Q. Okay. And then Highway 191 is depicted where on the
19 diagram?

20 A. It's at the bottom.

21 Q. All right. Now we have seen photographs of a black
22 Toyota Corolla that was at the scene. Where is that
23 depicted in the diagram?

24 A. This is it.

25 Q. All right. And the body of Yumonica Means?

1 A. Right here at the edge of the little dirt road where
2 Younce Pond meets the pavement from Highway 191.

3 Q. All right. Now were you able to determine the
4 distance between Yumonica's body and that black Toyota
5 Corolla sedan that was at the scene?

6 A. It was approximately nineteen feet four inches from
7 the vehicle to her feet.

8 Q. All right. And how did you go about determining that
9 distance, Agent Worley?

10 A. I used our laser measuring device like I did for
11 measuring all of the evidence items.

12 Q. Okay. Now if there is -- if there is an indication
13 that anyone has been within close proximity to the victim,
14 what, if any, action do agents at the crime scene take to
15 record that or document that or potentially find out who
16 may have been in close proximity to the victim?

17 A. We document the area with photographs and look for
18 any kind of footwear or tire impressions within the scene,
19 especially on the area of the dirt road.

20 Q. Okay. And what, if anything, did you determine
21 regarding footwear?

22 A. There were several footwear and tire impressions.
23 Actually, we documented -- it's a dirt road, so there are
24 several tire impressions. We documented two specific tire
25 impressions and then four footwear impressions within the

1 scene.

2 Q. All right. I want to ask you about that a little bit
3 more. This particular portion of Younce Pond Road, does it
4 become dirt at some distance once it veers off of Highway
5 191?

6 A. Yes, right in here approximately.

7 Q. Okay. So some of this portion of Younce Pond Road
8 that you worked regarding the crime scene was dirt?

9 A. Yes.

10 Q. Now looking here at the top where you have indicated
11 markers, we see six markers. We see six markers in yellow
12 there along Younce Pond Road and then we see that you have
13 itemized six markers. Could you take us through each of
14 those six markers and tell us what each marker represents?

15 A. All of them are the footwear and tire impressions.
16 Markers 1, 3 and -- 1, 3, 5 and 6 are footwear impressions.
17 This one was for -- Number 5 was sort of at the edge of
18 the dirt road and pavement, and then Number 2 and Number 4,
19 they were here and here. Those were tire impressions.

20 Q. Okay. So two and four represent some type of tire
21 impression on that dirt road and then 1, 3, 5 and 6
22 indicate some type of footwear impression?

23 A. That's right.

24 Q. And then 5 you have indicated is a partial footwear
25 impression. What do you mean by that?

1 A. That it was a partial just because it was partially on
2 the dirt road and partially on the pavement.

3 Q. Okay. Now where Number 5 is located, can you tell us
4 whether that would be consistent with a first responder
5 checking the vital signs of the victim?

6 A. Potentially, yes.

7 Q. Okay. You may return.

8 A. (Witness complies.)

9 Q. Now at the scene as you're working it, if you see
10 something that appears to be a footwear impression or a
11 tire impression, how do you go about preserving that
12 evidence for later comparison analysis?

13 A. In this case, we documented all of them with
14 photographs. We put a -- make sure there's a scale in the
15 photograph and that the camera is parallel to the ground
16 so that the entire surface is in focus, basically it's
17 not blurry. That way when I do my footwear and tire
18 examination the photographs can be printed to scale,
19 meaning it's the same as the actual size of that footwear
20 or tire that made the impression. Sometimes we will cast
21 the impression. In this case, the sand it was in was
22 pretty delicate and so the photographs really give the best
23 documentation for it.

24 Q. All right. And in this particular case, did you
25 collect and preserve all of those impressions that you have

1 marked?

2 A. Just the photographs of them, yes.

3 Q. Okay. And was that for a later comparison analysis
4 conducted by you?

5 A. Yes.

6 Q. Now in addition to that work at the scene, what other
7 work did you take to determine whether there might be any
8 other evidence related to a gunshot victim?

9 A. We searched the area for any kind of firearms
10 evidence, as far as cartridge cases or projectiles that
11 might be in the area, and we didn't find anything.

12 Q. So looking here at State's 9, and, again, that
13 distance you've indicated between the Corolla and the
14 victim is nineteen feet four inches?

15 A. Correct.

16 Q. What is to the side of Yumonica Means to both the left
17 and the right?

18 A. There was pretty tall grass on the side of the road
19 there.

20 Q. How, if at all, would that impact your ability to
21 recover shell casings from the scene or a shell casing from
22 the scene?

23 A. We looked trying to be as thorough as possible. At
24 night it's a little harder to find in tall grass.

25 Q. And then, again, State's 8 will show a little bit

1 from a different angle, but a little bit more of the
2 surrounding area. What, if anything, can you tell us in
3 that regard?

4 A. That same -- the tall grass on both sides of the road
5 and it's really difficult looking through all of that at
6 night.

7 Q. Okay. And was a fired cartridge casing or shell
8 casing recovered in this case at that scene?

9 A. No.

10 Q. I'm gonna show you what is State's 7 in evidence.
11 Looking at that, can you tell us whether the hands of the
12 victim are on the pavement or in dirt?

13 A. They're in -- both in dirt.

14 Q. Okay. And does that include any debris that may also
15 be among the dirt?

16 A. Yes.

17 Q. Okay. Does that include, looking at this photograph,
18 various pebbles and gravel and things of that nature?

19 A. Yes.

20 Q. And also a pool of blood?

21 A. Right.

22 Q. So in evaluating the victim, is that something that
23 you attempt to do at the scene in full or do you defer to
24 the pathologist at autopsy for that?

25 A. We document as best we can on-scene. We don't clean

1 hands until we print them, take fingerprints, but we
2 typically leave any kind of injuries alone and just
3 document as best we can with photos. The pathologist
4 really does more documentation with that.

5 Q. And does that also include the gunshot wound?

6 A. Yes.

7 Q. So in this particular case, beyond documenting the
8 location of a gunshot wound, did you do further inspection?

9 A. No.

10 Q. Okay. You defer to the pathologist for that?

11 A. Yes.

12 Q. Now after the collection of those items at the scene
13 that you mentioned, being various footwear, various tire
14 impressions and, again, a search for a shell casing that
15 was not recovered, what action did you take next in this
16 investigation?

17 A. We collected evidence from the victim herself. We did
18 fingernail scrapings from her fingernails and I collected a
19 swab of blood as an alternate DNA standard for her in case
20 we had any DNA evidence that came up later. So we didn't
21 have any on-scene, but if any came up later we needed to
22 have her DNA standard. And we collected a gunshot residue
23 kit from her hands, which collecting that from the victims
24 and if she is the victim of a gunshot wound so she's
25 expected to have that on her hands, but we also collected

1 the known fingerprints from her.

2 Q. Okay. Is all of that standard when you're working a
3 crime scene?

4 A. It is.

5 Q. Okay. Now you mentioned fingernail scrapings. Let me
6 ask you this. In a case where there is an unknown suspect
7 or a stranger assailant, is that important?

8 A. It is.

9 Q. In a case where there is a shared household, shared
10 vehicle, things of that nature, would you expect transfer
11 DNA among those parties that share household items?

12 A. Yes. We still collect the evidence because we don't
13 know for sure at that point if it's a known person or
14 unknown, so we collect it either way, but if it's a known
15 family member or household member it's pretty much expected
16 that they would have that DNA under the fingernails.

17 Q. Okay. And does that include parties who share things
18 such as a living room couch?

19 A. Yes.

20 Q. Or the same vehicle?

21 A. Right.

22 Q. Now the particular vehicle in this case being a Kia
23 Soul, what role, if any, did you play in the crime scene
24 inspection of that item?

25 A. We were requested the following day when the vehicle

1 had been located and we were requested to process it for
2 any potential evidence.

3 Q. And do you recall whether that occurred at Keesley
4 Garage taking a look here at State's Exhibit 33 already in
5 evidence?

6 A. Yes, ma'am, it was.

7 Q. And then State's 24 already in evidence?

8 A. Yes.

9 Q. Your work regarding this particular vehicle involved
10 what?

11 A. We documented with photographs the exterior of the
12 vehicle and the interior and then searched the interior
13 for any potential evidence.

14 Q. Okay. I'm gonna show you what is State's 47, 48 and
15 50. And 49.

16 MR. MADSEN: No objection.

17 THE COURT: Okay. They're admitted.

18 (State's Exhibit Number 47, 48, 49 and 50,
19 photographs, were admitted into evidence.)

20 BY MS. MAYES:

21 Q. I'll give you a chance to look over these. You're
22 familiar with all of these items?

23 A. Yes, I am.

24 Q. Looking here at State's 49, being a Kia -- 2016 Kia
25 with a tag NXF912, do you have any information as to the

1 owner of that vehicle --

2 A. It was --

3 Q. -- or whose name that vehicle was in?

4 A. It was in Yumonica Means' name.

5 Q. The name of the victim?

6 A. Yes.

7 Q. And then looking here at State's 47, did you have a
8 chance to inspect that vehicle for any exterior damage,
9 such as a car accident or anything of that nature?

10 A. We did.

11 Q. Were there any indications of a car accident or
12 exterior damage?

13 A. None.

14 Q. You told us previously about the tire tread
15 examination that you were trained in and that there had
16 been certain tire impressions collected from that dirt road
17 there at the crime scene. Did you have the opportunity to
18 compare the tire impressions to the tires of this Kia Soul?

19 A. I did.

20 Q. And what, if anything, did you determine?

21 A. The impressions at the scene were not made by the
22 tires on the Kia.

23 Q. Okay. So it was a different vehicle who left the
24 impressions on the dirt road?

25 A. Right.

1 Q. Now you also had the opportunity to examine those four
2 footwear impressions that you -- that you told us about?

3 A. I did.

4 Q. What, if any, determination did you make about the
5 type of shoe that left those impressions?

6 A. They were made by a Nike Air Jordan.

7 Q. A Nike Air Jordan?

8 A. Yes.

9 Q. Okay. And did you have an opportunity to examine
10 shoes that belonged to the defendant, Tirrell Means, at the
11 time he was placed under arrest on July 5, 2019?

12 A. I did. When we were at Keesley's to process the
13 vehicle, the investigator -- Investigator Smith was able
14 to bring the shoes to me to look at and I was able to
15 determine those were not the ones that were at the scene.

16 Q. They were not Nike Air Jordans?

17 A. Correct.

18 Q. And did you also have a chance to examine this Kia
19 Soul to see if there might be any Nike Air Jordans in the
20 vehicle?

21 A. We did search and documented any -- any shoes that we
22 found in the vehicle and there were no Nike Air Jordans in
23 the vehicle.

24 Q. Okay. So those footwear impressions were determined
25 to be made by Nike Air Jordans and there's no indication

1 that the Nike Air Jordans belonged to Tirrell Means, the
2 defendant in this case, correct?

3 A. Right.

4 Q. So the footwear impressions that we see close in
5 proximity to the vehicle are not consistent with the
6 defendant's shoes?

7 A. No.

8 Q. And I believe you having been out at the crime scene
9 that night you were aware that there were -- there was a
10 passing motorist or bystander who assisted the victim?

11 A. Yes.

12 Q. As well as other first responders and EMS?

13 A. Right.

14 Q. Now in addition to what you've already told us about,
15 I'm gonna ask you to take a look at State's 48 in evidence.
16 What are we looking at here and what type of CSI work did
17 you do regarding the steering wheel?

18 A. That's just a photo showing the inside of the vehicle,
19 particularly the steering wheel. We collected a gunshot
20 residue kit from the steering wheel to determine if anyone
21 who had been in contact with any gunshot residue had used
22 that vehicle and driven that vehicle.

23 Q. All right. So I want to ask you a little bit more
24 about that. When you say gunshot residue, how do you go
25 about collecting gunshot residue from physical items such

1 as a steering wheel?

2 A. We have a gunshot residue kit and it contains little
3 applicators that have a little sticky disc on one end. We
4 just dab all the way around the steering wheel. I think of
5 where I put my hands on the steering wheel, the front and
6 the back of it, any of the crevices in it, and just try to
7 -- I can't see the -- the gunshot residue, so I just dab
8 that around as much as I can.

9 Q. Okay. So it's not visible to the naked eye?

10 A. No.

11 Q. It's something that's microscopic in nature?

12 A. Right.

13 Q. And by swabbing the steering wheel, it will
14 potentially tell you whether or not someone who has fired
15 a gun has also handled the steering wheel?

16 A. Fired a gun or been within close proximity of a gun
17 being fired, yes.

18 Q. Okay. And you collected that item in this case?

19 A. Yes, we did.

20 Q. Now when you collected this particular GSR or gunshot
21 residue kit, how many swabs were associated with it?

22 A. There were, I believe, four. I'm not sure which kit
23 we were using at that time. We're down to using two right
24 now, so it was either two or four.

25 Q. Okay. And were those swabs sealed?

1 A. Yes.

2 Q. Who sealed them?

3 A. I sealed the package after I collected the evidence.

4 Q. So you collected the evidence and then sealed the
5 package?

6 A. That's right.

7 Q. And then what did you do with the evidence?

8 A. I transported it to the SLED lab and submitted it to
9 the lab, logged it in as evidence and then I transferred
10 it to probably our evidence control department, which then
11 transfers it to our trace department to be analyzed.

12 Q. Okay. Analyzed by someone in the trace division
13 looking specifically for those microscopic findings?

14 A. Correct.

15 Q. Agent Worley, did that kit remain sealed from the time
16 you collected the swabs until the time it was submitted to
17 the State Law Enforcement Division for analysis?

18 A. Yes, it was.

19 Q. Did you tamper with it or remove the swabs for any
20 purpose prior to submission?

21 A. No, I didn't.

22 Q. Now in addition to collecting those items from the
23 steering wheel, were there also personal belongings
24 potentially of value in this case that were collected along
25 the way?

1 A. There were.

2 Q. I'm gonna show you what is State's 40 through 46 and
3 ask you whether or not you recognize these items. Take
4 your time to look through them.

5 A. Yes.

6 Q. Can you tell us, Agent Worley, whether all of these
7 items, being 40, 41, 42, 43, 44, 45, and 46, were collected
8 during the processing of that Kia Soul?

9 A. Yes, they were.

10 Q. And were they collected and photographed by you?

11 A. Well, my -- my partner Anna Tankersley would have
12 photographed them, but, yes.

13 Q. Were you present for that?

14 A. I was.

15 Q. And can you tell us whether or not this is a fair and
16 accurate representation of the items that were observed
17 inside the vehicle?

18 A. Yes.

19 MS. MAYES: This would be 40 through 46 for
20 evidence, Your Honor.

21 THE COURT: Let me know if you object, Mr. Madsen.

22 MR. MADSEN: No objection.

23 THE COURT: Then they're admitted.

24 (State's Exhibit Number 40 through 46, photographs,
25 were admitted into evidence.)

1 BY MS. MAYES:

2 Q. Looking here, Agent Worley, at items collected from
3 the interior of the vehicle, State's 40 depicts a bank
4 card. What can you tell us about this item? What banking
5 company is that item?

6 A. It's a Bank of America debit card.

7 Q. All right. And whose name is that bank card in?

8 A. Yumonica Means.

9 Q. What are we looking at with State's 41?

10 A. It's the back of the debit card.

11 Q. And then State's 42, what banking company does that
12 depict that there's an account with?

13 A. Bank of America.

14 Q. And then 46?

15 A. It's also Bank of America.

16 Q. All right. And who is that addressed to?

17 A. Yumonica Means.

18 Q. Then looking at 43, can you tell us whether or not
19 there was evidence of a paycheck or pay stubs in that
20 vehicle?

21 A. There were a couple of pay stubs for Yumonica Means.

22 Q. And that's from what company or employer?

23 A. Milliken and Company.

24 Q. And that's in whose name?

25 A. Yumonica Means.

1 Q. And then looking at State's 44, I'm gonna get up a
2 little bit closer on that, does that indicate a time period
3 for that pay stub?

4 A. Yes, it was April 29th of 2019 through May 5th of
5 2019.

6 Q. And does it indicate where those various portions of
7 that pay stub go to?

8 A. Yes.

9 Q. All right. And the primary amount of \$563.00 -- total
10 pay being \$633, but the primary amount of \$563.36 goes into
11 which bank?

12 A. Bank of America.

13 Q. And then additional remaining funds of \$20 to?

14 A. Bank of America.

15 Q. And \$50 to?

16 A. The SRP Federal Credit Union.

17 Q. All right. And looking at State's 45, again, was --
18 did this appear to be the same pay stub from the same
19 company?

20 A. Yes, it was.

21 Q. Also to the victim?

22 A. Yes.

23 Q. And what pay period did this cover?

24 A. That was May 6, 2019, through May 12th of 2019.

25 Q. And what was the total net pay?

1 A. \$796.07.

2 Q. And the primary portion of that being \$726.07 went to
3 which banking account?

4 A. Bank of America.

5 MS. MAYES: I beg the Court's indulgence.

6 THE COURT: Take your time.

7 BY MS. MAYES:

8 Q. I believe you had a chance already to look at
9 State's 3, being the crime scene location in Johnston
10 near that peach orchard. What can you tell us about the
11 light sources that you needed that night out there working
12 that scene in order to see and do your job?

13 A. I believe the fire department provided lights. There
14 were no streetlights.

15 Q. So you had to rely on the fire department to bring
16 lights out there?

17 A. Yes.

18 MS. MAYES: Nothing further.

19 THE COURT: Mr. Madsen.

20 CROSS-EXAMINATION

21 BY MR. MADSEN:

22 Q. Good morning, Agent Worley. How are you?

23 A. Good.

24 Q. So if I understand your testimony correct, we can't
25 match footprints out there with anybody?

1 A. Right.

2 Q. We can't match tire prints out there with any vehicle?

3 A. Right.

4 Q. And then as far as footprints, you kind of took the
5 ones you got out there, you put it in a little computer
6 program, I guess, and it spits out hey, this is an Air
7 Jordan 4, 5, 20, 25, correct?

8 A. If I -- if I don't have shoes to compare the footwear
9 to, we use the software database to compare the features of
10 the design and I can search for shoes based on the design
11 and the Air Jordan -- the version of the Air Jordan is the
12 one that came up.

13 Q. And it's normal that when you do a crime scene
14 sometimes you'll get elimination prints? In other words,
15 have people that are out there to step on something so you
16 know, hey, these are the people that are out there just so
17 you can say oh, Bob accidentally stepped here?

18 A. Yes.

19 Q. And you didn't do that?

20 A. I never saw anybody who was there before we got there.

21 Q. And then when you looked for the shell casing, did you
22 use a metal detector?

23 A. I don't believe we did, no.

24 Q. It's pretty easy. I mean, that's kind of standard if
25 you've got an area with tall grass to run a metal detector

1 over to see if you can find something, correct?

2 A. Right.

3 Q. Especially a metal object?

4 A. Right.

5 Q. And then you had talked about fingernail scrapings.

6 You do that just in case someone potentially scratches

7 someone there might be DNA under there, correct?

8 A. Correct.

9 Q. And DNA collection is something that you normally do?

10 A. Yes.

11 Q. And so if someone hits or strikes or touches someone,

12 you could get DNA off their hands or their palms or

13 something like that, you could collect for that, correct?

14 A. Yes.

15 Q. You didn't do that here?

16 A. That's not something we normally do, no.

17 Q. Okay. But you took it from under the fingernails,

18 right?

19 A. Yes.

20 Q. And you submitted that to SLED for DNA testing, right?

21 A. Yes.

22 Q. But if someone had done that, you put a swab,

23 submitted it to the SLED lab and they could come back with

24 a DNA profile?

25 A. Potentially. We --

1 Q. Sure.

2 A. We swab for gunshot residue though.

3 Q. But you know she had been shot, right?

4 A. Yes.

5 Q. You know she had been in close proximity to a gun,
6 right?

7 A. Yes. We don't collect that anymore from victims.

8 Q. The --

9 A. Gunshot residue. We expect it to be there.

10 Q. Y'all just decided to kind of quit that?

11 A. It's not standard anymore.

12 Q. When was that change made?

13 A. I'm not entirely sure. Within the last couple of
14 years.

15 Q. Within the last couple of years?

16 A. Yes.

17 Q. But y'all still test for DNA, right?

18 A. Yes.

19 MR. MADSEN: That's all the questions I have.

20 REDIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. Just to follow up a little bit more. Again, when
23 you're talking about the GSR kit, you said that was
24 collected from the victim. You don't collect those anymore
25 as part of your CSI training at SLED. Why is that?

1 A. It's kind of -- a lot of state labs in particular
2 don't even test GSR anymore. It's -- I think we were one
3 of the last ones that still did it. We just -- it's such
4 frangible evidence. I mean, you're gonna have it on you --
5 potentially have it on you if you've been shot or been in
6 the vicinity, so it's just not something that we've been
7 collecting anymore.

8 Q. So when you say within the vicinity, you can be
9 several feet away from someone who fires a gun and -- and
10 still have gunshot residue on you as a result?

11 A. Potentially.

12 Q. And that includes being shot by someone?

13 A. Yes.

14 Q. And for that reason it's not something that you even
15 collect anymore?

16 A. Right.

17 Q. Even from a homicide victim?

18 A. Not from victims.

19 Q. Okay. And then talking about the fingernail
20 scrapings that Mr. Madsen was asking you about, I believe
21 you indicated that fingernail scrapings could potentially
22 be of value if there is a stranger assailant?

23 A. Yes.

24 Q. In this particular case at this point in time, did you
25 know that the suspect was a household member and that there

1 was a shared vehicle?

2 A. We were told it was potentially her husband, but we
3 still collect the evidence because I don't know -- I can't
4 see the DNA, I can't say whose it is if it's there, so we
5 collect it either way.

6 Q. Okay. And in this particular case, you had the
7 opportunity there at the scene to actually inspect the
8 hands of Yumonica Means?

9 A. Yes.

10 Q. And her fingernails during the process of that
11 collection?

12 A. Yes.

13 Q. Did you see any injury to her fingernails?

14 A. No.

15 Q. Did you see any injury to her hands?

16 A. No.

17 MS. MAYES: Thank you.

18 RE CROSS EXAMINATION

19 BY MR. MADSEN:

20 Q. If I slap or hit someone, there's not necessarily
21 going to be an injury to my hands, will there?

22 A. Not necessarily, no.

23 Q. And then she asked you about GSR. How long have you
24 been a crime scene agent with SLED?

25 A. Almost ten years.

1 Q. And y'all used it up until recently, the GSR, correct?

2 A. Right.

3 Q. And someone just decided this isn't reliable anymore?

4 A. Not that it's not reliable. It's just not -- it's
5 kind of fallen off as being a standard thing that's
6 collected.

7 Q. But it's been used in this court and other courts
8 in South Carolina for years to potentially present as
9 evidence, hasn't it?

10 A. It has and it's been -- it's more, I guess, needed in
11 cases of suspects more-so than victims.

12 Q. And someone just decided, you know, after years and
13 years and years we're not gonna use it anymore, correct?

14 A. I guess. I didn't make the decision. I just collect
15 or don't collect it.

16 Q. Sure. And I guess, as you said, SLED was one of the
17 last ones to kind of jump onboard and realize that they
18 don't need to use it anymore?

19 A. I believe so, yes.

20 MR. MADSEN: That's all the questions I have.

21 THE COURT: Anything else, Ms. Mayes?

22 MS. MAYES: Nothing at this time, Your Honor.

23 THE COURT: All right. May I excuse Agent Worley?

24 MR. MADSEN: Yes, Your Honor.

25 THE COURT: Thank you for coming.

1 (Witness excused.)

2 THE COURT: Let me address the jury just for a
3 moment because I just want you to know the rules of
4 evidence ordinarily do not permit witnesses to testify
5 to opinions or conclusions. An exception to this rule
6 exists for witnesses that we call expert witnesses. A
7 witness who by education, experience has become an expert
8 in some art, science, profession or calling may state an
9 opinion as to the relevant material matter in which the
10 witness claims to be an expert.

11 In this case, Agent Worley was determined to be a
12 crime scene expert. You should consider any expert
13 opinion received in evidence in this case like any other
14 evidence, give it the weight you think it deserves. If
15 you decide that the opinion of an expert witness is not
16 based on sufficient education or experience or if you
17 conclude that the reasons given in support of the opinion
18 are not sound or that the opinion is outweighed by other
19 evidence, you may disregard the opinion entirely. An
20 expert witness's testimony is to be given no greater
21 weight than that of other witnesses simply because a
22 witness is an expert. Further, you are not required
23 to accept an expert's opinion even though it is not
24 contradicted.

25 Okay.

1 MR. FENDER: Judge, the State calls James Green.

2 THE CLERK: Please raise your right hand and place
3 your left on the Bible.

4 (Whereupon, James Green was duly sworn by the
5 Clerk of Court.)

6 THE CLERK: Thank you, sir. Please remove your
7 mask. State your full name and spell your last name
8 for the record.

9 THE WITNESS: James Green, G-R-E-E-N.

10 JAMES GREEN,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. FENDER:

14 Q. Mr. Green, can you please give us your title and who
15 you work for?

16 A. I'm special agent -- or a senior special agent or
17 forensic scientist with SLED.

18 Q. Agent Green, can you tell us a little bit about your
19 background, your training and experience?

20 A. I have a bachelor's from Charleston Southern
21 University. I also have a master's from Charleston
22 Southern in criminal justice. When I was hired at SLED
23 back in 2005, I started the in-house firearms examination
24 and tool mark course of instruction. It's about a three
25 to three and a half year course of instruction in an

1 apprentice-type fashion studying under court-qualified
2 firearms examiners learning to do what I do now.

3 At first I had to read the history of firearms because
4 if I understand how they were made, I can understand how
5 they mark, the history of ammunition as well, and then
6 there were lots of written tests, practical problems and
7 written exercises. At the end I took a comprehensive final
8 and then passed that and was able to start working cases.

9 Q. Have you testified in court before?

10 A. Yes, sir.

11 Q. When you testified previously, did those courts find
12 you to be an expert witness?

13 A. Yes, sir.

14 Q. In what field?

15 A. The field of firearms identification.

16 MR. FENDER: Judge, at this time I'd offer
17 Agent Green as an expert witness in the field of
18 firearms identification.

19 THE COURT: Mr. Madsen, any objection?

20 MS. CONROY: No objection, Your Honor.

21 THE COURT: Thank you, Ms. Conroy.

22 I'm gonna let the jury know the same charge that
23 I just read to you about an expert applies to Mr. Green
24 also.

25 Thank you.

1 BY MR. FENDER:

2 Q. Agent Green, did you receive evidence from the
3 Edgefield County Sheriff's Department on L19-12074?

4 A. Yes, sir.

5 Q. Can you tell us about that evidence and your testing?

6 A. Yes, sir. Item 16 was a fired bullet fragment, a
7 fired bullet jacket fragment, a lead core fragment, and
8 a piece of lead, and it was indicated that they were
9 retrieved or collected from autopsy. Item 17 that was
10 submitted was a 9 millimeter pistol.

11 MR. FENDER: Your Honor, may I approach the witness?

12 THE COURT: You may.

13 BY MR. FENDER:

14 Q. Can you please explain this item?

15 A. State's Exhibit 38 is picture presumed taken from
16 autopsy of the projectiles that were recovered from
17 autopsy.

18 Q. Can you describe to us the testing that you did in
19 this case?

20 A. Yes, sir. When I received State's -- or SLED
21 items 16 and 17, the fragments from autopsy and the
22 pistol, the first thing I did was I took photographs of
23 them as I received them in the packaging, made sure that
24 the packaging was sealed, hadn't been opened, and in this
25 instance nothing -- they were both sealed. Since the

1 projectiles came from autopsy, there was no need to
2 collect any type of biological trace material because
3 you know where it came from, so I just went through and
4 decontaminated the projectiles and then I examined them
5 trying to determine caliber and suitability. So basically
6 could I, if given the right gun, could I match the
7 projectiles back to that firearm.

8 Then I examined the pistol to make sure it was safe
9 to fire. I like my fingers. I don't want a gun to explode
10 in my hand when I shoot it. Then I fired it myself getting
11 test bullets and test cartridge cases out of it that I know
12 were fired by that gun beyond a shadow of a doubt because I
13 fired them myself.

14 The way we're able to match things or identify things
15 is during the manufacturing process, firearms manufacturing
16 companies, Smith & Wesson, Taurus, Glock, whoever makes
17 them, determines certain characteristics they want in a
18 firearm, what caliber, the type of rifling, the type of
19 breech face they want, is it magazine-fed or belt-fed,
20 revolver, all those kind of things. All those are meant
21 to be there. They're class characteristics. Class
22 characteristics means that the manufacturer wants them
23 there, they determine they're gonna be there. What we
24 look for though are individual characteristics. They're
25 actually -- like some people say they're the fingerprints

1 of the firearm. During the manufacturing process metal
2 on metal contact leaves tiny microscopic striations on
3 the working surfaces of the firearm, whether it's the
4 breech face, the firing pin or the rifling in the barrel.
5 As the bullet travels down the barrel, it engages the
6 rifling in its spin. Think of Trevor Lawrence, the number
7 one pick in the draft, the Clemson former quarterback, he
8 throws a very nice tight spiral. Rifling in a barrel does
9 the same thing with a bullet, engages it and makes it spin.
10 If it goes father, it's more accurate. As a byproduct of
11 that rifling, tiny microscopic striations are left on the
12 bullet that can sometimes be used to identify it back to
13 the firearm that shot it.

14 So what I did was after I test fired the pistol in
15 this case, I microscopically compared the pistol and the
16 test cartridge cases to see if they were marking
17 consistent. I did that using our comparison microscope.
18 It's two microscopes connected by a single optical bridge
19 that lets us look at two objects simultaneously under
20 different magnification. What we're at, the striations,
21 we call them individual identifying characteristics,
22 they're really tiny, and they're all shadows -- excuse me
23 -- you can see them through the shadows because they're
24 just little ridges. So what I did is I compared the test
25 bullets to the evidence submitted in this case to attempt

1 to a draw conclusion.

2 Q. What was your conclusion regarding these fragments?

3 A. Due to the damage that was sustained by the
4 projectiles, I had a bullet fragment and a bullet jacket
5 fragment, and due to the damage I couldn't tell you what
6 caliber they were. I had a lead core fragment. Due to the
7 damage, I couldn't tell you what the caliber of it was.
8 And I had a piece of lead, which I can't tell you what it
9 was other than a piece of lead because of the damage and
10 its size.

11 Let's just hypothesize for a minute that everything
12 that was in State's Exhibit 38 was one bullet at one prior
13 time. I can't say that, but let's just pretend that it
14 was. I couldn't tell you the caliber based on how it was
15 when I received it, so then I microscopically compared what
16 I could that had markings on them with the pistol submitted
17 and my results were inconclusive, which is a fancy word for
18 I can't tell. Due to damage, the limited marks and the
19 poor engagement in the rifling, State's Exhibit -- or the
20 projectiles in State's Exhibit 38 could have been fired by
21 the pistol submitted or they could have been fired by
22 another firearm.

23 Q. Is that damage caused by contact?

24 A. It could be, yes, sir. Think of a jacketed bullet
25 like an M&M. The core of the bullet is the chocolate

1 inside of an M&M and the jacket is the candy coating of the
2 M&M. If I drop an M&M on this carpet, it's probably not
3 gonna break, but if I threw it at the door it's probably
4 gonna break. So sometimes bullets will break when they hit
5 something hard.

6 Q. I'm showing you now what's in evidence as State's
7 Exhibit 32. What does this item appear to be?

8 A. State's Exhibit 32 is the 9 millimeter Luger caliber
9 pistol I examined in this case.

10 Q. As part of your examination, did you fire that weapon?

11 A. Yes, sir.

12 Q. Can you tell us about that?

13 A. I selected the test ammunition and once I examined it
14 to make sure it was safe to fire, I test fired it into our
15 vertical watertank. It was safe and it fired, but I noted
16 that the safety was broken. There's a little coil spring
17 that pushes up on the safety lever and because the coil
18 spring was broken -- or the little leaf spring was broken,
19 sorry, the safety would not engage. That didn't mean that
20 the gun would not fire when the trigger was pulled, it just
21 means that it wouldn't reliably stay on safety.

22 Q. Can you tell us a little bit about the make and model
23 of that firearm?

24 A. Yes, sir. State's Exhibit 32 is a Bryco, B-R-Y-C-O,
25 Model Jennings 9 dash CA, a 9 millimeter Luger caliber

1 pistol. Bryco and Jennings are owned by the same
2 company. They are inexpensive firearms. They're budget
3 or affordable-friendly firearms.

4 Q. With a lower end firearm, would you expect there to
5 be markings?

6 A. Yes and no. Excuse me. Some of the lower priced
7 firearms don't have all of the manufacturing methods that
8 higher end firearms like Kimber or even Glock do. They're
9 all made the same way, but the quality of the metals used
10 in the lower end firearms are not what some other ones use.

11 Q. Can you tell us about the cartridge capacity of this
12 weapon?

13 A. Yes, sir. The magazine capacity of this firearm when
14 I tested it was twelve, which means the total capacity of
15 the firearm would be thirteen if the magazine was fully
16 loaded and one cartridge was in the chamber.

17 Q. Were there also cartridges submitted to you with
18 that exhibit?

19 A. Yes, sir. I received ten unfired 9 millimeter Luger
20 caliber cartridges.

21 Q. So, again, what was the total capacity of that
22 weapon?

23 A. The total capacity with one in the chamber would be
24 thirteen.

25 Q. And how did you determine that?

1 A. We just literally load the magazine with as many
2 cartridges as we can fit in there and then when it inserts
3 into the pistol you load one from the magazine into the
4 chamber, you remove the magazine and put another one in
5 there, top the magazine off is what it's called, and you
6 get your total capacity.

7 Q. And how many cartridges were submitted to you?

8 A. Ten.

9 MR. FENDER: Thank you.

10 THE COURT: Mr. Madsen.

11 MR. MADSEN: Actually, it's Ms. Conroy.

12 THE COURT: Ms. Conroy. I'm sorry.

13 CROSS-EXAMINATION

14 BY MS. CONROY:

15 Q. Agent Green, just so that I understand clearly, you
16 mentioned the safety on the gun does not work; is that
17 correct?

18 A. Can you speak up just a little bit, please?

19 Q. I'm sorry. My mask. Thank you.

20 Agent Green, you mentioned the safety on the gun was
21 not working properly, correct?

22 A. It would not reliably function, correct.

23 Q. Okay. And also you were not able to match the
24 projectile to this gun; is that correct?

25 A. Correct. It could have been fired by this gun or it

1 could have been by another.

2 MS. CONROY: No further questions. Thank you.

3 THE COURT: Thank you, Ms. Conroy.

4 Mr. Fender.

5 REDIRECT EXAMINATION

6 BY MR. FENDER:

7 Q. Will this firearm operate if you pull the trigger?

8 A. Yes, sir.

9 MR. FENDER: Thank you.

10 THE COURT: All right. May I excuse Agent Green?

11 MR. MADSEN: Yes, Your Honor.

12 THE COURT: State?

13 MS. MAYES: Your Honor, may we approach regarding a
14 stipulation?

15 THE COURT: Yes, ma'am.

16 May I excuse though Agent Green or do you want him
17 to stay there?

18 MS. MAYES: Yes, Your Honor. He may be excused.

19 THE COURT: Thank you.

20 (Witness excused.)

21 (Proceedings held at the bench; not reported.)

22 THE COURT: All right. Let me address the jury.

23 The State and the defendant agree to a stipulation
24 of evidence that Yumonica Means was negative for drugs
25 and alcohol as a result of a SLED toxicology testing.

1 So that is into evidence and they agree on it,
2 okay?

3 MS. MAYES: I beg the Court's indulgence. May we
4 approach?

5 (Proceedings held at the bench; not reported.)

6 THE COURT: All right. I'm gonna let the jury take
7 about a fifteen minute break, Mr. Foreman. Remember no
8 discussing amongst yourself this case and we'll be back
9 in fifteen minutes.

10 (Whereupon, the jury retires to the jury room at
11 10:46 AM.)

12 (Recess taken at 10:47 AM.)

13 (Back on the record at 11:02 AM.)

14 BAILIFF: All rise.

15 THE COURT: Please be seated. Are we ready? Is
16 that enough time?

17 MS. MAYES: We're still waiting on that witness
18 to arrive. So, Your Honor, when she gets here we'll
19 put her up. We have a witness we can call.

20 THE COURT: Okay. Before the jury comes in, I've
21 been working on jury charges that I hope I can give
22 y'all this afternoon for your review.

23 All right. Let's bring the jury in then.

24 (Whereupon, the jury return to the courtroom at
25 11:04 AM.)

1 THE COURT: All right. Mr. Foreman, are you ready?

2 FOREPERSON: We're ready.

3 THE COURT: Okay.

4 MS. MAYES: The State calls Shabba Roberts.

5 MR. MADSEN: Judge, may we approach?

6 THE COURT: You may.

7 (Proceedings held at the bench; not reported.)

8 THE COURT: Mr. Foreman, I'm gonna have to take
9 up a legal matter with the attorneys, so I'm gonna
10 have to ask y'all to go back to your jury room.

11 FOREPERSON: Yes, ma'am.

12 THE COURT: And I apologize. Sometimes this just
13 happens during trials, but we won't keep you long.

14 FOREPERSON: Okay.

15 (Whereupon, the jury retires to the jury room at
16 11:08 AM.)

17 THE COURT: Okay. Ms. Roberts, you stay right
18 there.

19 MS. MAYES: We're ready.

20 THE COURT: Did we place her under oath yet?

21 THE CLERK: No, ma'am.

22 THE COURT: Let's go ahead and place Ms. Roberts
23 under oath. We're gonna proffer some testimony from her.

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

1 (Whereupon, Shamonteairea Roberts was duly sworn by
2 the Clerk of Court.)

3 THE CLERK: Please be seated. State your full name
4 and spell your last name for the record.

5 THE WITNESS: Okay. My name Shamonteairea Roberts,
6 R-O-B-E-R-T-S.

7 THE CLERK: Thank you, ma'am.

8 SHAMONTEAIREA ROBERTS,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION (In-Camera)

11 BY MS. MAYES:

12 Q. Good morning. Tell us what relation you are to the
13 victim in this case, Yumonica Means.

14 A. I'm her eldest daughter.

15 Q. All right. And how old are you right now?

16 A. 29.

17 Q. How old were you approximately when your mother began
18 a relationship with Tirrell Means?

19 A. I would say I was about 19. 18 or 19.

20 Q. Okay. And did you have the opportunity to reside in
21 the same home with them?

22 A. Yes.

23 Q. And can you tell us whether or not you had visited the
24 home at Camellia Street in Aiken prior to your mother being
25 killed?

1 A. Yes. We had my baby shower, because I was pregnant
2 around that time as well, on June 15th.

3 Q. All right. And did you have the opportunity to be
4 inside the home at that point in time?

5 A. Yes.

6 Q. Now prior to that, did you have knowledge of legal
7 separation papers that had been signed between the parties?

8 A. Yes, I was on the phone when she had him to sign them.

9 Q. And was the defendant also present for that event?

10 A. He was.

11 Q. They were together in the same room?

12 A. Yes.

13 Q. I'm gonna show you a document and ask you whether or
14 not you recognize it.

15 A. Yes.

16 Q. Is this the separation agreement that you're referring
17 to?

18 A. Yes, ma'am.

19 Q. And what is the date of that agreement?

20 A. April 17, 2019.

21 Q. Do you recognize your mother's signature on this
22 document?

23 A. Yes.

24 Q. Based upon your interaction with the parties and your
25 observations, do you have knowledge as to the status of

1 that relationship in June of 2019?

2 A. I was told that the relationship was over.

3 Q. Okay. Well, let me ask you this. Based upon your
4 observations, do you have knowledge?

5 A. I saw -- when I was there in June, on June 15th, for
6 my baby shower it looked like he was living in the room
7 upstairs. He had his items upstairs and her things were
8 still in their room when they shared -- when they were
9 together.

10 Q. All right. So let me ask you this. June 30, 2019,
11 did you receive any type of document from your mother?

12 A. Yes.

13 Q. I'm gonna show you an item and ask you whether or not
14 you recognize it?

15 A. Yes, ma'am.

16 Q. You received that photo from who?

17 A. My mom.

18 MR. MADSEN: May I see it? I just don't know what
19 they're talking about.

20 MS. MAYES: (Handing.)

21 BY MS. MAYES:

22 Q. And June 30th of 2019, you received that document from
23 your mother?

24 A. Yes.

25 Q. Do you have knowledge as to whether or not your mother

1 was making plans to relocate?

2 A. Yes.

3 Q. Where was she planning to relocate to?

4 A. The Pelham and Hinesville, Georgia area.

5 Q. All right. And was -- were you involved in assisting
6 with those plans?

7 A. Yes.

8 Q. How so?

9 A. She had taken a loan out on her 401(k) and she asked
10 that I call so that her check is -- would withdraw more
11 money to go towards paying off the 401(k) because she
12 wanted to go ahead and retire early and take those funds to
13 move down to Georgia.

14 Q. And you were assisting in the financial arrangements
15 for that?

16 A. Yes.

17 Q. And based upon your personal knowledge, were those
18 plans for her to relocate or for her to relocate with the
19 defendant?

20 A. It was just her and the girls.

21 Q. Okay. That photograph that you just identified, do
22 you know whether or not your mom had taken action to make a
23 police report on June 30, 2019, regarding the use of her
24 bank card?

25 A. Yes, she told me that he over-drafted her account and

1 that she was gonna press charges and then she sent me that
2 picture.

3 Q. All right. So what I'm not gonna ask you about in
4 front of the jury is what she told you about pressing
5 charges, just simply do you recognize that photograph and
6 who you received that photograph from. Who did you receive
7 that photograph from?

8 A. My mom.

9 MS. MAYES: Your Honor, I'm gonna mark this at this
10 time as a Court's exhibit.

11 THE COURT REPORTER: Number 10.

12 (Court's Exhibit Number 10 was marked for
13 identification.)

14 THE COURT: What exactly is it?

15 MS. MAYES: Your Honor, this is -- State's
16 Exhibit 10 is a badge number for an officer in the
17 Hinesville Police Department and that is where testimony
18 will also later be elicited from the Secret Service agent
19 that he also found that same photograph on the victim's
20 phone and that it was sent to the defendant on June 30,
21 2019, in relation to her telling him that she was gonna
22 press charges for his use of her bank card.

23 THE COURT: Okay.

24 BY MS. MAYES:

25 Q. And can you tell us whether or not your mother was in

1 Hinesville, Georgia on the date of June 30, 2019?

2 A. Yes.

3 MS. MAYES: Your Honor, regarding the status of
4 the relationship, the victim has -- I'm sorry -- the
5 victim's daughter has personal knowledge of her plans to
6 relocate to Pelham, Georgia, and that she was consulting
7 with her and helping to make financial plans to do so
8 and that that was simply going to be the victim moving
9 there following the separation.

10 MR. MADSEN: Judge, we believe that it's hearsay.
11 We believe that under 403 that it is more prejudicial
12 than probative. It certainly is confusing. I mean,
13 when she asked her, Ms. Roberts, asked her about, A,
14 the separation agreement, the first thing she said is
15 hey, I was on the phone, and then she wants her to ID it.
16 That's -- that's hearsay in itself of that -- of that
17 agreement, which was in April. I don't think anyone
18 disputes that they were still living under their roof
19 after that. I think if you even look at it -- and I
20 think -- Ms. Roberts, do you still have that?

21 THE WITNESS: (Indicating.)

22 MR. MADSEN: No, the agreement. Was that -- is
23 that this one? May I see it, please.

24 THE WITNESS: (Handing.)

25 MR. MADSEN: I mean, the first part of it says

1 that they were married February 17th of 2019. I believe
2 it was 2009. Or that they had been married for a while.

3 MS. MAYES: So the separation agreement was
4 mentioned by the defendant in his statement and that's
5 the reason that it's relevant. He's the one who says in
6 his statement --

7 THE COURT: Well, he said that he signed a
8 separation agreement, I remember that, in his
9 conversation with the chief, I believe.

10 MR. MADSEN: But that -- I mean, that would still
11 be hearsay. It doesn't open the door. You know, the
12 rules of evidence don't go out the window.

13 MS. MAYES: And just to clarify, we're not offering
14 the content of the separation agreement or that document
15 as evidence, just simply that she's aware of it and
16 recognizes her mother's signature. And the defendant
17 also acknowledges that he signed it and so it's
18 corroboration of his own statement to law enforcement.
19 We're not offering the document, simply that she does
20 also recognize her mother's signature on that same
21 document that the defendant has made relevant through
22 his statement to law enforcement. And I believe
23 defense counsel elicited testimony earlier in this case
24 regarding that separation agreement. I don't recall
25 who the witness is, but -- okay, it was Chief Robinson

1 then about the date of that separation agreement being
2 in April.

3 THE COURT: In April. I remember him testifying
4 to that.

5 MR. MADSEN: And then, Judge, obviously the thing
6 with the Hinesville officer, again, that's -- that is
7 hearsay, that is 403. The stuff about her, you know,
8 relocating, that's all hearsay information that she
9 received from her mother.

10 THE COURT: Well, no, she was helping with the
11 finances to relocate.

12 MR. MADSEN: Can I ask, where's Hinesville?

13 THE WITNESS: It's in Georgia.

14 MR. MADSEN: I know that, but, like, is it Savannah,
15 Augusta, Atlanta?

16 THE WITNESS: It's Hinesville.

17 MR. MADSEN: Okay. Like, where's it near?

18 THE WITNESS: I don't go down there. It's close
19 to Savannah, I guess, or Albany.

20 MR. MADSEN: Okay. So it's kind of the lower part
21 of the --

22 THE WITNESS: Uh-huh.

23 MR. MADSEN: I was just curious. I wasn't real
24 sure.

25 THE COURT: I think she can testify to what she

1 has personal knowledge of.

2 MS. MAYES: Regarding that particular photograph
3 that was --

4 THE COURT: The photograph bothers me I'm just
5 gonna tell you because I don't know what that proves.
6 Maybe you can get that in some other way, but it kind
7 of leaves us with a photograph that nobody seems to
8 know what it's about.

9 MS. MAYES: And, Your Honor, we would have this
10 witness simply ID it. We believe that's something that
11 the foundation can be laid for later, both through
12 identification by Pat Pruitt, who discovers it in the
13 phone as being sent to the defendant, and it's certainly
14 ripe for cross-examination if the defendant elects to
15 testify.

16 THE COURT: And is she gonna also testify --
17 because I know that she said her mom was living upstairs.
18 Is she testifying to the living arrangements of the
19 defendant and the victim?

20 MS. MAYES: Yes, Your Honor. Based on her
21 observations around June 15th, her mother's belongings
22 were downstairs and the defendant's belongings were
23 upstairs.

24 THE COURT: I think she can testify to that and
25 then -- that's what she knew. I think she could -- if

1 she saw them sign the agreement -- how do I know that
2 it's the separation agreement?

3 MR. MADSEN: How do you know it's that one? I guess
4 that's my point.

5 MS. MAYES: Can I have a follow-up question?

6 THE COURT: Yes, you may.

7 BY MS. MAYES:

8 Q. So were you aware of anyone else present in the room
9 when you had the discussion with all parties regarding the
10 separation agreement?

11 A. Yes, her friend Wanda Yume.

12 Q. Okay. Can you tell us whether or not you recognize
13 Wanda Yume's name on that same document?

14 A. Yes, I saw it there.

15 Q. In what role? In what capacity?

16 A. She was the - oh, my, I can't - the witness.

17 Q. Okay.

18 MR. MADSEN: I don't think that changes anything.

19 MS. MAYES: Again, we're not offering the document
20 itself, simply corroborating that in the defendant's
21 statement when he says that he had signed a separation
22 agreement that there was, in fact, a document - let me
23 ask you this.

24 BY MS. MAYES:

25 Q. Whose home was that document recovered from following

1 the - the death of your mother?

2 A. It was in my mom's home underneath her bed.

3 Q. Okay. So recovered from that address at Camellia
4 Street, was there a document involving a legal separation?

5 A. Yes.

6 Q. And does it bear your mother's signature?

7 A. Yes.

8 THE COURT: That's better. I can live with that.
9 I don't think that's hearsay. It's what she found and
10 she can ID her momma's signature.

11 MR. MADSEN: So you're gonna overrule my objections?

12 MS. MAYES: We are not offering the document itself
13 to be clear.

14 THE COURT: Yeah, I'm not gonna let in the document
15 and - and the police thing. To me, that's confusing.
16 I think that that will confuse the jury.

17 So the Court's Exhibit Number 10 with the police
18 officer's name and number on it, I don't think she can
19 testify to that.

20 MR. MADSEN: And then they plan -- I guess they
21 plan on marking this for ID to ask her questions about
22 it?

23 MS. MAYES: No, simply if she recognizes it and
24 who sent it to her, whose phone she received it from,
25 and not the contents.

1 MR. MADSEN: I got it, but it's got to be marked
2 somehow.

3 THE COURT: We're gonna mark it as Court's Exhibit
4 Number 10 --

5 MR. MADSEN: Well, if she's gonna testify then, I
6 think -- or testify about it, then I get the right to
7 ask her questions about it.

8 MS. MAYES: Okay. We'll do -- we'll do --

9 MR. MADSEN: And obviously it's got to be marked
10 somehow so that if it goes up, it needs a --

11 MS. MAYES: We'll do 52 for ID only.

12 THE COURT: Okay.

13 MR. MADSEN: That makes sense.

14 THE COURT: And that's gonna be the note?

15 MR. MADSEN: No, that's the --

16 THE COURT: Separation.

17 MS. MAYES: And then the same with the photograph.
18 That will be 53 for ID only. Without getting into the
19 content, I simply am gonna ask her if she recognizes the
20 photograph and who it was received from.

21 THE COURT: Does that take care of your objections,
22 Mr. Madsen?

23 MR. MADSEN: Yes, Your Honor.

24 (State's Exhibit Number 52 and 53 were marked
25 for identification.)

1 MS. MAYES: And I think we had already discussed
2 the other matter at the sidebar.

3 MR. MADSEN: I mean, I still have the 403 with
4 both of them and I think Your Honor is ruling against
5 me on that saying you're going to allow the testimony.

6 THE COURT: I am. I think she can ID what was
7 sent to her.

8 MR. MADSEN: I just want the record to be clear on
9 that.

10 THE COURT: I don't think that's hearsay. I mean,
11 she was the recipient really of both of them, assuming
12 she found the legal separation under her mom's bed and
13 she can ID her signature.

14 MS. MAYES: Your Honor, there is the one other
15 matter that we discussed at sidebar and I'll pose the
16 question.

17 BY MS. MAYES:

18 Q. Following the death of your mother, did you serve as
19 executor of the estate?

20 A. Yes, ma'am.

21 Q. Did you have the opportunity to examine her Bank of
22 America account to see if it had any funds in it?

23 A. Yes, ma'am.

24 Q. Did it have any funds in it?

25 A. No, ma'am.

1 THE COURT: I don't have a problem with that.

2 Any objection to that, Mr. Madsen?

3 MR. MADSEN: No, if it's limited to that.

4 MS. MAYES: I think we may need just two minutes,
5 Your Honor, with the witness. I want to make sure she
6 is clear on the Court's instructions and that we're all
7 protected in that regard because we had previously
8 discussed some of the other matters related to the police
9 report that was being filed June 30th, so I want to make
10 sure that there's no further discussion of that.

11 THE COURT: Okay. And I want to make sure I've
12 got Rob's -- he's saying it's hearsay for her to ID the
13 separation and also for her to ID the note that her
14 mother sent her.

15 MR. MADSEN: And also 403.

16 THE COURT: And 403. And I'm saying that the --
17 I don't believe it to be hearsay. It was sent to her.
18 As far as being prejudicial to the defendant, I do
19 believe it corroborates his statement. I don't find it
20 prejudicial at all.

21 The officer's name, I'm not real sure I know where
22 we're going with that. I guess you will clear that up.

23 MS. MAYES: And it's certainly a matter I think
24 we would explore on cross-examination because the
25 same image was sent to the defendant when there is a

1 discussion that she is going to be pressing charges for
2 the use of the bank card.

3 The texts that we had dealt with previously, Your
4 Honor, were texts from the victim in which she requests
5 the bank cards to be returned, that was one text, and
6 then another one was Tirrell, put every cent back, I
7 won't press charges, and that was on June 30th.

8 MR. MADSEN: And that was --

9 THE COURT: Okay. I think it's okay for her to
10 ID it. Mr. Madsen, if you want to object to it when
11 she tries to put in the bank records, if you want to,
12 through someone else. At this time I think it's kind
13 of like almost premature. All she's doing is ID'ing
14 it as something she received and until I know more
15 about -- I think we need more testimony before I can
16 rule on it.

17 Did I confuse you?

18 MR. MADSEN: That's not a problem.

19 THE COURT: I don't find it prejudicial right now.

20 MS. MAYES: So, Your Honor, just in developments,
21 the SLED witness who would be very, very brief has
22 arrived, so we may want to go ahead and take her and
23 get her sent back to Columbia, and other than that I just
24 would like to give a brief instruction to this witness
25 regarding what she can and cannot testify to so that we

1 You can remove your mask. State your full name and
2 spell your last name for the record.

3 THE WITNESS: Jennifer Nates, N-A-T-E-S.

4 JENNIFER NATES,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. All right. And where are you currently employed,
9 Agent Nates?

10 A. I'm employed by the State Law Enforcement Division in
11 the trace evidence section of the forensic laboratory.

12 Q. And what specifically do you do in the trace division?
13 Tell us a little bit more about that.

14 A. I am the lieutenant over the department, which
15 basically just means I supervise the other analysts in
16 that department. Our department is responsible for many
17 different types of analyses. We analyze gunshot residue
18 samples, paint samples, glass samples, explosives, tape,
19 bank dye, fire debris, and any other miscellaneous unknown
20 material that is submitted for analysis.

21 Q. All right. And how long have you been working at the
22 SLED trace division?

23 A. I've been in the trace division for twenty-two years
24 and I've been with SLED for twenty-three years.

25 Q. Do you have an educational background and training in

1 that specific field that allows you to not only analyze
2 items for trace analysis, but also to offer expert
3 testimony regarding your findings?

4 A. My experience or my educational background is a
5 bachelor's of science degree in chemistry from a state
6 school in Pennsylvania. Once I received that, I was hired
7 at SLED and began the training program in the drug analysis
8 and poison section. I completed that training and worked
9 in that section, including the training, for approximately
10 one year, and then I transferred to trace evidence where I
11 began a -- at that time it was a five-year training program
12 to train in all the different areas, to train on how to
13 analyze evidence, how to report evidence, how to interpret
14 what you find. That training is on-going. I don't take as
15 many classes now. Due to COVID a lot of things have been
16 shut down, we haven't been able to get out and take
17 classes, but up and to that point we do take refresher
18 classes, we take what are called proficiency tests yearly,
19 which is provided by an outside vendor to determine if we
20 are still proficient in that type of analysis.

21 Q. All right. And specifically in the field of gunshot
22 residue analysis, do you have continued training in that
23 field?

24 A. We do take proficiency tests yearly in that area.

25 Q. All right. Have you testified previously as an expert

1 in the field of gunshot residue analysis?

2 A. I have.

3 Q. How many times would you estimate you have testified
4 as an expert witness?

5 A. I think the last time I added up the testimony I
6 have testified 149 times in general and then I think
7 approximately 130 in gunshot residue.

8 Q. And that's expert testimony?

9 A. Yes.

10 MS. MAYES: Your Honor, at this time the State
11 would offer Agent Jennifer Nates as an expert in the
12 field of trace analysis, to include gunshot residue.

13 MR. MADSEN: No objection.

14 THE COURT: Okay. I'll tell the jury again my
15 instruction on experts still stands and I'll instruct
16 you on it later on at the end of the case to remind
17 you, okay?

18 BY MS. MAYES:

19 Q. All right. Agent Nates, tell us a little about bit
20 about gunshot residue analysis. How do you go about doing
21 a comparison?

22 A. Gunshot residue analysis does not involve a
23 comparison. It is an analysis to determine if gunshot
24 residue is present on an object or on a sample that is
25 presented to us. Typically gunshot residue kits are used

1 to collect any potential gunshot residue that may be
2 present. Usually they're collected on a person's hand
3 because that is usually what -- the question that needs to
4 be answered is did this person potentially discharge a
5 firearm. So the sample kits, they consist of what are
6 called particles lifts. It's a very small rounded -- it
7 has an adhesive on it. It's a round particle lift that has
8 an adhesive on it and the officer will open it up and dab
9 it over a person's hand to collect any evidence that may
10 be there. They can also use those particle lifts to
11 collect from any inanimate object. If they believe a gun
12 was fired from a vehicle or if they believe a gun was fired
13 near a door -- a certain doorway or anything like that,
14 they can collect samples from those inanimate objects and
15 potentially collect any gunshot residue if it is present.
16 When we receive those kits, we view the kit, we check the
17 paperwork to make sure that the paperwork matches what was
18 submitted. We check to see that the item that the officer
19 says it is, if it was from John Doe, that the kit actually
20 says it was from John Doe. Once we do that, we inventory
21 the kit and then it's prepped for analysis. Sometimes
22 for the analysis we use what is called a scanning electron
23 microscope. If the samples are very dirty, we need to
24 put a thin layer of carbon on the sample so that the
25 microscope will work properly. So we'll evaluate the

1 sample, determine if we need to carbon coat the sample and
2 then the sample is given to the analyst. In this case it
3 was me. I will set up an automated run on the system, so I
4 will put the sample in a certain place on the system and
5 tell the instrument what area to scan and what area to look
6 for. So the instrument uses an electron beam, it scans
7 over the sample and determines if the particles that are
8 present, the microscopic particles that are present, if
9 they actually contain the elements that make it gunshot
10 residue. Once the instrument is completed, the analyst
11 will go back and verify the particles that were found to
12 make certain it was actually a particle of GSR that was
13 flagged.

14 Q. All right. And in this particular case, what item
15 was submitted to you, particularly involving this Kia Soul
16 and the steering wheel of that Kia Soul?

17 A. I received a GSR kit that stated it was from a 2016
18 Kia Soul and the particle lift was a particle lift that is
19 made for the hands, so it would have right hand or left
20 hand on it, it was written in steering wheel from that Kia
21 Soul.

22 Q. All right. And in so doing, the collection involves
23 residue around the steering wheel area; is that correct?

24 A. That is what it said on the particle lift. I did not
25 collect it, nor was I there when it was collected, so I

1 just go off of what it states on the sample from where it
2 was collected.

3 Q. And you were familiar in this particular case that
4 that GSR kit was collected by CSI agent Melinda Worley of
5 SLED?

6 A. That is what was on the paperwork. The paperwork for
7 our GSR kits has an area to write down where the sample
8 is collected from, who performed the collection and the
9 timeframe of the collection.

10 Q. All right. And in this particular case, that item,
11 can you tell us whether or not it remained sealed until it
12 arrived to you for analysis?

13 A. It did.

14 Q. And you actually unsealed this yourself?

15 A. Either I unsealed it or I think our technician may
16 have unsealed it and prepped it for the analysis.

17 Q. And in the process of doing that, if there had been
18 any evidence of tampering prior to being unsealed, is that
19 something that would have been noted?

20 A. Right. We notate -- since the majority of our
21 evidence is sealed properly, we will only notate if it
22 is not properly sealed. In this case, there was no
23 indication.

24 Q. So all indications are is that it would have been
25 properly sealed upon arriving to you for analysis?

1 A. Yes.

2 Q. And, Agent Nates, what, if any, finding did you have
3 regarding the analysis of those swabs from that Kia Soul's
4 driver's side steering wheel?

5 A. It was a single sample. It was a particle lift
6 from the steering wheel and I found multiple particles
7 characteristic of primer gunshot residue.

8 Q. What do you mean by that, multiple characteristics of
9 gunshot residue?

10 A. If a particle is to be considered characteristic of
11 gunshot residue or to be called gunshot residue, it has to
12 contain three elements. It has to contain barium, antimony
13 and lead. So the fact that I found multiple particles
14 means that I found more than one microscopic molten
15 particle that contains those three elements.

16 Q. And based upon those findings, can you tell us whether
17 that is gunshot residue on the steering wheel kit from the
18 Kia Soul?

19 A. Yes, it is primer gunshot residue.

20 MS. MAYES: Thank you. Nothing further.

21 THE COURT: Mr. Madsen.

22 CROSS-EXAMINATION

23 BY MR. MADSEN:

24 Q. So, Agent Nates, I guess most of what you've done has
25 been gunshot residue or at least testified to, correct?

1 A. Mostly testified to. We do -- gunshot residue is one
2 of the main analyses. It's the bulk analysis. We do
3 receive a lot of other cases, but the majority of the other
4 cases, a lot of them seem to plead before they go to court
5 with the hit and runs or the burglaries, but the gunshot
6 residue does go to court much more often.

7 Q. And so how long had you -- how long total were you
8 kind of doing you gunshot residue?

9 A. I trained in gunshot residue in 1999, so I've been
10 doing that since then.

11 Q. And it's changed significantly since then, correct,
12 about what you'll test?

13 A. About what we'll test and how we will report what we
14 find.

15 Q. And so in the past, gunshot residue on someone that
16 was around a gun, y'all would test that and report findings
17 out on that, wouldn't you?

18 A. Can you repeat? Someone around a gun or --

19 Q. Sure. Someone who wasn't firing, you would test them
20 for gunshot residue if they were supposed -- alleged to
21 have been in the vicinity of a gun, correct?

22 A. We still do test, yes.

23 Q. Well, what don't you test for gunshot residue now?

24 A. Currently at this point we do not test victims'
25 clothing for gunshot residue and we have cut back

1 significantly on the testing of a GSR kit collected from a
2 victim. Usually -- the point of this test is to determine
3 if someone was around a weapon or potentially discharged a
4 firearm. If you sustained a gunshot wound, you were more
5 than likely within a pretty close range to that weapon, so
6 we expect to find gunshot residue on you and there's not
7 much I can really tell you other than there's gunshot
8 residue present.

9 Q. But in the past y'all would issue opinions on the
10 gunshot residue about your opinion on whether, say, a
11 victim was handling or fired a gun depending on what was
12 found on them, correct?

13 A. We did, yes.

14 Q. And that's changed?

15 A. It has changed.

16 Q. And y'all won't do that anymore?

17 A. The testimony or the testing?

18 Q. The testimony.

19 A. The testimony, what we testify to now is that if I
20 find gunshot residue on a person, I can say they
21 potentially fired a weapon, they discharged a weapon,
22 they were near a weapon when it was discharged or they
23 handled an object with gunshot residue on it.

24 Q. But that's different than the way it was in the past
25 as far as what you would testify to?

1 A. Yes.

2 Q. Science has changed or y'all just realized that maybe
3 that was going a little bit too far?

4 A. Science has changed and gunshot residue is so fragile
5 and so sporadic, we decided that it was best to testify to
6 what we -- what they were wanting us to find and what we
7 could tell them, so with that we were -- gunshot residue
8 was present or it's not, and that's where we've moved in
9 the scientific community.

10 Q. But that old testimony, I mean, people were convicted
11 off of some of that testimony?

12 A. I don't know if people were convicted off of it. I
13 testified -- my testimony, if you go back and look at
14 mine, has been pretty consistent. I can't speak for what
15 everyone else testified to in the United States.

16 Q. Well, let me put it this way. It was offered in court
17 against people, correct?

18 A. What was offered? Like a --

19 Q. Well, the GSR that y'all don't do anymore, I mean,
20 people would come up here and testify to that and y'all
21 won't do that now?

22 A. We still testify on victim GSR kits and we still
23 analyze them, just not as often as we did before. So our
24 testimony was offered and our testimony was given that
25 gunshot residue was present on that person.

1 Q. But it still has changed about what you feel
2 comfortable saying?

3 A. More-so on suspects, not on victims because on a
4 suspect if I would testify in the past, our reporting has
5 changed. We would say gunshot residue was found. Now we
6 state gunshot residue was found, these are the ways you can
7 get it on you, so we put it all out there in the beginning
8 so if we don't go to court, the jury can see that there are
9 different ways to get that on you.

10 Q. Right. And that's different than the way it was in
11 the past?

12 A. The reporting is different, yes.

13 MR. MADSEN: That's all the questions I have.

14 REDIRECT EXAMINATION

15 BY MS. MAYES:

16 Q. Let me follow up on that just a little bit more. If
17 a victim such as Yumonica Means is in the vicinity of a
18 gunshot, would she potentially have gunshot residue on her
19 as well?

20 A. More than likely she would, yes.

21 MS. MAYES: Thank you. Nothing further.

22 THE COURT: Anything else?

23 MR. MADSEN: No, Your Honor.

24 THE COURT: May I excuse Ms. Nates?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: Thank you so much.

2 (Witness excused.)

3 MS. MAYES: The State calls Shabba Roberts.

4 THE CLERK: Raise your right hand and place your
5 left hand on the Bible.

6 (Whereupon, Shamonteairea Roberts was duly sworn
7 by the Clerk of Court.)

8 THE CLERK: Thank you, ma'am. Please be seated.
9 State your full name and spell your last name for the
10 record.

11 THE WITNESS: Shamonteairea Roberts, R-O-B-E-R-T-S.

12 THE CLERK: Thank you, ma'am.

13 SHAMONTEAIREA ROBERTS,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Good morning.

18 A. Good morning.

19 Q. What do your friends and family call you?

20 A. Shabba.

21 Q. Okay. Shabba, how old are you today?

22 A. 29.

23 Q. And I see you're currently expecting?

24 A. Yes.

25 Q. When's your baby due?

1 A. Next week on Tuesday.

2 Q. All right. Now is this your first baby or your second
3 baby?

4 A. Second.

5 Q. All right. When was your first baby born?

6 A. August 16th.

7 Q. Of what year?

8 A. 2019.

9 Q. All right. That year of 2019, what do you remember
10 about that year?

11 A. My mom passed.

12 Q. Okay. I'm gonna need to ask you a few more questions
13 about that. We see here your age, 29.

14 A. (Nods head.)

15 Q. And we see a little bit more about the family?

16 A. Uh-huh.

17 Q. Tell us where you recall living with your mom when she
18 first met the defendant.

19 A. I was living in Aiken, South Carolina, at the address
20 on Camellia Street.

21 Q. I'm gonna move that microphone a little bit closer to
22 you.

23 A. Do you need me to repeat it?

24 Q. Yes. The address where you were living with your mom
25 when she first met the defendant, Tirrell Means?

1 A. Yeah, it was 528 Camellia Street in Aiken, South
2 Carolina.

3 Q. All right. Now, Shabba, take us through a little bit
4 more about 2019. Were you still living at the family home?

5 A. No.

6 Q. And you mentioned your first child was born that year?

7 A. Uh-huh.

8 Q. Where were you living that year?

9 A. Charlotte, North Carolina.

10 Q. Okay. And what kind of work do you do in Charlotte?

11 A. Customer service.

12 Q. And were you working in that role back in 2019?

13 A. Yes.

14 Q. Tell us a little bit about how old you were when
15 Tirrell Means first came into your life and your mom's
16 life.

17 A. I was about 18 or 19.

18 Q. And the home that you have at Camellia Street in
19 Aiken --

20 A. Uh-huh.

21 Q. -- who was the homeowner at that residence?

22 A. My mom.

23 Q. And how long had she been the homeowner at that
24 residence?

25 A. Since my first year in middle school.

1 Q. All right. And how is it that she met the defendant,
2 Tirrell Means?

3 A. We were remodeling the house because I was gonna move
4 out to the garage and he was the contractor and he was --
5 he removed the garage door and put up a wall instead.

6 Q. So he was doing work on that home?

7 A. Yes.

8 Q. Was the home in the name of your mother?

9 A. Yes.

10 Q. And about how old were you then?

11 A. About 18 or 19.

12 Q. And based upon your observations, did a relationship
13 between them develop?

14 A. Yes.

15 Q. And your mom was working where at the time?

16 A. Milliken.

17 Q. How long was she at the Milliken plant?

18 A. She was there for a while. Over fifteen years.

19 Q. And that Milliken plant is located where?

20 A. In Johnston, South Carolina.

21 Q. And did she remain working there, Shabba, up until the
22 date of her death?

23 A. Yes, ma'am.

24 Q. When Tirrell and your mother began a relationship,
25 about how old was J. V. [REDACTED]

1 A. I would put her at about maybe two. One or two. She
2 was really young.

3 Q. And then together during the course of the marriage,
4 did Tirrell and your mother have another sister for you
5 together?

6 A. Yes.

7 Q. All right. And that is your youngest sister?

8 A. Yes, Taraji.

9 Q. And is that -- Taraji is called TT?

10 A. Yes.

11 Q. During that time that y'all -- or that they were
12 living there, did you have opportunity to visit the home?

13 A. Yes.

14 Q. You were aware of the status of the relationship
15 between them?

16 A. Yes.

17 Q. I want to ask you a little bit more about that. In
18 2019, leading up to this, are you aware as to whether or
19 not -- this is a yes or no question -- are you aware of
20 whether or not a legal separation was being --

21 MR. MADSEN: Ask your question.

22 Q. -- was being pursued?

23 A. Yes.

24 MR. MADSEN: Judge, I would just like to renew my
25 objections for the record.

1 THE COURT: It's noted for the record, but I believe
2 she can testify if she knows.

3 MR. MADSEN: Sure. And if that could be just
4 continuing so I don't have to continually re-object.

5 THE COURT: Yes, and at the end I'll renew all of
6 them for you.

7 MR. MADSEN: Thank you, Your Honor.

8 BY MS. MAYES:

9 Q. I'm gonna show you what is State's 52 for
10 identification and ask you whether or not you're aware
11 of whether a legal separation had evolved to the point
12 of paperwork?

13 A. Yes.

14 Q. And who served as the executor of your mother's estate
15 following her death?

16 A. I did.

17 Q. And as a result, were you familiar with belongings
18 inside the home?

19 A. Yes.

20 Q. How did you go about collecting your mother's
21 belongings after her death?

22 A. We had access to the home, so we just went in and
23 cleaned it.

24 Q. Okay. As a result can you tell us whether or not any
25 separation papers were found?

1 A. Yes, they were.

2 Q. And regarding State's 52 for identification, can you
3 tell us whether or not that paperwork bears the signature
4 of your mother?

5 A. Yes, it does.

6 Q. And you examined that prior?

7 A. Yes.

8 Q. You recognize your mother's signature?

9 A. Yes, ma'am.

10 Q. Okay. Now in addition to that, are you aware of
11 approximately how much money your mom was making while she
12 was working at Milliken?

13 A. Yes.

14 Q. And you're aware of her job status throughout that
15 time that she worked at Milliken?

16 A. Yes, ma'am.

17 Q. And did that include arrangements that she had made
18 for a 401(k) plan and other financial arrangements?

19 A. Yes, ma'am.

20 Q. How, if at all, did you assist her in that regard,
21 Shabba?

22 A. She had taken out a loan against her 401(k) and I was
23 to call and set up an arrangement so that more money would
24 come out of her check to pay back the loan so that she can
25 then retire early.

1 Q. Okay. And based upon your knowledge of the status of
2 the relationship, was she making plans to relocate?

3 A. Yes.

4 Q. And were you working and consulting with her in
5 regards to that relocation?

6 A. Yes.

7 Q. Where was the relocation to be?

8 A. It was either Hinesville or Pelham, Georgia.

9 Q. All right. And do you also have family -- additional
10 family in that area of Pelham, Georgia?

11 A. Yes.

12 Q. Who was that?

13 A. My grandmother.

14 Q. That would be the grandmother -- that would be your
15 mom's mom?

16 A. Yes.

17 Q. And what is her name?

18 A. Margaret Williams.

19 Q. Is that the same grandmother that J.V. [REDACTED] is currently
20 living with?

21 A. Yes, ma'am.

22 Q. You actually assisted with plans for her to be able to
23 financially make that move?

24 A. Yes, ma'am.

25 Q. And based upon your knowledge of these events and your

1 observations along the way, was that move to be just for
2 your mother or for your mother and the defendant together?

3 A. It was just my mom and the girls.

4 Q. You were in the home how recently, Shabba, leading up
5 to the shooting death of your mother?

6 A. June 15th.

7 Q. Of 2019?

8 A. Yes.

9 Q. And what, if anything, did you observe inside the home
10 regarding the living arrangements?

11 A. It appeared that Mr. Means' items were upstairs in the
12 spare room and her items were downstairs in her room.

13 Q. And specifically I'm gonna ask you about the name
14 Kendrick Gambrell.

15 A. Uh-huh.

16 Q. Is that a name that you are familiar with?

17 A. Yes.

18 Q. Can you tell us whether or not your mother had begun a
19 relationship with Kendrick Gambrell?

20 A. Yes.

21 Q. And is that something that you had knowledge of?

22 A. Yes.

23 Q. And was she hiding that or was that openly known that
24 she had begun a new relationship?

25 A. It was -- it was openly known.

1 MS. MAYES: I beg the Court's indulgence.

2 BY MS. MAYES:

3 Q. I'm gonna put there a pay stub from Milliken. Are
4 these some of the same financial arrangements that you are
5 familiar with where there were funds going into different
6 accounts following the receipt of her paychecks?

7 A. Yes, ma'am.

8 Q. And I'm gonna show you a document and ask you whether
9 or not you recognize it. State's 40.

10 A. Yes, ma'am.

11 Q. Did your mother also have Bank of America cards in her
12 name?

13 A. Yes.

14 Q. And do you know how she would most frequently access
15 money in her Bank of America accounts?

16 A. She had a card, a bank card.

17 Q. Okay. She had a card in her name?

18 A. Uh-huh.

19 Q. And I'm gonna show you what's State's 53 for ID only
20 and I'm gonna ask you at this time if you recognize this --

21 A. Yes, ma'am.

22 Q. -- what's depicted in that photograph? I'm not asking
23 what's in it, I'm just asking if you recognize what's in
24 it, State's 53.

25 A. Yes, ma'am.

1 Q. And who sent this photo?

2 A. My mom.

3 Q. And who actually received a photo identical to this
4 from your mother? Can you tell us whether or not you
5 received it from your mother?

6 A. I received a text with that photo in it.

7 Q. Okay. From your mother's phone?

8 A. Yes.

9 Q. And regarding that Bank of America account that your
10 mom had, in fact, multiple accounts, looking here at
11 State's 45, with a net pay of \$796.07 we see a significant
12 portion of that going into a Bank of America account being
13 \$726.00.

14 Following your mother's death you indicated that you
15 served as executor of the estate?

16 A. Yes, ma'am.

17 Q. Following her death in the early morning hours of
18 July 3, 2019, did you have an opportunity to check as
19 executor the bank account to see if she had any money in
20 them?

21 A. Yes, ma'am.

22 Q. What, if anything, did you learn regarding that
23 significant amount of money in the Bank of America account?

24 A. The account was empty.

25 Q. There was no money in it?

1 A. No, ma'am.

2 Q. I'm gonna show you some additional documents and ask
3 you whether or not you recognize them. Shabba, do you
4 still have your mother in your phone?

5 A. Yes.

6 Q. Do you know her number?

7 A. Yes.

8 Q. What is her number?

9 A. 803-508-5457.

10 Q. I'm gonna show you a document and ask you whether or
11 not you recognize it.

12 A. I might have been off a number.

13 Q. And --

14 A. Yeah, I was. It's 5357.

15 Q. Well, let me ask you something real quick about that.

16 A. Uh-huh.

17 Q. And what were you gonna say? I'm sorry.

18 A. I was off a number. It was 5357.

19 Q. Okay. Regarding your mom's phone?

20 A. Yes.

21 Q. But you're familiar with the contacts in her phone?

22 A. Yes.

23 Q. Okay. Are you familiar with whether or not Tirrell
24 Means was a contact in her phone?

25 A. Yes.

1 Q. Are you familiar with whether or not they communicated
2 on a frequent basis?

3 A. Yes.

4 Q. Are you aware as to whether or not she had Tirrell
5 Means in her phone as Tirrell?

6 A. Yes.

7 Q. And, again, Shabba, your mother's phone number?

8 A. 803-508-5357.

9 Q. Okay. Is she still in your phone today?

10 A. She always will be.

11 MS. MAYES: I beg the Court's indulgence.

12 THE COURT: Take your time.

13 BY MS. MAYES:

14 Q. You testified regarding the living arrangements
15 that you observed in June of 2015 {sic}. Did you have
16 -- and this is a yes or no question. Did you have an
17 understanding as to whether or not the defendant was
18 seeking a -- a new residence?

19 A. Yes.

20 MS. MAYES: Nothing further, Your Honor.

21 THE COURT: Mr. Madsen.

22 CROSS-EXAMINATION

23 BY MR. MADSEN:

24 Q. Do you mind if I call you Shabba?

25 A. That's fine.

1 Q. I just have a few questions for you.

2 A. Okay.

3 Q. So your mom was living at that residence on Camellia
4 Street and her and Tirrell met and they got married and he
5 moved in, correct?

6 A. He moved in before they got married.

7 Q. Okay. And then they got married after that?

8 A. Uh-huh.

9 Q. Give me an idea how long they had been married or what
10 year. Any idea? Or maybe how old you were?

11 A. I couldn't give -- I'm pretty sure they were married
12 for at least nine years.

13 Q. Okay. And at some point in time I think they had a
14 fire at that house, didn't they?

15 A. Yes.

16 Q. A pretty significant one?

17 A. Uh-huh.

18 Q. And they kind of worked and redid it back to prefire
19 condition?

20 A. It was habitable.

21 Q. And Tirrell would sometimes work on or fix the home?

22 A. Uh-huh.

23 Q. And they would do remodeling and that to it?

24 A. Uh-huh.

25 Q. Correct?

1 A. Yes.

2 Q. And I think sometimes your mom would even work with
3 him when he went out to other places to work or remodel,
4 correct?

5 A. Yes.

6 Q. A little bit of extra money for her or even to just
7 kind of help him out, right?

8 A. Yes.

9 Q. And they had a baby shower for you on June 15th in
10 that home, correct?

11 A. Yes.

12 Q. And Tirrell was there for that?

13 A. Yes.

14 Q. A pretty big baby shower?

15 A. Yes.

16 Q. And I believe that's when your daughter was born?

17 A. No, I was pregnant with my son.

18 Q. Okay. Pregnant with your son who was born in August?

19 A. Uh-huh.

20 Q. And then mom had worked at Milliken for a long time?

21 A. Yes.

22 Q. And then at some point in time though I guess she had
23 been out with an injury for a little bit?

24 A. Yes.

25 Q. A neck pull or something like that?

1 A. It was a back injury.

2 Q. A back injury.

3 A. Uh-huh.

4 Q. And she had just gone -- we see the paycheck. She had
5 just gone back, I guess, correct?

6 A. Yes.

7 Q. But she was hoping to eventually retire and planning
8 on moving down towards, I guess, Savannah or something like
9 that?

10 A. Yes. Pelham, Georgia.

11 Q. And she had a friend or something, was it Tammy down
12 there, that, I guess, right after your baby shower there
13 was another baby shower?

14 A. Yes.

15 Q. And did you go to that, too?

16 A. No.

17 Q. Okay. That was just a friend of hers?

18 A. That's my aunt, but I was pregnant and I couldn't
19 travel.

20 Q. That makes sense. And you had talked about that she
21 was planning on moving and taking the girls, but J.V. [REDACTED]
22 didn't live with her, correct? She lived with Auntie
23 Renee?

24 A. Right.

25 Q. And her getting together with this Kendrick Gambrell,

1 I mean, that was recent?

2 A. Uh-huh.

3 Q. Correct?

4 A. Yes.

5 Q. And you said that her and Tirrell would communicate,
6 text, call frequently, correct?

7 A. Yes.

8 Q. Just like any other married couple?

9 A. Yes.

10 MR. MADSEN: Do you have 53? Is that a Court's
11 exhibit or -- give me just a second. We're trying to
12 find something.

13 THE WITNESS: Take your time.

14 MR. MADSEN: We're trying to look at what has been
15 marked as ID.

16 THE COURT: Yeah, 52 and 53. I thought she put it
17 there.

18 MR. MADSEN: Let me take a look. Maybe a second
19 set of eyes. Maybe not. Can we replace it with a new
20 document?

21 THE CLERK: We found 53.

22 MS. MAYES: We're gonna replace it with new document.

23 MR. MADSEN: We'll replace it with the same thing.

24 THE COURT: Okay.

25 MR. MADSEN: Do we want to remark this with 53

1 for ID?

2 THE CLERK: No, it's 52.

3 THE COURT: It's 52.

4 BY MR. MADSEN:

5 Q. Okay. Sorry it's taking so long.

6 A. No worries.

7 Q. So you've already ID'd 52 as a separation agreement.

8 I guess you found that under your mother's bed, correct?

9 A. Yes, it was under the mattress.

10 Q. Okay. And it's dated April 14th of 2019 --

11 A. Uh-huh.

12 Q. -- and then it says that they were lawfully married
13 February 17th of 2019, but that's not right, is it?

14 A. Right, that's not right.

15 Q. And it looks like something maybe at least on the last
16 page that was maybe printed up offline. It says legal
17 contracts dot com.

18 A. Yes, I see that.

19 Q. And you don't see anywhere on there where it shows
20 that it was ever filed in a court of law or anything like
21 that, correct?

22 A. No.

23 Q. It just looks like something at some point in time
24 they did and then it ended up back under her bed, right?

25 A. Yes.

1 Q. And then your mom also had access to online banking,
2 didn't she?

3 A. Yes.

4 Q. And she could turn her cards on and off based on that,
5 couldn't she?

6 A. She couldn't, but I could.

7 Q. You could?

8 A. (Nods head.)

9 Q. And if she asked you to do that, you would do that for
10 her, wouldn't you?

11 A. Yes.

12 Q. And you know that if you're gonna use an ATM card to
13 get money out you've got to have a pin, don't you?

14 A. Yes.

15 Q. Did you have your mother's pin?

16 A. Yes.

17 Q. She would let you use her card sometimes?

18 A. I have.

19 MR. MADSEN: That's all the questions I have.

20 REDIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. So Mr. Madsen was asking you about the defendant's
23 employment. Did he have steady employment?

24 A. Did Mr. Means have steady employment?

25 Q. Did the defendant have steady employment during the

1 marriage?

2 A. No.

3 Q. Who was the primary source of income?

4 A. My mom.

5 Q. And I know you testified your mom was also the
6 homeowner. Was she also the owner of that Kia Soul?

7 A. Yes.

8 Q. And then Mr. Madsen was asking you about the time
9 period of your baby shower just two weeks before your mom
10 was shot and whether the defendant was present at that baby
11 shower. Shabba, what can you tell us about your mom in
12 terms of any attempts to co-parent with Mr. Means despite
13 plans to move on with her life?

14 MR. MADSEN: Judge, I'm going to object. I believe
15 that calls for speculation and I don't believe it's
16 appropriate under Rule 403. It's certainly going to call
17 for hearsay.

18 MS. MAYES: I can rephrase that.

19 THE COURT: I agree with Mr. Madsen. If you could
20 rephrase that.

21 BY MS. MAYES:

22 Q. You were -- you've testified you were aware of the
23 efforts to proceed with a legal separation.

24 A. Yes.

25 Q. Despite that was he present at your baby shower?

1 A. Yes.

2 Q. Can you tell us based on your observations was your
3 mother having a co-parenting relationship with him?

4 A. Yes.

5 Q. They still had a child in common, being TT?

6 A. Yes.

7 Q. Was that usual or unusual for your mom?

8 A. It's usual.

9 Q. And regarding plans to relocate, Mr. Madsen asked you
10 about the date of that separation agreement being April of
11 2019. The plans that you've testified your mom had to
12 relocate --

13 MR. MADSEN: Judge, I didn't ask her about plans,
14 so I don't think that this is subject to redirect. I
15 didn't ask her about the --

16 THE COURT: I think you did ask about moving to
17 Savannah or close to it, so I think she can.

18 Go ahead, Ms. Mayes.

19 BY MS. MAYES:

20 Q. So the separation paperwork I believe was originally
21 dated April of 2019. The efforts that you were making to
22 help your mom relocate, can you tell us whether or not that
23 continued through June of 2019?

24 A. Yes, it did.

25 Q. And was that still efforts that you were assisting

1 with up until the time of her death?

2 A. Yes.

3 MS. MAYES: Nothing further.

4 MR. MADSEN: Nothing further.

5 THE COURT: Can I let Ms. Roberts -- let her get
6 down?

7 MS. MAYES: Yes, Your Honor.

8 (Witness excused.)

9 MS. MAYES: Your Honor, if we may approach?

10 THE COURT: Sure.

11 (Proceedings held at the bench; not reported.)

12 THE COURT: Okay. Mr. Foreman, we're gonna let
13 y'all go to lunch. Again, I'm gonna tell you no talking
14 amongst yourself or calling anybody about this case
15 until I tell you to do so.

16 We're gonna start back at 1:30, so if everybody
17 could be back in the courtroom by then, okay?

18 Thank you.

19 (Whereupon, the jury was excused for lunch at
20 12:18 PM.)

21 THE COURT: All right. Mr. Madsen, I told you at
22 the end of her testimony we'd go back to 52 and 53.

23 Do you have any objection to hearsay? I listened
24 to her testimony about withdrawing the account. 52 I
25 do not believe is hearsay or prejudicial because I

1 thought that he had already in his own statement said
2 he'd signed the divorce papers to the chief of Johnston.
3 I think he also in that statement, too, said something
4 about draining the account.

5 Am I wrong or --

6 MS. MAYES: Your Honor, on the night of the murder
7 he indicates he over-drafted the account.

8 THE COURT: The account. It seems like I remember
9 something about that. So, you know, honestly I can think
10 of several reasons. You know, a statement against
11 interest. It also corroborates what he said in his
12 statement. So, I've allowed it in, but I know you had
13 objected earlier, so I wanted it noted for the record
14 that your objection was noted.

15 MR. MADSEN: Thank you, Your Honor.

16 And we're coming back at 1:30?

17 THE COURT: We're coming back at 1:30, okay?

18 (Whereupon, a luncheon recess was taken at
19 12:20 PM.)

20 (Back on the record at 1:44 PM.)

21 (State's Exhibit Number 54 through 56 were
22 marked for identification.)

23 BAILIFF: All rise.

24 THE COURT: Thank you. Be seated.

25 MS. MAYES: Your Honor, there is a matter we would

1 like to address.

2 THE COURT: Okay.

3 MS. MAYES: I'm gonna pass the Court a copy of a
4 series of text messages and I'm gonna label this as
5 Court's Exhibit 11.

6 (Court's Exhibit Number 11 was marked for
7 identification.)

8 MS. MAYES: And, Your Honor, this is a series of
9 standalone text messages taken from the defendant's
10 phone during the course of the extraction of the
11 defendant's phone, which was conducted by Secret
12 Service agent Pat Pruitt. These particular messages
13 are dated 7-1 -- I'm sorry, 7-2-2019 at 2:13 AM, so
14 we're approximately twenty-four hours before the murder
15 of the victim.

16 In these messages he is texting someone named Cody.
17 We want the record to be clear that we have gone through
18 extensive efforts to identify this person named Cody.
19 We have also run traces on this phone number. We have
20 been unable to locate and positively identify this
21 associate by the name of Cody. However, he is frequently
22 in communication with the defendant, Tirrell Means,
23 throughout his -- throughout the examination of his phone
24 extraction.

25 What we see on July 2nd of 2019 are messages which

1 are standalone. By that I mean that beginning at 2:03 AM
2 through 2:13 AM he is communicating with Cody, but it's
3 not a conversation in that Cody is not responding.

4 Ultimately, later there is a response by Cody at --

5 THE COURT: Wait a minute. I'm trying to follow
6 along with you. Where is standing alone?

7 MS. MAYES: So we are looking at Text Number 43, 44,
8 45 and 46, and there is a response at 5:56 AM from Cody,
9 which would be Text Number 42. And I know it's not on
10 the information provided to the Court because that would
11 not be information that the State is seeking to introduce,
12 but there is a response at 5:56 AM, some three and a half
13 hours later on July 2nd, where he says "cuz I had fell
14 asleep".

15 THE COURT: Okay. I see that on mine.

16 MS. MAYES: Cuz I had fell asleep. So that's an
17 indication from Cody that -- as to why he was not
18 responding.

19 What the State would seek to introduce potentially,
20 Your Honor, are the texts at Line 46, 45, 44 and 43 and
21 they flow in that order beginning 2:03 AM. "Man, I can't
22 sleep, she talking all loud, I don't know how long this
23 will last".

24 We believe, Your Honor, this is a reference to the
25 phone conversations that he mentions in his admission

1 to Chief Robinson that he had heard her engaged in
2 phone conversations of an explicit nature with Kendrick
3 Gambrell. At 2:05 AM he states "I am probably going to
4 come get you in a few, about to do something soon". 2:06
5 he states "what if I cut her throat". And then at 2:13
6 he states "I'm about to make my move, she just hung up
7 with him".

8 And those, again, Your Honor, are all statements
9 being made to Cody without Cody interacting. We believe
10 it goes to establish motive, state of mind of the
11 defendant and malice being his intent to commit this
12 crime far before when the defense alleges he somehow
13 acquired sudden heat of passion at the time of the
14 murder of Yumonica Means.

15 MR. MADSEN: Judge, obviously we renew our
16 pre-trial objections under the search warrant and our
17 motions with that. We don't believe that a sufficient
18 foundation can be laid. We believe that it is hearsay.
19 Additionally, we believe it would be impermissible
20 404(b) evidence and also 403 evidence; such as "I'm
21 probably going to come get you in a few, about to do
22 something". Who knows what that means?

23 THE COURT: I understand, but then the next one
24 is "what if I cut her throat".

25 MR. MADSEN: Like I said, we believe that that

1 would be inadmissible 404(b).

2 MS. MAYES: And just to respond to the 404(b)
3 analysis, Your Honor, it would not be a prior bad
4 act if it's all part of the res gestae of the crime,
5 underlying circumstances that have developed here
6 over the course of these days when he states to law
7 enforcement he became aware of the relationship with
8 Kendrick Gambrell because he is listening to their
9 phone conversations. Why it's so significant is the
10 defense is pursuing the theory that he only snapped at
11 the moment that he committed the crime; whereas this
12 clearly shows his intent to harm her well in advance of
13 the time when he lured her out to the peach field in
14 Johnston.

15 THE COURT: And these are -- he wrote these text
16 messages from his phone and you're gonna lay the
17 foundation that the SLED expert, he was the one who
18 extracted the stuff or the text messages from the phone?

19 MS. MAYES: Yes, Your Honor. Secret Service agent
20 Pat Pruitt and the phone -- this is the same phone that
21 has already -- there's already been testimony from
22 J. [REDACTED] V. [REDACTED] that it was the defendant she was
23 communicating with at this number, who she spoke with
24 in person, as well as the texts that were later received,
25 and then --

1 THE COURT: And that was from the mom's phone?

2 MS. MAYES: Yes, Your Honor. And then there will
3 be other forms of authentication offered through Pat
4 Pruitt as well.

5 MR. MADSEN: And, Judge, I will mention, and I
6 think Ms. Mayes forgot to mention, that they brought a
7 Cody Spires in today that apparently has this number and
8 he denied ever receiving, knowing anything about any of
9 these texts.

10 THE COURT: He's here today?

11 MR. MADSEN: He was.

12 MS. MAYES: So just to clarify, Your Honor, where
13 we are with that, throughout these communications with
14 this individual by the name of Cody, it's clear that
15 there is a very close relationship between the two of
16 them. He refers to him as "cuz", things of that nature.
17 The State's inclination has always been that this person
18 is either Kareem Abdul Williams, who was present at the
19 scene, or it's another close associate. The person
20 that we were able to locate pursuant to this phone
21 number doesn't seem to have any type of close
22 relationship with the defendant at all. He is someone
23 who he knew through a business transaction at the
24 lumber company, but denies any knowledge of sending or
25 receiving texts with the defendant or any type of social

1 relationship with the defendant at all.

2 So there's a couple of possibilities that -- that
3 could be involved as to how and why he is in this phone
4 as Cody as opposed to another identity.

5 MR. MADSEN: But they've confirmed his name is Cody
6 and that is his number.

7 THE COURT: All right.

8 MS. MAYES: With that said, Your Honor, the fact
9 that we don't have -- the other party involved in this
10 does not -- you know, regarding the other communications
11 that we see over the course of time, and there are many,
12 many, many of those, those would be more conversational
13 in nature. These are statements made from the defendant
14 to this third party and for that reason we believe that
15 they are statements against interest that do not require
16 any type of confirmation from the third party. That
17 would go to weight, but not admissibility.

18 MR. MADSEN: Judge, I don't know if it matters or
19 not, but Mr. Spires is a white male, so I don't believe
20 there would be any blood relation between he and
21 Mr. Means. She mentioned a "cuz".

22 THE COURT: Well, I think that she maybe will
23 explain there, Mr. Madsen.

24 What about these other texts? You're not -- you're
25 not anticipating using these, are you?

1 MS. MAYES: We do not, Your Honor. It's that
2 series of text messages between 46, 45, 44 and 43 that
3 the State would seek to introduce and those alone. The
4 actual -- I believe we gave you the full context, but
5 the actual communications would have that redacted.

6 MR. MADSEN: I mean, Judge, quite honestly, if
7 you're gonna let those in, then I would prefer they all
8 come in to show the whole context. I mean, they're
9 trying to kind of pick and choose because they don't
10 like the fact that -- that he's potentially talking
11 about phone sex or talking in codes.

12 MS. MAYES: Well, I can say that if the defense
13 has no objection, then it's certainly something that
14 appropriate redactions can be made for and we can --
15 we can add in the other aspects, but from the State's
16 standpoint of seeking admissibility it's those
17 standalone texts at 43, 44, 45 and 46 that the State
18 wishes to introduce. But, yes, I will pass up what is
19 State's 59.

20 MR. MADSEN: If they don't enter -- if Your Honor
21 allows it in and they don't do it, then my client has
22 to put it in. I mean, I'm gonna be forced to.

23 MS. MAYES: And if we can agree that that would be
24 59. We're talking about State's 59 that shows the full
25 page.

1 MR. MADSEN: It doesn't have one part. I think 47
2 was taken out.

3 MS. MAYES: And 47 was the response by Cody.

4 (State's Exhibit Number 59 was marked for
5 identification.)

6 THE COURT: So he must be at home listening to her.
7 Is that -- am I understanding this?

8 MS. MAYES: Yes, Your Honor.

9 THE COURT: It really makes more sense if you read
10 about Number 53. Is that the money from -- that was
11 testified to that he took? And then he must be sitting
12 at the house getting mad is what that looks like to me.

13 MS. MAYES: That's the State's position, Your
14 Honor.

15 MR. MADSEN: Judge, our position is the day before
16 no evidence he ever tries to cut her throat or anything
17 like that. Obviously he's upset by what he's sitting
18 there listening to, but, you know, for the reasons we've
19 already stated we don't think it should come in.

20 THE COURT: All right. Let me talk to counsel in
21 the back.

22 (Recess taken at 1:59 PM.)

23 (Back on the record at 2:03 PM.)

24 THE COURT: Okay. Mr. Madsen, I'm gonna deny your
25 motion. I'm gonna allow these in. As long as she lays

1 a foundation to get them in, I think they come in.
2 They're his statements. He wrote them. It's his text
3 messages and a statement against his interest. I'm
4 gonna let them in.

5 MR. MADSEN: So, Judge, you're -- renewing the
6 pre-trial and motion I made, my objection to insufficient
7 foundation, hearsay, impermissible 404(b) and also 403,
8 ruling against me on all those grounds?

9 THE COURT: On all of those grounds I'm gonna rule
10 against you and I will note it for the record.

11 MR. MADSEN: And then when she tries to introduce
12 whether it be Ms. Means' phone or Tirrell's phone, I'll
13 just -- if it's okay with Your Honor, I'll just renew
14 my --

15 THE COURT: Objections.

16 MR. MADSEN: -- in limine motions at that point in
17 time, but not do it for each and every single one so we
18 don't have to bog down --

19 THE COURT: Yes.

20 MR. MADSEN: I just want to make sure that
21 Mr. Means is covered on appellate review.

22 THE COURT: That was one of our agreements when
23 we started the trial with you jumping up and didn't
24 want to take the chance of the jury getting aggravated
25 with you by doing that.

1 MR. MADSEN: Thank you, Your Honor.

2 THE COURT: Because I've seen that happen before
3 believe it or not.

4 MR. MADSEN: You just don't want to get kicked on
5 appellate review saying you didn't do something that you
6 were supposed to.

7 THE COURT: Right. No, I am making sure.

8 MR. MADSEN: It just -- it bogs everything down.

9 THE COURT: Every time she introduces every one of
10 these texts, your objection is noted, and we'll do it
11 again when we finish.

12 MS. MAYES: All right. For the record, Your
13 Honor, State's 59 is a different version than the
14 Court's exhibit that we had originally discussed,
15 which would have the text messages from Line 43, 44,
16 45 and 46 where he's stating that he's about to make
17 his move and what if I cut her throat. This, at the
18 request of the defense, would include lines 48, 49,
19 50 and 53. All communications by the defendant earlier
20 that evening beginning on July 2, 2019, at 12:15, and
21 continuing on until the final message being Message
22 Number 43 at 2:13 AM on July 2, 2019.

23 So at the request of the defense those messages
24 are being added to this exhibit.

25 MR. MADSEN: Well, Judge, I just don't want to

1 waive something when she says request from defense. I
2 mean, my thing is if they don't put them in, I'll put
3 them in, so if they want to add them, they can do it
4 and I'll just add it to my objection, but obviously I
5 would have to put them in if they don't.

6 THE COURT: Okay.

7 MR. MADSEN: But I don't want to waive anything by
8 somehow acquiescing.

9 THE COURT: Okay. She's gonna put them in for you.

10 MS. MAYES: Now with that said, there will be
11 multiple other communications made by the defendant that
12 the agent will identify as coming from the phone. Even
13 if they're not admissible at this point in time, we
14 certainly think they will be marked for ID for purposes
15 of our cross-examination of the defendant.

16 MR. MADSEN: Now will he have the full extraction
17 up there for when I do my cross-examination?

18 MS. MAYES: He should.

19 MR. MADSEN: Okay. I didn't know if he's gonna
20 have that or if I need to --

21 THE COURT: You can mark it for ID, but we can't
22 tell whether they're admissible until we get to that
23 point.

24 MS. MAYES: And then we have the others, which are
25 55, 56 and 54, which were the subject of the pre-trial

1 ruling regarding the messages from the victim.

2 If we can take a moment to look at 54.

3 MR. MADSEN: Are these all from someone's phone?

4 MS. MAYES: These are from the victim's phone.

5 MR. MADSEN: Okay. Can we just make sure that we
6 keep that clear when you jump from one phone to the
7 other?

8 MS. MAYES: Yes.

9 MR. MADSEN: I know there's gonna be duplicates.

10 THE COURT: These -- these were the other ones that
11 she didn't put in yet.

12 MR. MADSEN: I just want to make sure that we all
13 understand, okay, this is what's coming from his phone,
14 this is what's coming from her phone. A lot of those
15 things are identical because they're sent back and forth.
16 I just don't want -- that would be kind of easy to get
17 confused and kind of read along.

18 MS. MAYES: So this is from the victim's phone
19 where in contacts she has the defendant as Tirrell
20 Means. This is the text wherein the defendant states
21 "I know the conversation with him will be nice being
22 you and him will be intimate soon". That is on
23 6/29/2019 at which time the victim responds "I'm sorry
24 you mad but we not together, so what I do is none of
25 your business". That text is on June 29th. That's the

1 one that was subject to pre-trial.

2 Then State's 56 includes only the text message that
3 we discussed pre-trial, which is line 200, "put every
4 cent back and I won't press charges, but we done and you
5 have to move out tomorrow".

6 And then the final one was July 1, 2019. This is
7 State's 55. One text only depicted in this exhibit and
8 that is the victim stating to him "you haven't gotten
9 your stuff out my house yet, I want my bank cards, my
10 money and I'll be headed to -- you know what, just
11 bring me my keys and cards, I'll eat the loss if it
12 means getting you out of my life and house", and that's
13 July 1st.

14 THE COURT: Yes, I ruled on those and they're
15 coming in.

16 MR. MADSEN: And, Judge, all my -- my argument
17 on all of those is the same; renewing my pre-trial
18 objections, motions, insufficient foundation, hearsay,
19 impermissible 404(b) and 403.

20 THE COURT: Okay.

21 MR. MADSEN: And then when I stand up, I'll just
22 say, you know, my in limine motions or objections.

23 THE COURT: Yes, and so noted for the record.

24 Are we ready?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: All right. Let's bring the jury in.

2 (Whereupon, the jury return to the courtroom at

3 2:11 PM.)

4 THE COURT: Everybody ready, Mr. Foreman?

5 FOREPERSON: Everybody ready.

6 THE COURT: Okay.

7 All right. Call your next witness.

8 MS. MAYES: The State calls Pat Pruitt.

9 THE CLERK: Raise your right hand and place your
10 left hand on the Bible.

11 (Whereupon, Patrick Pruitt was duly sworn by the
12 Clerk of Court.)

13 THE CLERK: Thank you, sir. Please be seated.

14 State your full name and spell your last name for
15 the record.

16 THE WITNESS: My name is Patrick Pruitt. It's
17 spelled P-R-U-I-T-T.

18 PATRICK PRUITT,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. All right. Agent Pruitt, tell us a little bit about
23 yourself. Where are you employed?

24 A. I work for the United States Secret Service out of the
25 Columbia field office currently.

1 Q. And how long have you been a Secret Service agent?

2 A. A little over twenty-three years.

3 Q. Tell us what you do for the Secret Service.

4 A. So the Secret Service has a dual mission of protection
5 and investigations. Of course, most folks know we protect
6 the president and vice president and other important heads
7 of state people, but we also investigate a lot of white
8 collar crimes, identity theft, Internet intrusions. For
9 the last twenty years I went through our computer forensic
10 school with the Secret Service, that was in 1999, and I've
11 testified numerous times regarding computer forensics, cell
12 phone forensics, and that line of work. I currently manage
13 our computer forensics lab in the Columbia field office and
14 I've done so for about the last ten years.

15 Q. All right. And, Agent Pruitt, if you can pull the
16 microphone up a little bit closer to you and I'm gonna ask
17 you again. You said that you currently work with Secret
18 Service in the Columbia field office?

19 A. That's correct.

20 Q. And what kind of specific training and background do
21 you have in the examination and analysis of cell phone
22 technology?

23 A. So I have been trained by the United States Secret
24 Service in the imaging and analyzing of computers, cell
25 phones and other digital devices.

1 Q. All right.

2 A. And routinely I image and analyze cell phones,
3 peripherals that you would connect to a cell phone,
4 computers and other digital media.

5 Q. How long have you been conducting analysis of cell
6 phones?

7 A. Approximately seven, eight years. I've been through
8 the Secret Service's basic cell phone evidence recovery and
9 analyzing and I've also been through the Secret Service's
10 advanced program as well.

11 Q. Okay. So over the course of many years during your
12 field training with the Secret Service?

13 A. That's correct.

14 Q. And have you also had the opportunity to analyze the
15 results of phone extractions?

16 A. That's correct.

17 MS. MAYES: Your Honor, at this time the State
18 offers Agent Pat Pruitt as an expert in the field of
19 cell phone analysis and examination.

20 MR. MADSEN: No objection, Your Honor.

21 THE COURT: Okay. And I'll tell the jury again.

22 I gave you a charge on experts and their testimony and
23 you give it the weight you think it deserves. You treat
24 it like any other witness, okay?

25 BY MS. MAYES:

1 Q. All right. Now, Agent Pruitt, I want to ask you
2 whether or not you had an opportunity to examine any type
3 of digital or cell phone evidence in connection with this
4 case, being the murder investigation of State versus
5 Michael Tirrell Means?

6 A. Yes, I have.

7 Q. And how so?

8 A. So I had -- I examined both her phone and his phone.

9 Q. Okay. I'm gonna show you some items and ask you
10 whether or not you recognize them. I want to start with
11 this, being State's 30, and give you a moment to take a
12 look at that and tell us how you recognize it.

13 A. Okay.

14 Q. That particular phone that you're looking at there --
15 oh, it's on the back. State's 30, I believe.

16 A. I'm sorry. Oh, here we go.

17 Q. State's 30, this particular item, did it arrive to you
18 properly sealed?

19 A. Yes, ma'am.

20 Q. And do you see initials on the back?

21 A. Yes, I do.

22 Q. Would those be the initials of Investigator Jimmy
23 Smith?

24 A. They appear to be, yes.

25 Q. And do you see a date in which this item was sealed?

1 A. It looks -- it appears to be 7-3-2019. Yes, 7-3-2019.

2 Q. For the date on the outside showing the date it was
3 sealed?

4 A. That appears to be 7-5-2019.

5 Q. All right. And this particular LG model is what? Do
6 you have a record of it?

7 A. Yes, I have a report on -- on this phone. On this
8 phone and this phone.

9 Q. All right. As to this particular LG, what type of
10 identifying information goes along with it? Does it have
11 any type of serial number or model number?

12 A. Yes, it has a serial number associated with it.

13 Q. And what is that serial number?

14 A. The last digits are 69738.

15 Q. All right. And then do you also see on here the date
16 and time in which it was seized or sealed?

17 A. Yes, ma'am. 7-5-2019.

18 Q. Okay. Now next I want to show you what is State's 19
19 and ask you the same information. Does it tell you the
20 date in which this phone was seized and sealed?

21 A. 7-3-2019.

22 Q. At what time?

23 A. It looks like 0400, in that vicinity 0400.

24 Q. Okay. 4:00 AM?

25 A. Yes, ma'am.

1 Q. And, again, the person sealing this particular item?

2 A. The same initials.

3 Q. Does that appear to be consistent with Investigator
4 Jimmy Smith?

5 A. Yes, ma'am.

6 Q. All right. What is the make and model of this
7 particular phone?

8 A. It is the same make. Both phones are the same make
9 and model.

10 Q. Okay. That being an LG?

11 A. That's correct.

12 Q. And then what are the final four serial numbers
13 associated with that phone?

14 A. 8845 it appears to be.

15 Q. All right. So I want to talk about that phone first,
16 which is State's 19.

17 A. Okay.

18 Q. This is the phone that was seized in the early morning
19 hours of July 3rd of 2019.

20 A. Okay.

21 Q. When you go about doing a phone extraction, does it
22 give you access to other information in the phone such as
23 contacts, a full call log, text messages, even photographs?

24 A. Yes.

25 Q. And for that particular phone, what, if anything, can

1 you tell us about your determination as to who that phone
2 belonged to?

3 A. So I referred to the search warrants initially. The
4 search warrants spell out whose phone was whose and it also
5 gives an IMEI, which is a serial number associated with
6 that phone, so I would look at that initially and go from
7 there.

8 Q. All right. And based on that information that you had
9 originally during the course of the investigation, you were
10 aware that that was the phone of -- or believed to be the
11 phone of Yumonica Means?

12 A. Yes.

13 Q. And during the course of your extraction, did you find
14 anything to confirm that such as personal contacts?

15 A. Yes.

16 Q. Can you tell us whether or not the victim, Yumonica
17 Means, had someone in her phone by the name of Tirrell
18 Means?

19 A. That's correct. There were text messages back and
20 forth between Yumonica and Tirrell Means.

21 Q. All right. First, I want to start with showing you
22 what is State's 20. This item being a call log and already
23 in evidence. If you could take a moment and look at it.

24 A. Okay.

25 Q. Does that appear to be consistent with the call log

1 that you identified of Yumonica Means?

2 A. Yes, that's correct.

3 Q. And specifically around the time of the homicide
4 occurring on July 3, 2019, up until 1:06 AM, can you tell
5 us whether or not there was any communications from the
6 defendant, Tirrell Means?

7 A. There was numerous communications between Tirrell
8 Means and Yumonica.

9 Q. And did that continue from July 3rd in the early
10 morning hours on up through 1:15 AM?

11 A. That's correct.

12 Q. So I want to ask you specifically at 1:15 AM, with
13 this incident date occurring at 1:31 AM on July 3, 2019,
14 what is the last communication you see from Tirrell Means
15 to that phone?

16 A. It's an incoming call to the phone?

17 Q. Correct.

18 A. Okay. Give me one second here.

19 Q. Do you see a communication at 1:15?

20 A. I do.

21 Q. All right. And can you tell us whether or not that's
22 a communication between the phone of Yumonica Means and a
23 contact by the name of Tirrell Means?

24 A. Yes.

25 Q. All right. Is that to the phone of Tirrell Means or

1 from the phone of Tirrell Means?

2 A. It's an incoming call to Yumonica.

3 Q. To Yumonica?

4 A. That's correct.

5 Q. And from who?

6 A. From Tirrell Means.

7 Q. Okay. What is the time of that call?

8 A. It's 1:15 AM.

9 Q. 1:15 AM. And what is the length of that call?

10 A. It appears to be a little over two minutes.

11 Q. What is the exact time on that?

12 A. 2 minutes 13 seconds.

13 Q. Okay. So 2 minutes and 13 seconds is that call and
14 that's at 1:15 AM on July 3rd of 2019?

15 A. That's correct.

16 Q. Now I'm gonna show you some additional communications,
17 which are already in evidence, State's 23, and ask you
18 whether or not you're familiar with these?

19 A. Okay. Okay. These -- these are text messages and
20 they're from Tirrell Means.

21 Q. Okay. I'm gonna ask you a little bit more about
22 those. This is gonna be State's 23.

23 MS. MAYES: And just for the record, Your Honor,
24 State's 20 we previously referred to as the call log is
25 in evidence in its full content.

1 THE COURT: Right.

2 BY MS. MAYES:

3 Q. So looking here, State's 23, those communications,
4 someone just hit us in the back real bad, just trying to
5 get you, we called for help, damn please call back and
6 can't get nobody to answer, were you able to confirm
7 whether or not these text messages were present on the
8 phone of Yumonica Means?

9 A. Yes, they were.

10 Q. And they're coming from -- they're coming from the
11 contact in her phone known as what?

12 A. Well, these messages here are going to Yumonica, but
13 they're a contact in his phone as wife -- as my wife.

14 Q. Okay. So before we get to his phone, on this phone
15 only, looking at this phone extraction before we get to the
16 content of his phone --

17 A. Can we turn this a little bit possibly?

18 Q. Yes. And can you step down.

19 (Whereupon, the witness steps down from the
20 witness stand.)

21 A. Okay. So this is Yumonica's phone here --

22 Q. Okay.

23 A. -- and it's incoming messages to -- to her from
24 Tirrell.

25 Q. All right. And if you could stay right there. So

1 the first incoming message, "someone just hit us in the
2 back real bad", that's at 11:38 PM. What is the time on
3 the next series of text messages that you see there?

4 A. The next one is at 11:40 and it's stating that "we
5 called for help".

6 Q. And after that?

7 A. 11:43, "damn please call back". 11:55, "can't get
8 nobody to answer".

9 Q. All right. Were you able to confirm the presence
10 of all three of those, that entire collection of text
11 messages, on Yumonica Mean's phone?

12 A. Yes.

13 Q. All from the contact known as Tirrell Means?

14 A. That's correct.

15 Q. And that date and time is accurate?

16 A. Yes, ma'am.

17 Q. Thank you. You may return.

18 A. (Witness complies.)

19 Q. Now I'm gonna show you for ID only what is State's 53
20 and ask you whether or not you are familiar with that
21 photograph without describing its content?

22 A. I am familiar with it.

23 Q. Okay. And can you tell us whose phone you discovered
24 this on?

25 A. This was on Yumonica's phone.

1 Q. Okay. And was there an indication as to who this was
2 sent to?

3 A. It was sent to Tirrell.

4 Q. To her contact know as Tirrell?

5 A. That's correct, Tirrell Means.

6 MS. MAYES: Your Honor, this is State's 53.

7 MR. MADSEN: Judge, we would object.

8 MS. MAYES: We will not offer it at this time,
9 Your Honor.

10 THE COURT: Okay.

11 BY MS. MAYES:

12 Q. Next, let me ask you about your examination of
13 Yumonica's phone for additional communications with the
14 defendant. I'm gonna start with State's 54 and then ask
15 you to look at 56 and 55, and I want to look at these in
16 chronological order. So before we get to 7-1 -- or 6-30,
17 I want to ask you specifically about this, State's 54, on
18 6-29. Can you confirm whether or not that text was located
19 and identified from the phone of Yumonica Means?

20 A. That's correct, it was from her phone.

21 Q. And who is that communication with?

22 A. You're talking about Entry 390 here?

23 Q. Correct.

24 A. It's from -- it's to Tirrell Means.

25 Q. Okay. And was that in response to any communication

1 from Tirrell Means?

2 A. There is a message that was sent there.

3 Q. Okay.

4 A. Do you want me to read that or...

5 Q. Well, first, I'm just asking you if you can properly
6 identify these communications as from the phone of Yumonica
7 Means?

8 A. That's correct, they are from Yumonica Means' phone.

9 Q. Okay. And the other communication that you mentioned,
10 is that with a subject who is identified in the contacts?

11 A. That's correct. Tirrell.

12 Q. Okay. And then next, 56, can you tell us whether or
13 not you recognize that text message as coming from the
14 phone of Yumonica Means?

15 A. That's correct, it's coming from Yumonica's phone.

16 Q. All right. And that is Text Number 200 being sent to
17 which contact?

18 A. Tirrell Means.

19 Q. And on what date?

20 A. 6-30-2019.

21 Q. All right. And then, finally, State's 55, I'm gonna
22 ask you whether or not you recognize this text as coming
23 from the phone of Yumonica Means?

24 A. That's correct.

25 Q. And it was sent to which contact?

1 A. Tirrell Means.

2 Q. And what is the date of that communication?

3 A. 7-1-2019.

4 Q. Okay. Now you've had chance to cross-reference the
5 texts messages from the phone of Yumonica Means with the
6 extraction of the defendant's phone, Tirrell's phone?

7 A. Yes.

8 Q. Were you able to locate corresponding text messages on
9 each phone?

10 A. I was.

11 Q. To confirm that the person in her phone as Tirrell is
12 the same phone that you examined of Tirrell Means?

13 A. That's correct.

14 Q. And do you have a phone number associated with that
15 phone of Tirrell Means?

16 A. I do.

17 Q. Okay. What is that phone number?

18 A. 803-335-6628.

19 Q. All right. And then did you have a phone number
20 associated with the phone of Yumonica Means? And you can
21 take your time.

22 A. I don't see them on here.

23 Q. Okay.

24 MS. MAYES: The Court's indulgence.

25 BY MS. MAYES:

1 Q. You also did an extraction report for that other
2 phone, correct?

3 A. Yes, ma'am.

4 Q. For purposes of identification only, I'm gonna show
5 you a document and ask you whether or not you recognize it?

6 A. Yes.

7 Q. All right. And how did -- based on your examination
8 and your comparison of the two phones, how did the
9 defendant, Tirrell Means, have the victim, Yumonica Means,
10 labeled in his contacts?

11 A. He had her labeled my wife.

12 Q. And what phone number was associated with the contact
13 he had as my wife?

14 A. It was 803-508-5357.

15 Q. And during the course of your investigation you
16 determined that to be the phone number of Yumonica Means?

17 A. Yes.

18 Q. So going back to these text messages that you've
19 identified in State's 54, 56, 55, did these correspond
20 with both phones as you were able to examine them?

21 A. That's correct. If Yumonica sent him a text message,
22 you could find those messages on his phone.

23 Q. Okay.

24 A. And vice versa.

25 MS. MAYES: Your Honor, at this time this will be

1 State's 54, 55 and 56 for evidence.

2 THE COURT: Any objection?

3 MR. MADSEN: Judge, we would renew our pre-trial
4 objections and motions and also our in limine objections
5 and motions.

6 THE COURT: And so noted for the record. I'm
7 gonna allow them in.

8 (State's Exhibit Number 54, 55 and 56, text
9 messages, were admitted into evidence.)

10 BY MS. MAYES:

11 Q. Looking here, Agent Pruitt, if you could step down.

12 A. (Witness complies.)

13 Q. In this particular text message sent on June 29, 2019,
14 at first we see a communication at this line at 10:59 PM,
15 and tell us what that communication is and who that is
16 from.

17 A. That communication is from Tirrell Means and he's got
18 a text message in there and it's dated 6-29-2019 at almost
19 11 PM.

20 Q. All right. So 10:59 PM on June 29th. That's at
21 Line 391. Can you state for the record what that text
22 message is that is sent to the phone of Yumonica Means?

23 A. "I know the conversation with him will be nice being
24 you and him will be intimate soon".

25 Q. And then at Line 300 is there a response from the

1 phone of Yumonica Means? Is there is response to Tirrell
2 Means at 11 PM?

3 A. Yes.

4 Q. And that is sent from the phone of Yumonica Means to
5 Tirrell Means?

6 A. That is correct.

7 Q. All right. And in this particular message, what, if
8 anything, does the -- does the phone of Yumonica Means
9 indicate in response regarding the status of their
10 relationship?

11 A. "I'm sorry but you mad, what you ask me question
12 question, it looks like, but never mind all that, I was
13 wrong, we not together, so what I do is none of your
14 business, but I maybe shut you out again".

15 Q. So that message to Tirrell Means states that we not
16 together?

17 A. That's correct.

18 Q. I'm gonna show you what is State's 56. This is
19 Line 200. This is on June 30, 2019. Can you tell us
20 whether or not the extraction indicated who that message
21 was sent to?

22 A. The message was sent to Tirrell Means from Yumonica
23 Means' phone and it's at 9:21 PM and it says "Tirrell, put
24 every cent back and I won't press charges, but we done, you
25 have to move out tomorrow".

1 Q. And that's on June 30th?

2 A. That's correct.

3 Q. Now as to State's 55, I want to draw your attention
4 to Line 162. Does it indicate whether or not there is a
5 message sent again to Tirrell Means?

6 A. That's correct. It was sent on July 1st at 3:21 PM.

7 Q. All right. Let me stop you right there. July 1st,
8 3:21 PM. This crime occurs in the early morning hours of
9 July 3, 2019, so this would be less than 48 hours before
10 the time of the crime?

11 A. Roughly, yes.

12 Q. All right. What, if anything, did the phone
13 extraction determine was the content of this text message?

14 A. The message reads "I see you haven't gotten your shit
15 out of my house yet. I have you blocked so don't think
16 about replying. You have till seven to come get your shit
17 out or I will take it to your mom's house. I want my damn
18 bank cards and money or I will be headed to the blank blank
19 blank. You -- you know what, just bring me my keys and
20 cards, I'll eat the loss if it means getting you out of my
21 life and house".

22 Q. All right. And that is on July 1st roughly 36 hours
23 before the murder?

24 A. Correct.

25 Q. Thank you. You may return.

1 A. (Witness complies.)

2 Q. Now when you examined the phone of Tirrell Means, the
3 phone that you previously identified as State's Exhibit 30,
4 the phone seized on 7-5-2019 and subject to a later search
5 warrant, were you able to also conduct a full extraction on
6 that phone to include contacts and text messages?

7 A. That's correct.

8 Q. And can you tell us how the defendant had the victim,
9 Yumonica Means, labeled in his phone?

10 A. My wife.

11 Q. And during the course of that examination, were you
12 able to find any other identifying information to confirm
13 that that was a phone affiliated with Tirrell Means?

14 A. Yes, by looking at her phone and looking at the text
15 messages I was able to compare it with his phone and see a
16 similar number. There were also pictures on that phone
17 that indicated it was his phone.

18 Q. Selfies and things of that nature?

19 A. That's correct.

20 Q. As well as other personal data?

21 A. That's correct.

22 Q. And then as you previously stated, the communications
23 to my wife, did they also correspond in date and time with
24 the communications on Yumonica's phone with Tirrell?

25 A. That's correct.

1 Q. And in addition to those communications, did you
2 observe and locate communications by Tirrell Means to other
3 individuals?

4 A. Yes.

5 Q. Did you locate communications with an individual by
6 the name of Cody?

7 A. Yes.

8 Q. Or a person who was labeled in the phone as Cody?

9 A. That's correct.

10 Q. I'm gonna show you those items that you have in your
11 hand right now and ask you whether you recognize them?

12 A. I do.

13 Q. All right. State's 59 specifically?

14 A. These are text messages to -- back and forth from Cody
15 to Mr. Means.

16 Q. All right. Well, just to clarify as to State's 59,
17 does that only contain the outgoing messages from Mr. Means
18 to the individual labeled as Cody?

19 A. That is correct.

20 Q. All right. So those only depict the outgoing portion
21 of those texts?

22 A. That's correct.

23 Q. Now I want you to take a moment and observe those. Do
24 those appear to correspond in a flow of information between
25 2:03 AM and 2:13 AM wherein the defendant is texting this

1 person named -- or the defendant's phone is texting this
2 person named Cody specifically about a relationship issue?

3 A. Yes.

4 MS. MAYES: This would be State's 59 for evidence.
5 Your Honor.

6 MR. MADSEN: Judge, we would renew our pre-trial
7 objections, our in limine objections and motions.

8 THE COURT: Yes, all noted for the record, and
9 they're admitted.

10 (State's Exhibit Number 59, text messages, were
11 admitted into evidence.)

12 BY MS. MAYES:

13 Q. All right. I'm gonna also show you what is
14 State's 57 and ask you whether or not you recognize the
15 text at Line 109?

16 A. Yes.

17 Q. Is that also a text message recovered from the phone
18 extraction of Tirrell Means?

19 A. Yes.

20 Q. And it is sent to who?

21 A. It's sent to my wife.

22 Q. Okay.

23 MS. MAYES: This would be 57 for ID at this time,
24 Your Honor.

25 THE COURT: Okay.

1 MR. MADSEN: Judge, same objection to the in limine
2 and the pre-trial.

3 THE COURT: It's noted.

4 MR. MADSEN: Thank you, Your Honor.

5 BY MS. MAYES:

6 Q. And as a result of your phone extraction, were you
7 able to provide a report for multiple texts on multiple
8 days?

9 A. Yes.

10 Q. And multiple calls on multiple days?

11 A. Yes.

12 Q. For both phones?

13 A. For both phones.

14 Q. And did those contacts and that information -- for
15 foundation purposes, did the contacts and information
16 associated with those communications remain the same?

17 A. Yes.

18 Q. He was always in her phone as Tirrell Means during the
19 course of those communications?

20 A. That's correct.

21 Q. And then she was in his phone as my wife throughout
22 those communications?

23 A. Yes.

24 MS. MAYES: Your Honor, at this time as to 59,
25 the State will publish.

1 THE COURT: Yes, please.

2 BY MS. MAYES:

3 Q. Agent Pruitt, I want to ask you to take a look now at
4 the board and ask you what date we're looking at?

5 A. Early July 2019.

6 Q. All right. Specifically as to Line 53, what is the
7 time of that communication at Line 53?

8 A. I can't see the line there. So that's to Cody and
9 it's outgoing from Mr. Means' phone.

10 Q. And that's at 12:15 AM on July 2nd?

11 A. That's correct.

12 Q. So we're still talking about 24 hours before this
13 event?

14 A. Yes.

15 Q. Before the crime?

16 A. Yes.

17 Q. All right. Looking here, what is that communication
18 to Cody?

19 A. It states "me, too. I just wish I would have gave
20 her -- I wouldn't have gave her all of my money. Now she
21 talking about calling police about those few dollars she
22 got".

23 Q. Next I want to move up to Line 50 and ask you whether
24 or not you see communications at Line 50, 49 and 48?

25 A. All three outgoing calls from Mr. Means' phone to

1 Cody.

2 Q. All right. Are these outgoing calls or texts?

3 A. They're outgoing texts.

4 Q. All right. And what are the times of each text there
5 we see at 50, 49 and Line 48?

6 A. So 1 AM, 1:21 AM and then 1:22 AM.

7 Q. All right. And then what is that series of
8 communications that are sent from the phone of Tirrell
9 Means?

10 A. "She's trying to talk in codes to him. Man, I'm about
11 to flip. Trying to -- trying to piss her off. It is
12 somewhat working. She's trying to talk in code like I am
13 too stupid to understand".

14 Q. Now I want to look at lines 46 through 43.

15 A. Okay.

16 Q. Can you tell us whether or not those communications
17 are also to the individual identified in contacts as Cody?

18 A. Yes. All of those calls -- or, excuse me, text
19 messages are going to Cody on July 2nd at roughly 2 AM that
20 morning.

21 Q. So I want to start with lines 46 and go through 45,
22 44 and 43. What are the consecutive times we see there
23 starting with line 46?

24 A. 2:03 AM, 2:05 AM and 2:06 AM and then 2:13 AM.

25 Q. All right. And as to the content of those text

1 messages, Agent Pruitt, if you could take us through those
2 in chronological order.

3 A. "Man, I can't sleep. She talking all loud and shit.
4 I don't know how long this will last. I'm probably going
5 to come get you in a few, about to do something. What if I
6 cut her throat? I'm about to make my move. She just hung
7 up with him".

8 Q. All right. And as to the communication at 2:05:21 AM,
9 does that say "about to do something soon"?

10 A. Yes.

11 Q. All right. Thank you. You may return.

12 A. (Witness complies.)

13 Q. And, again, the communication "what if I cut her
14 throat" and then "I'm about to make my move, she just hung
15 up with him", that -- the time of that communication would
16 be 2:13:34 AM?

17 A. Correct.

18 Q. On July 2nd?

19 A. Correct.

20 Q. So we're talking over 24 hours before this event
21 occurred?

22 A. Yes.

23 MS. MAYES: I beg the Court's indulgence.

24 THE COURT: Take your time.

25 BY MS. MAYES:

1 Q. Then, again, State's 57, I believe you've already
2 identified as also coming from that phone to the contact
3 known as my wife?

4 A. Yes.

5 Q. And that's specifically as to line 108 and 109?

6 A. Yes.

7 Q. Were you also able to develop call logs for the
8 defendant, Tirrell Means, or at least from the phone
9 affiliated with him?

10 A. Yes.

11 Q. I'm gonna show you an item and ask you whether or not
12 you recognize it.

13 A. Yes, I recognize it.

14 Q. How to you recognize that?

15 A. I was looking at the -- the call information, call
16 logs, incoming and outgoing calls.

17 Q. Does that appear to be the accurate ingoing and
18 outgoing calls for the defendant's phone, being the phone
19 that you have identified as Tirrell Means'?

20 A. Yes.

21 Q. And does that cover the time period of July 2nd and
22 July 3rd of 2019?

23 A. Yes. It actually covers July 1st.

24 Q. Okay. So it would cover from July 3, 2019, 3:56 AM,
25 all the way through the preceding times of July 1, 2019, at

1 11:15 PM?

2 A. That's correct.

3 MS. MAYES: This would be State's Exhibit 63 for
4 evidence, Your Honor. It contains no communication
5 content. It is merely the ingoing and outgoing call log
6 of the phone extraction of Michael Tirrell Means.

7 MR. MADSEN: Judge, we would renew our pre-trial
8 objections and also our -- and motions and also our in
9 limine motions and objections.

10 THE COURT: And they're noted for the record. I'm
11 gonna admit it. That was Number 63?

12 MS. MAYES: This is 63, Your Honor, yes.

13 THE COURT: Thank you.

14 (State's Exhibit Number 63, a phone extraction
15 call log, was marked and admitted into evidence.)

16 MS. MAYES: This is all at this time, Your Honor,
17 from Agent Pruitt.

18 THE COURT: Don't go anywhere.

19 MR. MADSEN: Not so fast.

20 THE COURT: All right, Mr. Madsen. You better
21 hurry before he leaves.

22 CROSS-EXAMINATION

23 BY MR. MADSEN:

24 Q. How are you doing, Agent Pruitt?

25 A. Okay, sir. How are you doing?

1 Q. So do you have your full extraction up there?

2 A. I do not.

3 Q. How about -- can I let you take a look at that --

4 A. Sure.

5 Q. -- and see if that's not -- I believe that's an
6 expanded version of Tirrell Means'.

7 A. Just so -- a full extraction would be almost 1600
8 pages.

9 Q. Right. Just a portion of it there.

10 A. Okay. Yeah, this is a portion.

11 Q. Okay. And you recognize that because it's got the
12 same, I guess, names as far as my wife and --

13 A. Let me see. Let me just double-check it. Yes, so
14 this is Mr. Means' phone.

15 Q. Okay. I just wanted to make sure. So we're on the
16 same page?

17 A. Yes, sir.

18 Q. So before I ask you about that, you did the extraction
19 from a cell phone and you know that my client gave his cell
20 phone over to law enforcement?

21 A. That was my understanding.

22 Q. And if he wouldn't have done that, you can't do an
23 extraction from that phone, can you?

24 A. That's correct.

25 Q. You can get some information from the service

1 provider, but not the texts and that kind of stuff
2 generally, correct?

3 A. Generally, yes.

4 Q. And you had said that there was no communication
5 between Tirrell and Yumonica from 1:15, I guess, to 1:31?
6 I think that's what you testified to to the solicitor.

7 A. Okay.

8 Q. And so generally you don't need to text or call
9 someone if you're with them, do you?

10 A. That's correct.

11 Q. But they had a conversation I think you had
12 testified of 2 minutes 13 seconds at 1:15 was their last
13 communication, right?

14 A. Yes.

15 Q. So let me ask you this because when -- this call log,
16 it kind of goes from, I guess, the oldest is in the back
17 and then you kind of move forward or from down to up on
18 that, correct?

19 A. Yes, sir. It's most recent back is the way it is.

20 Q. Okay. Is there a way to flip that around using a
21 program or did I just screw it up or --

22 A. No, you could probably flip it around.

23 Q. Okay. I was just curious because it's easier to read
24 if you go oldest to newest as compared to -- because you're
25 flipping the pages then to go back up?

1 A. Right.

2 Q. So let's start -- can you go to page 150 on there?

3 A. Okay.

4 Q. Are you at 150?

5 A. Yes, sir.

6 Q. And can you go to line 380 --

7 A. Okay.

8 Q. -- which I think is the last one on there, correct?

9 A. That's correct.

10 Q. And that is a text from Tirrell to my wife on 6-26,

11 correct?

12 A. Yes, sir.

13 Q. At 1:27 PM?

14 A. That's correct.

15 Q. And it says "you don't have to come, I will give some

16 money to hold you over, I forgot you got those kids"?

17 A. That's correct.

18 Q. And then the next one, 379, is a text from her,

19 Ms. Means, back to his phone, and that's at 1:35 or about

20 seven minutes later, correct?

21 A. Yes, sir.

22 Q. And that says "please don't call or text me again"?

23 A. That's correct.

24 Q. And then the next one is, again, from her to him only

25 four seconds after 379 and it says "thank you"?

1 A. That's correct.

2 Q. Can we go to page 147?

3 A. Okay.

4 Q. And that is on -- that is -- the date associated with
5 that -- well, excuse me. Let's go to line 310. So it's
6 at the very top, the second one down. Do you see that?

7 A. Yes, sir. I got you.

8 Q. And that is from Yumonica's phone to his phone,
9 correct?

10 A. Yes, sir.

11 Q. And that's on 6-29 at 5:32PM?

12 A. Yes, sir.

13 Q. And the substance of that says "hey, we just got here,
14 we at the store shopping though", T-H-O?

15 A. That's correct.

16 Q. Correct?

17 A. (Nods head.)

18 Q. And then the next one, 309, is from his phone --
19 Tirrell's phone to her at 6:15, so roughly 45 minutes
20 later, and it says "oh, glad, G-L-D, to hear, I am still
21 working, I love you".

22 A. Yes, that's correct.

23 MR. MADSEN: Do you have stickers?

24 (Defendant's Exhibit Number 1 and 2 was marked
25 for identification.)

1 BY MR. MADSEN:

2 Q. I'm gonna show you defense exhibit for ID 1. That's
3 what I just had you read out. That's that same exact page
4 147?

5 A. Okay.

6 Q. Is that correct?

7 A. Yes.

8 Q. And it's got those two texts at the top, doesn't it?

9 A. That's correct.

10 MR. MADSEN: Judge, we would move Defendant's
11 Exhibit 1 in.

12 THE COURT: Any objection?

13 MS. MAYES: I beg the Court's indulgence.

14 THE COURT: Is this going for Court's or is it going
15 for evidence?

16 MR. MADSEN: Evidence.

17 THE COURT: Got you.

18 MS. MAYES: No objection, Your Honor.

19 THE COURT: It's admitted.

20 (Defendant's Exhibit Number 1, a call log
21 extraction, was admitted into evidence.)

22 BY MR. MADSEN:

23 Q. And so if you flip that page over to the next one,
24 which will be 146, line 308 at the bottom of the page, so
25 the next text is from her to his phone, correct?

1 A. That's correct.

2 Q. And that's 6-29 still?

3 A. Yes, that's correct.

4 Q. And it says "I love you more"?

5 A. Yes, that's correct.

6 Q. And then 307, which is the next line up, that, again,

7 is from her phone to his phone, correct?

8 A. That's correct.

9 Q. And that looks like it's about a minute after line

10 308?

11 A. Yes.

12 Q. And it says "when you get some money, question mark

13 question mark question mark, hook me up"?

14 A. That's correct.

15 Q. And then it looks like he replies a minute later in

16 line 306?

17 A. Yes, that's correct.

18 Q. And it says "you know I will, all kisses over here,

19 baby"?

20 A. Yes, that's correct.

21 Q. And then if -- let me ask you, line 305 just has like

22 four question marks. Is that something that the program

23 does, they do? Because I've seen that on some of these

24 texts and -- do you know?

25 A. I don't know if that's something the program would do.

- 1 I imagine that's user-initiated.
- 2 Q. Okay. They put that in there?
- 3 A. Yes.
- 4 Q. But that 305 just has question mark question mark
- 5 question mark?
- 6 A. That's correct.
- 7 Q. Okay. And then 304 is a text from him to her and it
- 8 says "I miss you, baby"?
- 9 A. That's correct.
- 10 Q. And then there's an incoming one from her to him as to
- 11 the four question marks again, but then the next one, 302,
- 12 says "me too really"?
- 13 A. That's correct.
- 14 Q. And that's from her to him?
- 15 A. That's correct.
- 16 Q. And then line 301 is a text from him to her and it
- 17 says "I will be there tomorrow promise"?
- 18 A. Yes.
- 19 Q. And then 300 is a text from her to him and it says "I
- 20 hope so"?
- 21 A. That's correct.
- 22 Q. I'm gonna jump up a little bit to 296, and that is
- 23 still on 6-29, correct?
- 24 A. Yes.
- 25 Q. And that is --

1 A. Hold on.

2 Q. -- 7:32 PM?

3 A. 296, that's --

4 Q. Or 295. I'm sorry. Well, or -- yeah, 296. I'm
5 sorry. 296 at 6:29.

6 A. That's correct.

7 Q. And that's from him to her?

8 A. Yes.

9 Q. And it says "I'll let you know where I am staying"?

10 A. That's correct.

11 Q. And then she replies on 295 and says "oh, where you
12 staying", and there's a bunch of question marks?

13 A. That's correct.

14 Q. And then he replies and says "I don't know yet",
15 correct?

16 A. Yes, that's correct.

17 Q. And she replies to that and says "you didn't get it"?

18 A. That's correct.

19 Q. And then there's a bunch of question marks and then
20 291 at the top of the page, which is 7:42, is, again, from
21 her to him and it says "you said you let me know where you
22 staying, question question question, so you not us"?

23 A. That's correct.

24 Q. It seems to indicate that she plans that they'll be
25 staying, correct, when it says you not us?

1 MS. MAYES: Calls for speculation, Your Honor.

2 THE COURT: It does. Don't answer that.

3 MR. MADSEN: Your Honor, we would move State's
4 Exhibit Number 2 into evidence.

5 THE COURT: State's exhibit?

6 MR. MADSEN: I'm sorry. Defense 2.

7 THE COURT: Defense 2.

8 MS. MAYES: No objection, Your Honor.

9 THE COURT: Okay. It's admitted.

10 (Defendant's Exhibit Number 2, text messages,
11 was admitted into evidence.)

12 BY MR. MADSEN:

13 Q. And, Agent, those are the texts we were just talking
14 about, correct?

15 A. Yes, sir.

16 Q. Let's go to page 145, please, and will you go to
17 line 286?

18 A. Okay.

19 Q. And that's -- there's a text there and that is from
20 his phone to Yumonica's phone; is that correct?

21 A. That's correct.

22 Q. And that's on 6-29?

23 A. Yes.

24 Q. And that's at 7:48, correct?

25 A. Yes, sir.

1 Q. And that says "I should leave tonight, L-O-L, but I
2 will wait"?

3 A. That's correct.

4 Q. And then she responds on 285 and says "yes, please do
5 because you know you and driving sleepy"?

6 A. Yes.

7 Q. And then if we could go to page 144. If you go to
8 line 71 -- 217, excuse me, at the bottom of the page --

9 A. Okay.

10 Q. -- there is a text from him to her and it says -- and
11 that's on 6-29, correct?

12 A. That's correct.

13 Q. And that's at 10:51 PM?

14 A. That's correct.

15 Q. And it says "oh, so why ask me"?

16 A. Yes.

17 Q. And she responds "my bad", correct?

18 A. That's correct.

19 Q. And then she -- and she, again, responds on 269,
20 "actually I asked me", correct?

21 A. That's correct.

22 Q. And then 268 is, again, from her to him and it says "I
23 mentioned it to him and he was interested"?

24 A. That's correct.

25 Q. Can we go to 142, please?

1 A. Okay.

2 Q. If we go to line 227, kind of right in the middle,

3 there's a text from him to her, correct?

4 A. Yes, that's correct.

5 Q. And that's 6-29 at 11:19 PM?

6 A. Yes, that's correct.

7 Q. And it says "I hope that isn't the case. Are we still

8 going for the 4 of July??

9 A. That's correct.

10 Q. And she responds to that and says "Tirrell, bye", but

11 there's a bunch of question marks before it?

12 A. That's correct.

13 Q. And then 225 is, again, from her to him and says "you

14 will regret your choice of words tonight"?

15 A. That's correct.

16 Q. And then 224 is from him to her, correct?

17 A. That's correct.

18 Q. And it says "I regret everything I have done, he won

19 you over while I was out working, not being home, all my

20 dumb shit and et cetera, I will take this"?

21 A. That's correct.

22 Q. And then at 220 is a text from her to him and it says

23 "I apologize for coming to you about what you asked me,

24 bunch of question marks, SMDH?

25 A. That's correct.

1 Q. And then the top one, which is 219, is from him to
2 her, correct?

3 A. That's correct.

4 Q. And I know -- it says "I know you keep saying that to
5 show him, I asked will that make you leave him along and
6 make our marriage better, you said you could answer that,
7 I didn't want you to beg him to come Monday"?

8 A. Yes, that's correct.

9 Q. And then if we flip over the page to 141 and go to
10 line 206 --

11 A. Okay.

12 Q. -- it is a text from him to her, correct?

13 A. That's correct.

14 Q. And it's on 6-29 and that's at 11:47 PM?

15 A. That's correct.

16 Q. And it says "what is his phone number"?

17 A. That's correct.

18 Q. And she answers "why" in the next text, correct?

19 A. That's correct.

20 Q. And then 204 is a text, again, from him to her at
21 11:48 PM on 6-29.

22 A. That's correct.

23 Q. And it says "I want to get this behind me, can he come
24 down there and we do it down there tomorrow"?

25 A. That's correct.

1 Q. Do you have a copy of Monica's extraction up there
2 with you from her phone or do you just have pieces?

3 A. I think I just have parts.

4 Q. Will you take a look and see if that's a fuller one
5 similar to the way with Tirrell's, please.

6 A. Okay. Okay.

7 Q. Is that a fuller extraction from hers of the text
8 messages?

9 A. Yes, that's correct.

10 Q. And a lot of those texts that I just asked you about
11 because it's from him to her, those are going to be
12 contained on what I've handed you, she'll have those on her
13 phone, too, won't she?

14 A. That's correct.

15 Q. Except for incoming and out-coming might be switched,
16 correct?

17 A. That's correct.

18 Q. Can you go to page 139.

19 A. Okay.

20 Q. That part on 139, if you go to page 554 -- or, excuse
21 me, line 554 --

22 A. Sure. Okay.

23 Q. -- that has that text I asked you about, "I will let
24 you know where I am staying"?

25 A. That's correct.

1 Q. And then the responses between the two of them "oh,
2 where you're staying", correct?

3 A. That's correct.

4 Q. But there are -- then there start to be some texts in
5 there that looks like it's associated on that phone with a
6 Kendrick Gambrell, correct?

7 A. That's correct.

8 Q. And that's the 1-864-329-6389, correct?

9 A. That's correct.

10 Q. So the last text on that page at 553 is between her
11 and Tirrell, correct?

12 A. That's correct.

13 Q. And then the rest of them on that page are all between
14 her and Kendrick Gambrell, so 552, 551, 550 and 549?

15 A. That's correct. I see a few entries here from Tirrell
16 Means on here, so.

17 Q. And those would be listed on there chronologically,
18 correct?

19 A. That's correct.

20 Q. So if she gets a text from Tirrell, it would show up
21 -- if it's earlier, it would be there and then if she gets
22 one from Kendrick or sends one out to him, it would be
23 the next one above that showing that happened afterwards,
24 right?

25 A. That's correct, if they were in order.

1 Q. If you could flip over to 138. If we look at line
2 549 to 544, all five of those texts are between her and
3 Kendrick Gambrell, correct?

4 A. You said 548 to what?

5 Q. 548 to 544. It's the one at the bottom of the page
6 on 138.

7 A. That's correct.

8 Q. And the last one, 545, is one that she sends to
9 Kendrick Gambrell, and that's 6-29, correct?

10 A. That's correct.

11 Q. And it says "but I can't seem to stop thinking about
12 you"?

13 A. That's correct.

14 Q. And then if we jump up to 539, it's her text to
15 Tirrell saying "you said you will let me know where you are
16 staying, so you not us"?

17 A. That's correct.

18 Q. So she's texted with Kendrick in between that response
19 to Tirrell, correct?

20 A. That's correct.

21 Q. Now you also did an extraction from that phone. I
22 believe that there were some pictures on that phone that
23 Kendrick Gambrell had texted her.

24 A. I don't recall pictures on the phone that he had
25 texted her. It's possible.

1 Q. You don't remember seeing pictures of an erect penis?

2 A. No, sir.

3 Q. Or him --

4 A. I'm not saying it's not there. There are a bunch of
5 pictures on the phone, so.

6 Q. You didn't go back -- the solicitor didn't ask you to
7 look for any of those things, did she?

8 A. I was focussing on the call logs and stuff, but I
9 did look at some of the pictures, but I just glanced over
10 stuff. I didn't look at every picture, so.

11 Q. Did you see a picture of a guy holding a towel on his
12 thing?

13 A. No, sir. Sorry.

14 Q. But you're not disputing that they're on there?

15 A. I'm not disputing that, no.

16 MR. MADSEN: That's all the questions I have.

17 THE COURT: Redirect.

18 MS. MAYES: Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. MAYES:

21 Q. First I want to ask you about the communication he
22 was asking you about on page 139 of the defense exhibit.

23 A. And this was her phone?

24 Q. I believe that's marked as a Defense Exhibit 1.

25 A. That's two.

1 THE CLERK: There's Number 1.

2 BY MS. MAYES:

3 Q. All right. Defense 1 and Defense 2. Specifically
4 as to Defense 2, he was asking about communications on
5 the date of 6-29 where it says "you said you will let me
6 know where you staying, so you not us", in regards to a
7 communication on that date, correct?

8 A. All right. Let me find the communication real quick
9 here.

10 Q. Take your time.

11 A. So this is incoming from Yumonica to Mr. Means' phone
12 and it says "you said you will let me know where you're
13 staying", and that's on 6-29-2019 at 7:42PM.

14 Q. All right. 7:42 PM. All right. Now I want to ask
15 you to take a look at the communication he asked you about
16 on page 142, please, on that same date, and that being the
17 date of 6-29-2019 later --

18 A. Is it on -- is it on the same exhibit?

19 MR. MADSEN: Which one are we on?

20 MS. MAYES: It should be the full extraction you
21 have of the defendant's phone.

22 MR. MADSEN: Okay.

23 THE WITNESS: And what page again? I'm sorry.

24 BY MS. MAYES:

25 Q. Defense had directed you to what is 142 and 141, and

1 I will show you copies of those and ask you whether or not
2 you recognize them?

3 A. Okay. Page 142?

4 Q. 142 and 141. Do you recognize those?

5 A. Yes.

6 Q. Do those appear to be the same extractions that you
7 were testifying to previously?

8 A. Yes.

9 Q. All right. So specifically as to page 142 --

10 A. Okay.

11 Q. -- the defense read aloud a certain text at line 224
12 to my wife. "I regret everything I have done. He won you
13 over while I was out working, not being home, all my dumb
14 shit, et cetera. I will take this". That was a text that
15 the defense asked you about just a few moments ago. Did
16 you recognize that text?

17 A. That's correct, yes.

18 Q. And so in completeness and in response to that, what
19 did the victim respond less than one minute later?

20 A. "Again, it's not about him".

21 Q. It's not about him. And what was the time of that
22 text?

23 A. 6-29-2019, 11:22 PM.

24 Q. All right. And then he asked you about the text on
25 that same date about you not us; where you'll be staying,

1 you not us. I'm gonna ask you what, if anything, the
2 victim indicated to him regarding the status of the
3 relationship at 11:16 on that same night?

4 A. "Nothing will ever change".

5 Q. And then finally on page 141, the defense was asking
6 you about specific communications between the parties on
7 that same date, again, 6-29 throughout the evening, and
8 tell us what, if anything, you observed in the victim's
9 phone regarding the victim's communication to the defendant
10 at 11:26 PM.

11 A. So it's to my wife from Mr. Means' phone and it reads
12 "from this point on --

13 Q. Okay. Just for clarification, it's from who?

14 A. It's from my wife and it's incoming to Mr. Means'
15 phone, and it states "from this point on I will never say
16 another word to you. I suggest you do the same".

17 Q. And that was from the phone of Yumonica Means to the
18 defendant?

19 A. Yes.

20 Q. On that same date, June 29th?

21 A. That's correct.

22 Q. Later in the evening after 11 PM?

23 A. That's correct.

24 MS. MAYES: Nothing further.

25 RECROSS EXAMINATION

1 BY MR. MADSEN:

2 Q. But on that same page at the top, I guess, 202, he
3 asks "are you going to send the number". Page 144.

4 A. 144. The exhibit you gave me goes to page 141.

5 Q. I'm sorry, 141. At the top, 202.

6 A. Is this -- you're talking about --

7 Q. Let me see. No, it's this one here.

8 A. Okay. 2:01?

9 Q. Correct. Because she just asked you about this right
10 here, "from this point on I will never say another word to
11 you, I suggest you do the same", correct?

12 A. And that's from the wife incoming, yes.

13 Q. Right. And then at the top he sends, I guess, a text
14 to her and it says "are you going to send the number"?

15 A. That's correct.

16 Q. And she then replies "on the phone with him now" right
17 up here?

18 A. That's correct.

19 MR. MADSEN: That's all the questions I have.

20 MS. MAYES: And if we could just have the time?

21 There was no time reference to that question posed by
22 counsel. A date and time.

23 BY MR. MADSEN:

24 Q. Do you want to take a look?

25 A. Sure.

1 Q. That last one appears to be 6-30-2019, 12:14 AM?

2 A. 12:14 AM. That's correct.

3 MR. MADSEN: That's all the questions I have.

4 MS. MAYES: Nothing further.

5 If Agent Pruitt could be excused.

6 THE COURT: Yes. You're excused, Agent Pruitt.

7 Thank you for coming.

8 (Witness excused.)

9 THE COURT: Mr. Foreman, do you need a break to
10 stretch your legs?

11 FOREPERSON: No.

12 THE COURT: I just thought I'd ask, okay, but I'm
13 gonna give y'all a break. I'll give it to you this way.
14 Give us about fifteen minutes and then we'll get you
15 back, Mr. Foreman, I promise.

16 (Whereupon, the jury retires to the jury room at
17 3:27 PM.)

18 MS. MAYES: Judge, we will have one matter to
19 address. There were numerous autopsy photographs.
20 There is only one photograph that the State seeks to
21 introduce pursuant to the filed motion in this case.
22 That is gonna be State's 65. This depicts the victim
23 with very little, almost no visible blood. It does
24 not depict the face or the eyes. It simply depicts the
25 ear and the location of the gunshot wound, which is

1 necessary for the pathologist to further describe the
2 location of the injury and the path of the bullet, and
3 that is State's 65.

4 THE COURT: And is he testifying?

5 MS. MAYES: He is, Your Honor. He's the next
6 witness.

7 THE COURT: Okay. I'll be glad to hear from you,
8 Mr. Madsen.

9 MR. MADSEN: Judge, we would object under 403.
10 We certainly do not think that showing the picture or
11 putting the picture in front of the jury is necessary
12 for the pathologist. There can certainly be diagrams.
13 It doesn't add anything. We're not talking about the
14 way -- the bullet trajectory or anything like that.
15 It doesn't add anything. They are just simply trying
16 to get a picture of Ms. Means with a bullet hole in her
17 head in front of the jury. We believe under 403 that
18 it is inappropriate and should not be allowed.

19 MS. MAYES: And, Your Honor, we have one photograph
20 in a series of multiple autopsy photographs. This is
21 the only photograph that will be in evidence depicting
22 the location of the gunshot wound. We have one from
23 the crime scene, but unfortunately it does not depict
24 the exact location of the gunshot wound, and it is to
25 the right ear in the right temple area. The State's

1 position is it's necessary to establish, again, the
2 required element of malice in the case that this was an
3 intentional gunshot wound to the head at that location
4 ultimately being immediately fatal.

5 THE COURT: I'm gonna allow it and I'll note your
6 objection, Mr. Madsen.

7 MR. MADSEN: Thank you, Your Honor.

8 THE COURT: All right. We'll take a ten minute
9 break.

10 (Recess taken at 3:30 PM.)

11 (Back on the record at 3:44 PM.)

12 BAILIFF: All rise.

13 THE COURT: Keep your seats.

14 Are we ready for the jury?

15 (State's Exhibit Number 57 was marked for
16 identification.)

17 MS. MAYES: Judge, State's 57 was marked for ID.
18 Line 109 references \$600.00 that the defendant would be
19 putting back in the account. The State did not offer
20 this -- the State did not offer this during the course
21 of the presentation of Secret Service Agent Pruitt. We
22 felt it was more ideal to wait and offer this potentially
23 during cross-examination of the defendant; however, the
24 defense does now indicate they have no objection to it
25 coming in during this phase, and this is State's 57.

1 So I believe their indication was that if we
2 didn't offer it, they would intend to offer an identical
3 document, so for purposes of this proceeding and judicial
4 economy we have no objection to go ahead and marking out
5 the ID and letting it go in as State's 57 without
6 objection from the defense.

7 THE COURT: It goes in then. Thank y'all for
8 working on that.

9 (State's Exhibit Number 57, was admitted into
10 evidence.)

11 THE COURT: Can I bring the jury in?

12 MS. MAYES: Yes, Your Honor.

13 (State's Exhibit Number 65 was marked for
14 identification.)

15 (Whereupon, the jury return to the courtroom at
16 3:52 PM.)

17 THE COURT: All right. Mr. Foreman, all good?

18 FOREPERSON: All good.

19 THE COURT: Let's go.

20 MS. MAYES: The State calls Dr. Darren Monroe.

21 THE CLERK: Raise your right hand and place your
22 left hand on the Bible.

23 (Whereupon, Darren Joseph Monroe was duly sworn
24 by the Clerk of Court.)

25 THE CLERK: Thank you, sir. You may be seated.

1 You can take your mask off if you desire. State your
2 full name and spell your last name for the record.

3 THE WITNESS: Darren Joseph Monroe, M-O-N-R-O-E.

4 DARREN JOSEPH MONROE,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. And what can you tell us, Doctor, about your current
9 occupation?

10 A. I am a forensic pathologist, and that is a doctor who
11 has gone through medical school and completed a pathology
12 residency and a fellowship in forensic pathology, and what
13 we do is basically perform autopsies that are in the public
14 interest, so in accidents, suicides, homicides and things
15 like that.

16 Q. And, Doctor, we've been struggling with the microphone
17 all day today, but this time I'm gonna have you pull it up
18 a little bit closer as opposed to further away.

19 A. (Witness complies.)

20 Q. And you mentioned that you do autopsies in the course
21 of your job as a forensic pathologist. Tell us what kind
22 of educational background and training one has to become
23 a forensic pathologist.

24 A. The first thing is going to medical school. So
25 after college, I went to medical school for four years

1 and then had to do a residency for another four years in
2 pathology, and that residency is just when you specialize
3 in whatever you want to do, and then after those four
4 years of residency I did a one-year fellowship in forensic
5 pathology where I sub-specialized in forensic pathology
6 and that's where you learn specifically even more training
7 in this field.

8 Q. And what type of board certification do you hold as a
9 physician?

10 A. I have two different state licenses to practice
11 medicine, here in South Carolina and Kentucky, and I have
12 -- I have three certifications in anatomic pathology,
13 clinical pathology and forensic pathology.

14 Q. All right. Is it possible for you, Doctor, to
15 estimate how many autopsies you've conducted during the
16 course of your career?

17 A. Several thousand.

18 Q. All right. Have you testified previously as an expert
19 in forensic pathology regarding the results of an autopsy?

20 A. Yes, I have.

21 Q. And has that been on one occasion or more than one
22 occasion?

23 A. More than one occasion.

24 MS. MAYES: Your Honor, at this time the State
25 offers Dr. Darren Monroe as an expert in the field of

1 forensic pathology.

2 MR. MADSEN: No objection, Your Honor.

3 THE COURT: With no objection, I'm gonna tell the
4 jury the same applies. We've had -- this makes this
5 expert number five, I believe. And his testimony is
6 to be given no greater weight than that of any other
7 witness, okay?

8 BY MS. MAYES:

9 Q. Now, Doctor, I want to start by asking you during
10 the course of an autopsy what's the first thing you do?
11 How do you go about assessing the victim, especially
12 when we're talking about a gunshot wound in a homicide
13 investigation?

14 A. The first part of an autopsy is the external
15 examination and that is where we look at and document all
16 the physical features of the person; their height, weight,
17 hair color, things like that, identifying marks, tattoos,
18 scars, anything such as that.

19 Q. And what was the height of the victim in this case,
20 Yumonica Means?

21 A. She was 67 inches, which is five foot seven.

22 Q. All right. And do you also go about an examination
23 to see if there are any additional physical injuries to
24 the victim?

25 A. Yes, before documenting any sort of gunshot wounds,

1 part of the external examination is where you literally
2 just go over every inch of the body and look for anything
3 out of the normal, and that can be an injury or, like I
4 said, scars, tattoos or anything else.

5 Q. All right. And during the course of an autopsy, can
6 you tell us whether that includes examination of the hands
7 and arms?

8 A. Yes, it does.

9 Q. Does that include the back of the hands?

10 A. Yes, it does.

11 Q. And the palm of the hands?

12 A. Yes.

13 Q. And would that also include fingernails?

14 A. Yes.

15 Q. Did you observe any type of physical injury to the
16 hands, the palms or the fingernails of Yumonica Means?

17 A. I did not.

18 Q. Did you observe any other indications of bruising or
19 lacerations to her knees, her legs, her arms, her torso
20 that would indicate any type of physical altercation?

21 A. No, I did not.

22 Q. And so when we talk about the actual gunshot wound,
23 Doctor, how do you go about determining how many gunshot
24 wounds someone has sustained and where those gunshot wounds
25 are located?

1 A. To document a gunshot wound, it can be very complex,
2 especially if there's more than one. In this case, there
3 was only one gunshot wound, and we start by just looking at
4 the wound itself and documenting all of the characteristics
5 of that wound, where it is, how big it is, and -- and other
6 findings that we look for.

7 Q. And so when we talk about Yumonica Means, Doctor,
8 where was her gunshot wound?

9 A. She had been shot right here on the right temple right
10 at where the ear kind of begins right here.

11 Q. Okay. To the right side of the head?

12 A. Yes.

13 Q. And in the temple area?

14 A. Yes.

15 Q. I'm gonna show you what is State's 65 and ask you
16 whether or not you recognize this photograph?

17 A. Yes.

18 Q. And was this photograph taken during the course of the
19 autopsy?

20 A. Yes, it was.

21 Q. Would that be the autopsy conducted by you?

22 A. Yes.

23 Q. Is it a fair and accurate representation of that
24 gunshot wound to the right temple that you just told us
25 about?

1 A. Yes.

2 MS. MAYES: Your Honor, this is State's 65 for
3 evidence.

4 MR. MADSEN: Judge, we would renew our objection.

5 THE COURT: Your objection is noted for the record.
6 I've already ruled that I'm gonna let it in, so it's in.

7 (State's Exhibit Number 65, a photograph, was
8 admitted into evidence.)

9 BY MS. MAYES:

10 Q. Doctor, with a gunshot wound to the right temple such
11 as this, can you tell us whether or not this type of injury
12 would be immediately fatal?

13 A. I wouldn't be able to tell from the outside alone,
14 but during the further course of the autopsy where we look
15 internally, yes, this was an immediately fatal gunshot
16 wound.

17 Q. What, if anything, did you summarize in your findings
18 as to the extent of brain injury suffered by Yumonica Means
19 as a result of this gunshot wound to the right temple?

20 A. The injuries from this gunshot wound included numerous
21 cortical contusions and that is basically bruising on the
22 surface of the brain. When the projectile goes through,
23 it rattles the brain around, there's a lot of energy, and
24 that's just hitting the surface of the skull on the inside
25 and it gets bruised. There was subarachnoid hemorrhage

1 and subdural hemorrhage, and that is just bleeding on the
2 outside surface of the brain, and there were hemorrhages
3 within the brain stem. So on the path of this projectile
4 it hit very close to the brain stem and that caused
5 hemorrhages just like the contusions that I just talked
6 about inside the brain stem. There were also deep
7 hemorrhages in the brain, so not only on the surface, but
8 all throughout the brain basically, and just general soft
9 tissue hemorrhage going through the skin and scalp before
10 it goes into the skull as well.

11 Q. And if you could take a look up on the projector, we
12 have up there items recovered during autopsy FA19-460
13 associated with Yumonica Means. Can you tell us how those
14 items were retrieved during the course of the autopsy?

15 A. So during the autopsy we remove the brain and then I
16 can examine it further and that's how I documented those
17 injuries I just told you about and then these projectile
18 fragments were recovered from various parts in the brain.
19 What you see there is two gray deformed fragments, that's
20 the projectile core, and then the two copper colored
21 fragments is the projectile jacket, which surrounds the
22 core as part of the bullet, and then when it went through
23 her skull especially it just fragmented into the multiple
24 pieces that you see.

25 Q. So that's one bullet in multiple pieces?

1 A. One projectile in multiple pieces, yes.

2 Q. And the damage to the projectile is caused by what
3 part of the body?

4 A. That's from hitting bone.

5 Q. Of the skull?

6 A. Of the skull, yes.

7 Q. Now, Doctor, what was the path of this particular
8 bullet?

9 A. The pathway was through the skin and soft tissue of
10 the right temporal scalp, so right here, the sphenoid bone,
11 which is a bone at the base of your skull that helps hold
12 up your brain, the petrous ridge, which is just part of
13 the sphenoid bone, and then it went through the right
14 temporal lobe, which is just a part of your brain, the
15 pontomedullary junction, and that is part of the brainstem
16 essentially, and then it ended in the cerebellum, which
17 sits in the back of your brain.

18 Q. All right. And the path would be from the right
19 temple towards the left side of the brain?

20 A. Yes.

21 Q. Now, Doctor, when you're looking at a gunshot wound,
22 are you able to note things such as soot or stippling that
23 may sometimes be left behind if it's a close range gunshot
24 wound?

25 A. Yes.

1 Q. And what is meant by the term "soot"?

2 A. Soot is the burned remains from the gunpowder that
3 makes the projectile come out of the barrel and it's just
4 a fine black powder basically and that can sometimes be
5 deposited on the skin or clothing in a close range or even
6 contact gunshot wound. I did not see any soot in this case
7 on the skin or in the wound of the victim.

8 Q. All right. And so what is meant by the term
9 "stippling"?

10 A. Stippling is when the gun is fired there's incomplete
11 combustion of the gunpowder and so these unburned and
12 partially burned little tiny fragments of gunpowder are
13 also expelled out at high velocity right after the
14 projectile and what they can do is impact the skin or
15 clothing and it leaves a very tiny abrasion that you can
16 see and usually it's in a pattern around the gunshot wound
17 itself.

18 Q. And that's known as stippling?

19 A. Yes.

20 Q. In this case, was there any indication of stippling?

21 A. No.

22 Q. So, Doctor, when you have the presence of soot, what,
23 if anything, may that indicate regarding the distance of a
24 gunshot wound?

25 A. We see soot deposited in or around the gunshot wound

1 when it's either a contact wound or a close range shot.

2 And contact, of course, means the muzzle of the gun is on
3 the skin and close range is anywhere from contact to about
4 six inches.

5 Q. So up to six inches one would ordinarily expect to see
6 soot or the presence of soot?

7 A. Yes.

8 Q. And in this case there was no soot observed on
9 Yumonica Means?

10 A. Correct.

11 Q. And then when we talk about stippling, what, if
12 anything, is known in the field of forensic pathology about
13 the presence of stippling in relation to the distance of a
14 gunshot wound?

15 A. So we see stippling anywhere from about six inches to
16 about three feet and before then we don't see stippling, so
17 if it's closer than six inches we don't see it and if it's
18 further than about three feet we also don't see it because
19 it just falls away.

20 Q. All right. And in this case, did you see any evidence
21 of stippling regarding Yumonica Means?

22 A. There was none.

23 Q. So in the absence of soot and the absence of
24 stippling, Doctor, can you tell us whether or not that's
25 an indication that this gunshot wound would have been three

1 feet or greater in distance?

2 A. Yes, that's correct.

3 MS. MAYES: Thank you. Nothing further.

4 THE COURT: Anything, Mr. Madsen?

5 MS. CONROY: No questions, Your Honor.

6 THE COURT: Thank you, Ms. Conroy.

7 May I excuse Dr. Monroe?

8 MS. MAYES: No objection from the State, Your Honor.

9 MR. MADSEN: No objection.

10 THE COURT: Dr. Monroe, thank you for coming.

11 (Witness excused.)

12 MS. MAYES: Your Honor, at this time the State will
13 rest.

14 THE COURT: Okay. And then at this time because
15 the State rests, I need to send y'all back to your jury
16 room.

17 MR. MADSEN: Judge, can we approach real quick
18 before you do that?

19 THE COURT: Yes.

20 (Proceedings held at the bench; not reported.)

21 THE COURT: All right, Mr. Foreman. I'm gonna let
22 y'all go for the day. We're gonna start at ten in the
23 morning. You can't talk to anybody about the case.
24 Not to your spouse, your children, your friends, none
25 of that stuff when you go home. I just have to say it.

1 It's just so important.

2 I'm hoping that this case will go to you tomorrow,
3 but in the meantime I've got to take up some motions
4 and get prepared for y'all tomorrow. So instead of
5 making you come at 9:30 and making you sit back there
6 for thirty minutes, I didn't want to do that, so if
7 y'all could be here at ten.

8 I'll also tell you a good sign is, just so y'all
9 will know tomorrow, if the clerk buys you lunch, that's
10 a good sign.

11 THE CLERK: And if he don't...

12 THE COURT: Then we're gonna come back for another
13 day. So with that said, y'all have a good evening and
14 I'll see you-all at 10:00, okay?

15 (Whereupon, the jury was excused for the day at
16 4:13 PM.)

17 THE COURT: All right. Any motions?

18 MR. MADSEN: Judge, we would move for a directed
19 verdict at this point in time. Even given the evidence
20 in the light most favorable to the State, we do not
21 believe that they have met their burden of proof and
22 that a reasonable jury could convict Mr. Means of murder.

23 We would renew all of our objections, all of our
24 motions, incorporate Your Honor's rulings and the
25 cumulative effect of all of those motions at this point

1 in time. We do believe, Your Honor, that if Your Honor's
2 not inclined to grant that, we would move, Your Honor,
3 that we do not believe sufficient evidence has been
4 shown even in the light most favorable to the State for
5 a murder charge and at this point in time Your Honor
6 ought to direct a verdict on that and we go forward on
7 voluntary manslaughter, if anything.

8 THE COURT: Okay.

9 All right, Mr. Madsen. I understand your motion,
10 but I do believe the State has presented enough evidence
11 to go forward, so I'm gonna deny your motion. However,
12 all the objections and all the motions that we've heard
13 throughout the trial, I know that in order for you to not
14 have to stand up, especially with these text messages,
15 I wanted to make it clear for the record that you are
16 protected, we talked about it, I think we talked about
17 it on the record several times to be exact, but you are
18 protected for those.

19 Anything else?

20 MS. MAYES: Nothing from the State, Your Honor.

21 MR. MADSEN: Nothing from the -- we would just ask
22 that Mr. Means be here at 9:00 so that we can speak
23 with him back in one of the attorney rooms.

24 THE COURT: Yes.

25 Can we have Mr. Means here at 9:00 so we can be

1 (Whereupon, Michael Tirrell Means was duly sworn
2 by the Clerk of Court.)

3 THE CLERK: Thank you. Speak up now.

4 THE COURT: All right. Mr. Means, at this time
5 I'm gonna explain to you certain of your rights. If
6 you do not understand anything I say, please let me
7 know. If you want me to explain anything in more
8 detail, please let me know.

9 Do you understand?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: We have now reached the stage of the
12 trial where you may present your defense. You have
13 the right to claim the protections given to you by the
14 Fifth Amendment to the Constitution of the United States.
15 This amendment states, in part, no person shall be
16 compelled in any criminal case to be a witness against
17 himself. This means you cannot be required to testify
18 in this case. You have the right to testify on your own
19 behalf, however, no one can make you testify. This is
20 a personal right and no one can waive this right except
21 you. If you decide to testify, you will be subject to
22 the same rules that govern other witnesses and you may
23 be examined and cross-examined on any relevant issue in
24 this case.

25 In addition, if you have any convictions involving

1 dishonesty or a false statement or for crimes punishable
2 by imprisonment for more than one year and this Court
3 determines that the probative value of admitting this
4 evidence outweighs the prejudicial effect to you, the
5 solicitor will be able to introduce your record to
6 attack your credibility.

7 I just ruled, Mr. Means, that a fraudulent check
8 and receiving stolen goods is going to be admissible.

9 Do you understand?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: If you decide to testify, the decision
12 on your part must be freely, voluntarily and intelligently
13 made with knowledge of the protections given to you by
14 the Fifth Amendment and the consequences of your decision
15 to testify.

16 If you decide not to testify, I will instruct the
17 jurors that they cannot give the fact that you did not
18 testify any consideration whatsoever and that there is
19 to be absolutely no prejudice to you because you did
20 not testify. It is left entirely up to you whether or
21 not you testify. You may talk with your attorney, your
22 family and friends or anyone else, but the final decision
23 will be left entirely up to you.

24 Do you understand what I've explained to you?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you have any questions about what
2 I've explained to you?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Have you discussed with your lawyer --
5 you've got two lawyers, two good lawyers there, whether
6 you should or should not testify?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Do you wish to talk to your lawyer or
9 lawyers any more at this time?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Do you wish to testify?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay.

14 All right. Anything else from the State, Ms. Mayes?

15 MS. MAYES: Your Honor, the State would renew the
16 motion in limine pursuant to State v. Williams regarding
17 specific details of marital discord. We certainly expect
18 that the defendant will testify that there was marital
19 discord. I heard some references yesterday to things
20 like a threesome and things of that nature. The
21 State objects that that goes beyond the scope of the
22 limitations imposed by State versus Williams.

23 THE COURT: You know, the State's conceded to
24 adultery. I don't think we need to go into the nasty
25 details of adultery.

1 MR. MADSEN: We don't plan to.

2 THE COURT: It kind of speaks for itself.

3 MR. MADSEN: We don't plan on going into anything
4 except for her wanting to move him in. Nothing specific
5 or anything like that.

6 THE COURT: I want to stay away from -- we don't
7 need to be specific. I think adultery's out on the table.
8 I think that's been made plain and clear throughout this
9 trial, so no specifics.

10 Ms. Mayes, anything else?

11 MS. MAYES: Nothing from the State, Your Honor.

12 THE COURT: Mr. Madsen?

13 MR. MADSEN: No, Your Honor.

14 THE COURT: Okay. Well, then let's call in the
15 jury.

16 (Whereupon, the jury enters the courtroom at
17 10:16 AM.)

18 THE COURT: Good morning. Mr. Foreman, are we
19 ready?

20 FOREPERSON: Yes, Your Honor. We're ready.

21 THE COURT: Okay. Mr. Madsen.

22 MR. MADSEN: Your Honor, the defense calls Tirrell
23 Means.

24 THE CLERK: Raise your right hand and place your
25 left hand on the Bible.

1 (Whereupon, Michael Tirrell Means was duly sworn
2 by the Clerk of Court.)

3 THE CLERK: Thank you, sir. Please make sure you
4 speak up. Have a seat. State your full name and spell
5 your last name for the record.

6 THE DEFENDANT: My name is Michael Tirrell Means,
7 M-E-A-N-S.

8 MICHAEL TIRRELL MEANS,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. MADSEN:

12 Q. What do you go by?

13 A. My family and friends usually call me Tirrell.

14 Q. Tirrell, can you tell the jury where you grew up?

15 A. I grew up in Saluda, South Carolina.

16 Q. And did you graduate high school?

17 A. Yes, sir. Saluda High in the year 2000.

18 Q. And did you play any instruments in the band there?

19 A. Yes, sir. I played the trombone.

20 Q. And so after you graduated high school, did you begin
21 working somewhere?

22 A. Well, after high school I -- I attended Piedmont
23 Technical College seeking an associate's degree in
24 nursing and I was working at Monsanto. It's like a yarn
25 manufacturer. It was in Greenwood. I think it's changed

1 the name to Solutia or something like that.

2 Q. And so you were going to Piedmont Tech to get your
3 associates in nursing. How long kind of on and off did you
4 go to Piedmont Tech?

5 A. It was roughly on and off maybe three years. I was
6 going in class some mornings and going to work, doing some
7 online stuff.

8 Q. And I think you said Monsanto.

9 A. Monsanto. It's a yarn company.

10 Q. Did you leave there and go work somewhere else?

11 A. Right. Well, I worked there and -- and attended
12 school and then after I left there I started working at --
13 I think it was Saluda County Detention Center. I was a
14 correctional officer there for like six years and while
15 working there I was working at the Saluda Nursing Center
16 as a floor tech like a part-time job.

17 Q. Okay. And in the end you didn't get your nursing
18 degree from Piedmont, did you?

19 A. Well, no, I just, you know, put it to the side, so.

20 Q. At some point in time when you kind of left your
21 full-time job working at the Saluda jail, where did you go
22 next?

23 A. I left the jail, I went to the military and once I
24 left the military, I went to the Georgia Pacific.

25 Q. So in the military, can you just kind of tell me --

1 what branch of the military did you join?

2 A. The Unites States Army Infantry Division.

3 Q. Where were you stationed?

4 A. Fort Benning, Georgia.

5 Q. And after you came out of the military, where did you
6 say you went to work?

7 A. It was Hardy Plumbing. I did a little work for
8 Mr. Paul Davis and got some houses renovated, and I did --
9 I went to Hubble pretty much the next full-time job.

10 Q. Where's Hubble at?

11 A. It's over in Aiken.

12 Q. What do they do there?

13 A. They make insulators for light bulls, they make cable
14 accessories and shed rods for transformers and different
15 things dealing with electrical.

16 Q. At some point while you were at Hubble, did you get
17 into a car accident?

18 A. Yes. In 2015, '16, I had a car accident and then 2017
19 I had surgery, and the day that the doctor released me from
20 my surgery I was going home and a lady rear ended me and I
21 tore my shoulder again, so I had to have my rotator cuff
22 done.

23 Q. And when you got in that accident, you were in that
24 2016 Kia Soul?

25 A. Yes, sir.

1 Q. And by that point time you and Monica had gotten
2 married, correct?

3 A. Yes, sir.

4 Q. And so when you got in the accident, did you have to
5 have any type of surgery?

6 A. Yes, sir. I had some spinal damage. I think it was
7 the L-1, L-2. I did -- it's like an extensive therapy
8 through the Brain and Spine at Lexington Medical Center and
9 then I had to have numerous sessions with my back and being
10 that I had sleep apnea it was kind of hard for me to sleep
11 with some of the equipment that they wanted me to use for
12 my back.

13 Q. And so were you able -- once you got kind of released
14 and done with that, were you able to go back to Hubble?

15 A. No, they wouldn't allow me to come back because of
16 my rotator cuff. He was saying that it would just tear it
17 again and I'd have to do the whole process over again.

18 Q. So what kind of work did you transition to then?

19 A. Well, I was always doing the handyman. My cousin
20 had a little feel for the handy-work so he pretty much
21 took me under his wings and taught me a lot of stuff about
22 construction, so I was doing some construction, decks,
23 pretty much a little light electrical, just -- just stuff
24 that will, you know, pay the bills.

25 Q. And so where was Monica working?

1 A. She was at Milliken over in Johnston.

2 Q. Had she been there for a while?

3 A. Yes, sir. She was there probably almost sixteen
4 years.

5 Q. At some point in time did she have an injury where
6 she couldn't work for a period of time?

7 A. Yes, sir. She had --

8 Q. That was the back injury that her daughter --

9 A. No, she -- Monica had a lot of problems with her
10 knees, her meniscus, it was pretty much like bone to bone,
11 so we had to -- you know, she had problems like walking a
12 long distance, going up stairs. It was a lot of stuff,
13 but it was -- it was painful for her sometimes, but we --
14 you know, I would do as much as I could to make it
15 comfortable for her.

16 Q. Did y'all at some point in time have a fire at that
17 Camilla Street house?

18 A. Yes, sir. I can't remember -- I think it was maybe
19 around 2013 or '14. It was somewhere in that range. I
20 can't remember the exact date. I know it was in March,
21 I think.

22 Q. What burned up?

23 A. It was -- it started in the garage area and it just
24 like burned the top portion of the house pretty much all
25 the way up. It was not like down burned, but it was just

1 everything -- like the heat rose from the garage all in the
2 master part of the house and it was a lot of water damage
3 in the basement. So upstairs, the kitchen, the living
4 room, pretty much all that stuff was damaged severely.

5 Q. Did you and Monica repair it?

6 A. We did. We had some -- we had to have some electrical
7 people come in because they had to be certified through, I
8 guess, the contracting certification, so the building code
9 inspector told us he couldn't give us anyone, so we just
10 had to find someone to do the electrical part, but we ended
11 up doing most of the -- the cosmetic and repairs of the
12 house.

13 Q. Do you know who Kendrick Gambrell is?

14 A. Yes, sir.

15 Q. And how do you know him?

16 A. When I first met Monica, she wanted to go to
17 Greenville because her daughter was living with her sister
18 and her sister and her mate lived in Greenville, so we
19 would travel to Greenville when Monica was off so that we
20 could visit -- visit her daughter and this particular
21 Christmas Monica wanted to go and spend Christmas with her
22 daughter, so we all just packed up and went to Greenville
23 for Christmas with her daughter.

24 Q. So he is related --

25 A. He's related to -- I'm sorry. He's related to Jay,

1 who is Renee's mate.

2 Q. And I think we heard some testimony about having a
3 baby shower for Shabba in June at your house.

4 A. Right. We -- Monica was trying to rent a building
5 and every place she went they didn't have an opening, so
6 we just decided to take everything out of the living room,
7 the kitchen, the dining room and we just made that a
8 function place I guess you would say. We made it for --
9 for the baby shower.

10 Q. About how many people were there?

11 A. I would say maybe like twenty-five maybe, twenty-five,
12 maybe close to thirty maybe. People was in and out and
13 going and coming.

14 Q. At some point in time did Monica approach you about
15 Kendrick moving into the home?

16 A. Well, she wanted to -- she wanted to adventure the
17 plural relationship because of the TLC documentary of --
18 of Sister Wives and some other type of stuff she was
19 watching on --

20 MS. MAYES: Objection, Your Honor.

21 THE COURT: I don't know where we're going with
22 this, Mr. Madsen, but...

23 BY MR. MADSEN:

24 Q. Well, just -- my question was did she want to move him
25 in?

1 A. Right. Right. Right.

2 Q. Now you have sleep apnea?

3 A. Yes, sir. Severe sleep apnea.

4 Q. And so you have to wear a CPAP machine?

5 A. Yes, sir. I wore it the majority of the time.

6 Q. That's one of those things you put over your head when
7 you sleep?

8 A. Right. Right. And -- and sometimes I would have to
9 sleep in the recliner because the baby would be scared of
10 it.

11 Q. At some point in time a few days before all of this,
12 did you wake up and hear Monica doing something?

13 A. Yes, sir. She was on the phone with a male and she
14 was -- well, there was like a shaking and I didn't know
15 if she was seizing or not, so I woke up and she was
16 masturbating.

17 Q. They were having phone sex?

18 A. Yes, sir.

19 Q. Did that upset you?

20 A. Yes, sir.

21 Q. Let me take you to July 2nd. When you woke up that
22 morning, where did you wake up?

23 A. Well, I was at home in the bed and usually around
24 3:00, 3:30 it was so hot I would get up early because it
25 was better for me to start work early because of the heat

1 and sometimes the baby would go with me, but I had to try
2 to prevent her from going because of the heat sometimes, so
3 we would just leave early. So I would get up early every
4 morning and we would just leave, but that particular
5 morning me and Monica was kind of playing with each other
6 and -- and we ended up having oral sex.

7 Q. And so when you wake up in the bed, who wakes up next
8 to you?

9 A. Monica and the baby was in the bed with me.

10 Q. And so -- well, actually I think I got a little bit
11 in front of myself. We talked about Shabba's baby shower,
12 but did Monica go to around Savannah or Hinesville or
13 someplace like that for someone else's baby shower a few
14 days before?

15 A. She did. She has a cousin that lives in Hinesville
16 whose daughter was pregnant and she was preparing to go to
17 the baby shower there.

18 Q. Did you give her some money to go there?

19 A. Yes, sir. We, the night before she left, went to
20 Wal-Mart and we bought all of the stuff that she needed
21 and stuff that she wanted to take as a gift for Tammy's
22 daughter. That's her cousin's name, Tammy.

23 Q. And did you give her some cash?

24 A. Right, it was \$450 I gave her in cash.

25 Q. Did anyone else go down there with her?

1 A. I think it was Monica, J.V. Renee and Pat -- or
2 Patricia. Excuse me.

3 Q. And you think J.V. went with her also?

4 A. Excuse me, I don't know if she went or not. I know
5 that she was supposed to stay in Augusta. I don't know
6 if she went or not, but I think she -- she might have went
7 with them. I don't really know exactly.

8 Q. J.V. didn't live with y'all full-time?

9 A. No, she didn't. She lived with Renee.

10 Q. And Renee's her aunt that lives in Augusta?

11 A. Right, Yumonica's sister.

12 Q. It's Yumonica's sister?

13 A. Right.

14 Q. At some point in time did you kind of plan on going
15 down there?

16 A. Yeah. Like I said, I was doing four jobs at one time.
17 It was -- some of the people have all of their money and
18 some people only have a certain amount, so some people you
19 have to wait on the check, and so I was kind of spacing it
20 out where I could fit them all in, so I was doing jobs and
21 I had told her, you know, when I finish this job I'm not
22 gonna get my material in for a two more days, so I'll just
23 ride down to Hinesville and spend some time with you.
24 Maybe we could maybe go over to the outlet store or
25 something and just chill out.

1 Q. And you and Monica had a child together, right?

2 A. Yeah, we do.

3 Q. Is that Taraji?

4 A. Taraji, yes.

5 Q. Some people call her TT?

6 A. Right. I call her Me-Ma.

7 Q. Me-Ma?

8 A. That's what I call her, but they call her TT, yes.

9 Q. And then at some point she came back from that
10 Savannah area, correct?

11 A. Right. She was supposed to come back earlier, but she
12 ended up staying a few extra days.

13 Q. And I guess y'all had kind of discussed separating in
14 -- around April, y'all signed some paperwork for that.
15 Would you tell the jury about that?

16 A. Yeah. Well, Monica and I, we would pretty much
17 disagree on a lot of stuff and in the disagreement she said
18 I would never want to let go, so I said, well, if you just
19 bring the paper, I'll sign it, I'll just sign it, and when
20 I signed it, she was like, see, you see how quick you are
21 to give up on your marriage, and I just said, you know, I
22 just don't want you to feel uncomfortable or not want me
23 there or here and, I mean, I thought the -- the paperwork
24 was destroyed. I -- I hadn't seen it since then.

25 Q. It never got filed in court?

1 A. No, I've never been served with it.

2 Q. Y'all ended up still living in the house together?

3 A. Still living together, yes, sir.

4 Q. Okay. So on 7-2 you told the jury you get up in your
5 bed, you and Monica are intimate. Can you just kind of
6 tell the jury what jobs -- you'd said something about four
7 jobs. Kind of what jobs did you have going on?

8 A. Yeah. There was one guy, Mr. Ernest James Thomas,
9 he was handicapped, so -- he was paralyzed, so he have a
10 caregiver that comes in and take care of him, so I have to
11 pretty much work around the caregiver's schedule because
12 he didn't want anyone to just walk in on him and with --
13 with the type of work I was doing in his house, I'd have
14 to leave his door open, so he was a little paranoid being
15 that I was in and out and he wanted someone to be there
16 just in case I had to run and get some stuff. So I was
17 doing his job. I was doing a job over in Johnston down
18 below Edisto --

19 Q. Well, let me stop you.

20 A. Excuse me.

21 Q. What was the exact job that you were doing for Ernest
22 James Thomas?

23 A. Installing some windows for him.

24 Q. Okay. And then what was the next job?

25 A. It was Mr. Bobby Simpkins. He has a sister that live

1 over near Edisto Garden Apartments and they had --

2 Q. Where's that?

3 A. It's -- it's in Johnston. It's like back streets of
4 -- of the radio station.

5 Q. All right. And what were you doing at that place?

6 A. It was a complete flooring installation. She had a
7 lot of potholes -- I mean, patches in her floor that were
8 rotten, and it was just a total job. We pretty much had to
9 do the whole house.

10 Q. Where was the next job?

11 A. The next job was my cousin Jerome. He live over in
12 Saluda. He had us to tear his deck down to rebuild his
13 deck over again because they were gonna have a function for
14 the Fourth of July.

15 Q. And then what about the last job?

16 A. Mr. Larry Smith. He lives on May Road going towards
17 Greenwood. He had a carport that he wanted to turn into a
18 sunroom, so I was doing that as well.

19 Q. Did you need help for those jobs?

20 A. I did.

21 Q. And who was going to help you with them?

22 A. Well, I have a guy that's been around for a while
23 helping me to do some work. His name is Kareem Williams.
24 So he has eight kids so I was giving him a shot -- well,
25 been giving him a shot for a while of helping me do these

1 jobs so that, you know, I could give him some cash for his
2 family. And then my brother George.

3 Q. Where's Kareem live?

4 A. Well, he have two residences. One is down by Gentry
5 Poultry and the other one is at the Saluda -- I don't know
6 if you call it projects. It's just like assisted -- it's
7 like low income apartments or something.

8 Q. And how about your brother George, is he an older or
9 younger brother?

10 A. He's older than I am.

11 Q. And where did he live?

12 A. He lives in Greenville off White Horse Road.

13 Q. Did you have to -- did -- was he able to drive down
14 and help you or did he have --

15 A. No, he -- he wasn't able, but his girlfriend would
16 bring him down to Ware Shoals to the Hot Spot.

17 Q. Okay. So did you go pick him up at the Hot Spot?

18 A. I did.

19 Q. And then Kareem, did he meet you at the job site or
20 where --

21 A. Well, me and my brother went back down and coming back
22 down we picked Kareem up, but my brother wanted to go ahead
23 and start doing some of the demo work at this house and so
24 that's -- that's the house in Johnston, so I dropped him
25 off there and -- and as I dropped him off Kareem's female

1 had called and said that one of the kids had been injured,
2 so she had called the paramedics, so she needed him to come
3 back home.

4 Q. So did you then take Kareem home?

5 A. I did took. Yeah, I did. I took him back home.

6 Q. And when you say took, were you driving that Kia Soul
7 at that point in time or what were you driving?

8 A. No, sir. I had a Silverado pick-up truck.

9 Q. Okay. Were you having some problems with the truck?

10 A. Right. The front struts was squeaking every time you
11 hit a bump, so I didn't want my axle or anything to happen
12 to it while I was driving all the way up there.

13 Q. So after you dropped Kareem off, did you take that
14 truck somewhere?

15 A. Right, I took it to a friend of mine's house and I
16 asked a dude that worked at Crumley could he come by and
17 take a look at it and he didn't -- he didn't ever show up,
18 so I ended up going to his house and he wasn't there, so we
19 ended up meeting in the -- in the middle and he checked it
20 out and told me what I needed to do in order to get it
21 fixed.

22 Q. And so after you see the guy about your truck, what do
23 you do next?

24 A. At that point I went back to Johnston and began doing
25 some work and I had called Monica and told her that I

1 needed to -- well, in between there I called her and told
2 her I needed to leave it, so she ended up coming to where
3 we were.

4 Q. When you say leave it?

5 A. Well, leave my truck so that he could take a look at
6 it and, like I say, she came and picked us up.

7 Q. When you say came and picked us up, who is that?

8 A. Myself and my brother.

9 Q. Okay. And does she have anyone with her?

10 A. I think it was J.V. [REDACTED] and Taraji was with her.

11 Q. Okay. And where do you, George and Yumonica and the
12 kids go?

13 A. She liked to eat at Riley's on Main in Johnston
14 because she worked at Milliken, so I used to get her lunch
15 from there, so we -- we all stopped at Riley's on Main and
16 got something to eat.

17 Q. And what happens after you eat at Riley's on Main?

18 A. We go back to Aiken and took a nap until he pretty
19 much diagnosed the truck, which he had already pretty much
20 said what it was.

21 Q. Okay. So you go back -- y'all go back to your house
22 in Aiken?

23 A. Right.

24 Q. And then at some point in time you said something
25 about a truck?

1 A. Right. Well, she took us back to get the truck so
2 that we could go back and finish doing some more work.
3 Like I say, the people I was working for they -- they had
4 schedules, too, so I was pretty much working around their
5 schedules as well. So when we left Johnston, we went to
6 the house and then we came back there that -- that day and
7 we began working.

8 Q. And when you say -- so she takes you back to go get
9 the truck, you get the truck, you do your work and then you
10 cut off for the day. Where do you go then?

11 A. Well, she had -- she had mentioned to me -- she had
12 started going to Planet Fitness to start working on --
13 working on her body and stuff and she said that she wanted
14 to know --

15 MS. MAYES: Objection to hearsay.

16 THE COURT: Agreed.

17 THE WITNESS: I'm sorry?

18 BY MR. MADSEN:

19 Q. I'm just asking -- I'm just asking where did you go?

20 A. Well, we -- when we left there?

21 Q. You got done working in the truck.

22 A. Yeah, we went back to Aiken. We did.

23 Q. Okay. That was just my question.

24 A. I'm sorry.

25 Q. That's fine. And it's true you were convicted of a

1 fraudulent check in 2012, correct?

2 A. Yes.

3 Q. Or fraudulent checks. And then you also were
4 convicted in 2016 of receiving stolen goods?

5 A. Yes, sir.

6 Q. Okay. So you go back to the house in Aiken and that's
7 you and George go back after you're done working?

8 A. Right. Well, all of us go back. Myself, my brother
9 and Monica and -- and the kids.

10 Q. And at some point in time do you end up making plans
11 to take George back home?

12 A. Right. We -- we were -- once we're home and went
13 back to get the truck, we went back to the house after we
14 finished working and, like I say, Monica was going to the
15 gym and we told her that I -- you know, I told her that I
16 had to take him back and we was discussing that and she
17 said that it would be better for me to drive the Kia
18 because of the gas and she said that -- like I said, she
19 was going to the gym.

20 Q. Okay. So you take off in the Kia with you, George and
21 who else?

22 A. In the process of coming back that second -- that
23 second time, we had picked up Kareem, so it was myself,
24 Kareem and my brother and my three-year-old kid then.

25 Q. So Taraji or TT?

1 A. Right. Right.

2 Q. And so y'all end up -- I guess, what is that -- four
3 of you ended up heading back and taking George back up to
4 Greenville?

5 A. Right.

6 Q. And Kareem is riding with you at that point in time?

7 A. Right. He's back with us then, right.

8 Q. At some point in time do you stop and get money out of
9 an ATM?

10 A. Yeah. Well, I had a hundred and fifty bucks in my
11 pocket and I gave my brother a hundred of that and I had
12 fifty and we had discussed -- and when I say we, me and
13 Monica had discussed that I had to pay Kareem. We had did
14 the baby shower weeks before that and I owed him some money
15 for some stuff that he had allowed us to get through his
16 female's food stamp card, so we discussed that and I told
17 her that I needed the money to pay him and she gave me the
18 card.

19 Q. And how much money did you get out; do you remember?

20 A. I think it was like \$700.00 because it was a maybe a
21 thousand dollars to be collected.

22 Q. How much did you pay Kareem for the baby shower stuff?

23 A. I owed him a hundred dollars for the food stamps
24 because we got \$200.00 worth and the other hundred was for
25 him helping us out.

1 Q. And then the extra five hundred, what were you gonna
2 use that for?

3 A. Well, like I said, whenever Monica went down to
4 Savannah we had some jobs going, so we were -- she was
5 waiting for the paycheck and we had some stuff that was
6 due, so I gave her some extra money then. So I got that
7 five hundred back out in order to go to Oswald to get some
8 more material.

9 Q. And you had said something about Monica going to the
10 gym. Did y'all have like a camera system at your house?

11 A. We did.

12 Q. Were you gonna monitor that or --

13 A. Right. Yeah, she said she was going to the gym and
14 while she was working out she wouldn't be able to watch her
15 phone, so she asked me could I check out for J.V. while
16 -- you know, while she was gone.

17 Q. And, of course, you're kind of driving, so you can't
18 watch your phone at that point in time, correct?

19 A. Right. And the route that we took going to -- going
20 it's like through -- you have to go up 702 up through
21 Greenwood State Park area and then you come out on 25,
22 it's at the top end, so the camera usually don't work
23 through there, so I had him to pretty much keep up with
24 the phone so he could see.

25 Q. When you say him --

1 A. Kareem.

2 Q. Kareem. Okay.

3 A. He was pretty much custodian of the phone, you know,
4 making sure.

5 Q. And where do you drop George off?

6 A. It's a Hot Spot on 25 right after you go into Laurens
7 county.

8 Q. Is that the same Ware Shoals one or was that a
9 different one?

10 A. Well, I mean, it's -- it's Ware Shoals, Laurens area.
11 It's like pretty much in between Greenwood and Greenville.

12 Q. Do you see something on those home cameras?

13 A. Yeah, once we were coming back, Kareem was saying that
14 he -- he said I can't get the Night Owl to pull up and I
15 said she's probably all right and then it just came up and
16 when it came up it was a black SUV or it seemed to be a
17 black SUV in front of the house and I said to him that I
18 wanted to watch it because, you know, I just didn't know --
19 he thought it was the Feds for some strange reason, but he
20 started watching the camera and then he said hey, they're
21 coming in your yard and I said well, just check and see who
22 it is, and once the male got out I was looking at the
23 camera and I said oh, I said, that's Kendrick. I said I
24 wonder what he's doing there and --

25 Q. And that's on July 2nd, correct?

1 A. Right. It was July 2nd.

2 Q. And so you dropped George off and then you and Kareem
3 and TT start heading home?

4 A. Right. We -- we had already dropped him off and then,
5 like I say, Kareem was monitoring the phone for me until we
6 got back closer.

7 Q. And so when you get back is Monica there?

8 A. No, she's not there.

9 Q. How about was Patricia Pixley's car there?

10 A. Yes, sir. She had left her car at our house for -- I
11 mean, I don't really know exactly how many, it was more
12 than two, but maybe three or four days. She said that she
13 didn't have any insurance on it and that she wanted to
14 leave it there at the house so it wouldn't get damaged at
15 the apartment.

16 Q. And so when y'all get back to the house, is Patricia's
17 car still there?

18 A. No, it was gone. I had -- I had seen Yumonica leave
19 with Kendrick in -- in the car.

20 Q. So Kendrick's car's not there when you get there?

21 A. No, sir.

22 Q. And neither is Patricia's car?

23 A. No, sir.

24 Q. Where do you go from there?

25 A. Well, my mind was just racing then. I mean, I didn't

1 know -- I didn't know what was going on. I -- I just
2 didn't know what was happening then. I told Kareem, I
3 said, well, we had -- we had pretty much like circled the
4 area and I said well, I'm gonna go over to Pat's and see if
5 she's over at Pat's house, and that's where we went. We
6 went over to Pat's house.

7 Q. When you got --

8 A. But now prior -- excuse me. Prior to that we had --
9 we had gotten the money.

10 Q. Got what?

11 A. We had went to the ATM and got some money out.

12 Q. And so you go to Pat's -- I guess, is it a house or an
13 apartment?

14 A. It's an apartment.

15 Q. So you go to Pat's apartment. Do you see Pat's car
16 there?

17 A. Yes, sir. Pat's car was here and so was Kendrick's
18 SUV.

19 Q. And so what do you do?

20 A. In the begin -- in the entry of the apartments there's
21 like an office, so I pulled in front of where the office
22 was and I proceeded to the walk to the apartment that I
23 knew that Pat was living.

24 Q. And tell the jury what did you see and what did you
25 hear when you got to the entry.

1 A. Well, as I was getting to -- getting to the door,
2 maybe from here to maybe that door there, I could hear
3 Monica having sex.

4 Q. Did you kick the door in? Break the window?

5 A. Well, for a few minutes I just -- I just stood there
6 and then I kind of, you know, turned around and -- and
7 started back going towards the car. I got down to the
8 bottom step. I was, you know, kind of just contemplating
9 going and knock, so I went back and I knocked on the door
10 three times and nobody came to the door. It continued.

11 Q. Was your mind racing?

12 A. Yes, sir.

13 Q. Were you upset?

14 A. Yes, sir, I was.

15 Q. When you got back in the car, what were you doing?

16 A. Well, I was crying and Kareem, he's like -- he's like
17 a nonchalant person and I was telling him, I said man, he
18 said what you crying for, I said man, I said they're having
19 sex, and he's like man, he said what did you expect they
20 were down there doing, and I said I don't know, I just
21 didn't believe that -- that they was up there having sex,
22 and he was like so -- so what are you gonna do now and I
23 said I don't know what to do. I said I've got to go back,
24 I've got to go back to the house and make sure **J. V.**'s
25 okay.

1 Q. So where did you go then?

2 A. I went back to the house.

3 Q. And what you did do there?

4 A. I didn't actually pull in the -- the driveway, I just
5 went and climbed -- I had -- we was adding on like a little
6 closet area, so I climbed through the window and looked at
7 the bed from the doorway of that closet area and J.V. [REDACTED]
8 was -- she was on the bed in the dark with the camera on.

9 Q. And so what did you do next?

10 A. I dialed Monica's phone and she never would -- she
11 never would answer it and I just kept dialing, dialing,
12 dialing. And I'd already been dialing because when
13 Kendrick had came up on the porch, J.V. [REDACTED] had opened the
14 door and I didn't see that Monica was there. We just
15 didn't buffer back enough to see that she was there, so I
16 was kind of frantic until I saw Monica come out. We rolled
17 it back and I saw Monica come out of the room, so we was
18 pretty much just checking on J.V. [REDACTED] and making sure that
19 she was okay because I knew that Monica had been down there
20 for some time.

21 Q. At some point in time did you find out or realize that
22 Yumonica had left her phone with J.V. [REDACTED]

23 A. I did. When I dialed it a few times, the next time I
24 dialed it J.V. [REDACTED]'s face lit up and when it lit up, then I
25 realized that Monica had left her phone there with her.

1 Q. So you weren't able to get in touch with Yumonica?

2 A. No.

3 Q. Why did you want to talk to her?

4 A. Well, we had been having conversations. We -- we had
5 started this -- this little Bible study and we were in
6 Ephesians and we were in Ephesians 5 and it was in First
7 Corinthians speaking about different kinds of sexual sins
8 and -- and living in darkness and whatever, so I just
9 wanted to talk to her because we had agreed not to -- not
10 to do anything like this anymore.

11 Q. Did you want to save your marriage?

12 A. Well, yeah, we were -- that's -- that's what I
13 assumed was going on. I never knew that -- that she was
14 wholeheartedly in with him like this.

15 Q. At some point in time did you come up with a story
16 about an accident?

17 A. Right. Being that Kareem was with me, I say I can't
18 get her and just riding around acting, you know, just
19 frantic or what to do, just trying to figure out what did I
20 need to do. I said man, you know, I just -- you know, I
21 wanted to save it. I mean, we -- we were -- we were
22 constantly talking and constantly doing everything we could
23 to salvage anything. We was -- I didn't think we were on
24 the verge of -- of -- of leaving each other. I never -- I
25 never imagined that -- that this was going on, so I was

1 wanting to talk to her to see -- I mean, hey, what is it
2 that we need to do? I mean, I've got people's money
3 invested that I've given you and you're saying that I'm
4 taking money from you and we had agreements of this stuff.
5 I mean, what are we -- what are we doing here, so I wanted
6 to talk to her.

7 Q. Did Yumonica finally call you?

8 A. She called me after -- like I said, Kareem was with
9 me and he said hey, just tell her you had an accident and
10 she'll answer the phone, and that's what I did.

11 Q. When she called you, was she mad?

12 A. She was pissed off mainly because I had asked her what
13 was Kendrick doing at the house and then we got into the
14 conversation about the car accident.

15 Q. Did she want you to stop where you were?

16 A. Well, at first she was, you know, just saying well,
17 okay, it's a lie, okay, then, okay, and she called back and
18 she said -- well, she was where are you and I said well, I
19 had left to take Kareem home and usually we would take the
20 route of 191 and 19 to take him back home, so we were
21 pretty much at the Y that branch off from 191 to 19.

22 Q. So you had told her about the accident being a lie?

23 A. Right. We had -- we had pretty much discussed that
24 all the way through.

25 Q. And you told her where you were at?

1 A. I told her the vicinity that we was in. I didn't --
2 we wasn't exactly at that point then. We was just
3 travelling that way.

4 Q. Does she come out there to you?

5 A. She did come.

6 Q. What car did she drive?

7 A. She was driving Patricia's car.

8 Q. When she gets out there, you're out at that Younce
9 Pond and, I guess -- was it 191, that peach field?

10 A. Well, in the beginning when we were discussing it, I
11 had pretty much pulled over at the Satterfield -- it's a
12 Satterfield gravel place, well-lit. I pulled over there
13 and she was like well, I mean, whatever you gonna do, I
14 said well, I'm gonna take him home, you know, and so we
15 just proceeded and we came up the hill and went around the
16 curve and went over into Johnston and then she said well,
17 I'm on my way. She said --

18 MS. MAYES: Objection to hearsay.

19 THE WITNESS: Well, she was on her way --

20 THE COURT: It is hearsay. Rephrase that,
21 Mr. Madsen.

22 BY MR. MADSEN:

23 Q. So you end up at that location?

24 A. Right. We end up there, right.

25 Q. Okay. And she gets there?

1 A. And she gets there.

2 Q. What happens when she gets there?

3 A. She -- she got out of the car. She was --

4 Q. Okay. Let me -- once she gets out of the car, is she
5 upset?

6 A. She was mad, yes, sir.

7 Q. Is she yelling?

8 A. She was yelling and screaming.

9 Q. Is she excited?

10 A. She was very excited.

11 Q. What does she do?

12 A. I start speaking to her about what I had heard and she
13 said -- she said fuck what you heard. She said --

14 MS. MAYES: Objection, Your Honor. Going beyond
15 the scope of Williams.

16 MR. MADSEN: Judge, I don't think so.

17 THE COURT: I don't think so either. Go ahead,
18 Mr. Madsen.

19 BY MR. MADSEN:

20 Q. So she gets out and what do you say she said?

21 A. She said -- she said fuck what you heard. She said
22 this is something that --that I've been wanting to do and
23 we've been discussing this and you don't want to do it, so
24 I'm -- I'm gonna do what the fuck I want to do. And I
25 tried to, you know, grab her hand and I was just talking to

1 her, crying and begging. She said what the fuck are you
2 crying for, she said, pussy boy, you know, and then she
3 went around -- went around the car and when she got around
4 the car I was coming behind her and I said Monica, I said,
5 I love you, I don't know why you're doing me like this, and
6 she said well, you know, crying tears, whatever, it will be
7 over with, and she said --

8 MS. MAYES: Objection to hearsay.

9 MR. MADSEN: Judge, I think it's an excited
10 utterance or state of mind.

11 THE COURT: I'm gonna allow it.

12 THE WITNESS: She said fuck the money, fuck all
13 that you talking about, I know I got that money from
14 you, but we'd been in tight before and I -- I done helped
15 you before, and I said Monica, but I've always given you
16 your money back, I said we've always discussed this before
17 we do anything. She said okay, okay, okay, okay, okay,
18 okay, okay, then I said so this is why we're having so
19 many problems and this is why things is like they are and
20 -- and she -- she -- I've been buying Monistat and she's
21 been using Monistat and I said it's got to be something
22 going on and she said it was a yeast infection, so I said
23 this -- this is where this yeast infection's coming from?

24 MS. MAYES: Objection, Your Honor.

25 THE COURT: We need to move on.

1 THE WITNESS: Okay. So --

2 BY MR. MADSEN:

3 Q. Let -- let me ask the question. So does she do
4 something with your face and your glasses?

5 A. Yeah, she mushed me. She mushed me and my glasses
6 fell on the ground and I was trying to get them and I said
7 I can't find my glasses and then she -- you know, she spit.

8 Q. Hang on. Let me -- let me get some clarification --

9 A. I'm sorry.

10 Q. -- because I don't know if mush is a Webster's
11 dictionary entry.

12 A. I'm sorry.

13 Q. When you say mush, can you -- maybe if I walk up
14 there, can you show me what she does?

15 A. May I stand up?

16 MR. MADSEN: Is that okay?

17 THE COURT: Go ahead.

18 THE WITNESS: She -- she mushed me and my glasses
19 fell off and -- and as my glasses fell off she spit and
20 she said fuck you, you dog, and she said that was the
21 best night of my life and you done destroyed it, and I
22 said Monica, I said I can't believe you spit in my face,
23 she said that wasn't spit, she said that was Kendrick's
24 cum on your -- on your fucking face, and I said Monica,
25 I just -- I can't do this, so she goes to the back of

1 the car and when she gets to the back of the car she
2 said what did you think that -- that prank was gonna
3 -- she said what kind of prank is this, and I said I
4 should have just killed him and you while I was there,
5 I shouldn't have waited, and she said wait on what, how
6 was you gonna do that, and I said like I'm fixing to kill
7 you and -- and I shot her. It was just that quick.

8 BY MR. MADSEN:

9 Q. After you shot her, what did you do?

10 A. I put the gun to my head and Kareem came to me. He
11 said you stupid, he said your baby's back here, he said
12 don't do that, he said don't do that, he said get in the
13 car, let's go. I've got kids, I'm gonna get in some
14 trouble. I said okay, okay, okay, okay, okay. I said
15 what's -- what to do, what am I supposed to do, he say get
16 in the fucking car, and so I get in the car and -- and we
17 just drive and I said what am I supposed to do, he said I
18 don't know, I don't know, take me home, take me home. He
19 said you got your baby and I said -- and I looked back and
20 I realized she was still there. It just -- everything was
21 just -- everything was just so quick. It just happened so
22 quick. I just -- I could not believe that everything had
23 took -- taken place all in that one little time and -- and
24 I witnessed all of it. It was just -- it was just mind
25 boggling. I just -- I could not believe this. I could not

1 believe it --

2 Q. Did you?

3 A. -- and I'm sorry.

4 Q. Did you drop TT off?

5 A. At his -- his house is -- his apartment is close to
6 my mom's house, so I took her to my mom. I had called my
7 oldest sister and was telling her that there's something
8 that happened and she's like what, what happened, she said
9 just tell me, and I said I done caught Monica and I said
10 do you remember when we was at the beach and I was telling
11 you about the guy Kendrick and she said yes, so I said I
12 just caught them and -- I said and I shot her and she was
13 screaming and she said where you're mind -- she said where
14 is your mind and I said I don't even know if I've got a
15 mind. I said I done killed Monica, K said that's my
16 fucking friend, and she said well, go take -- go take the
17 baby to safety she said because your mind's not right. She
18 said go take your -- go take Me-Ma to safety and I said
19 I'll just take her to Sheriaha's. She said -- Sheriaha's
20 my oldest daughter. She said no, take her to momma and
21 that's when I went to momma. And I didn't -- I didn't even
22 know where momma lived at. I drove to the next street up
23 and when I got out I was like I don't even -- where we at,
24 I just kept asking Kareem where are we at, and he said man,
25 you stupid, he said you are -- you're right here, your

1 momma's house is there, and we was just running -- ran down
2 the street. I just wanted to take my baby to safety.

3 Q. And so you dropped her off?

4 A. Dropped her off with my mom and my sister.

5 Q. Did Kareem get out of the car at that same time?

6 A. We both got out at the same time.

7 Q. When did you take the car up to Laurens?

8 A. When -- my mom was screaming because she didn't know
9 what was going on, so I said just keep the baby safe until
10 -- until some kind of way I can maybe call you back and she
11 just kept screaming what's going on, so we went outside. I
12 went to Kareem's house and I said man, I don't know what to
13 do, I said what should I do, I don't know, he said get in
14 that car and just drive, just drive, just drive until you
15 run out of gas. I said so where -- I mean, what am I
16 supposed to do, and I got in the car and I just started
17 driving, and I -- I just went all back roads, got lost,
18 couldn't figure out where I was, got back on the road and
19 then when I got out to where I recognized some of the
20 landmarks or whatever, then I just drove and ended up back
21 in Laurens.

22 Q. Did you leave the car at a church?

23 A. I did.

24 Q. And then when you left the car at the church, did you
25 just start walking?

1 A. I started walking. There was -- there was a motel.
2 I was just so trembly I didn't know walking late at night,
3 you know, I was just -- just didn't know what was going
4 on, so I went to this motel and -- and I tried to figure
5 out where was I at and she said this is Laurens and I
6 said well, what's the next place over, and the next place
7 over was Greenville I think said she said or Piedmont
8 area.

9 Q. And so after you got there, where did you end up
10 eventually?

11 A. Meaning through the whole process where I ended up?

12 Q. Do you end up at your dad's house?

13 A. Right. I ended up my dad's in Marietta.

14 Q. How did you get there?

15 A. When I got to Greenville, there was a guy, he was
16 at the hospital and I was telling him that I really -- I
17 said man, I really need some help and he was like what you
18 need and I said man, something just happened and -- and I
19 need to get to my dad's house. I had called my dad and
20 told my dad and I told my dad I was just gonna -- just
21 gonna blow my brains out. I just felt like I should --
22 deserved the same fate. And my dad --

23 Q. Did you end up getting a ride to your dad's house?

24 A. Right. I got a ride to my dad's house.

25 Q. When you're at your dad's house, does Pastor Hoopes

1 come out and pick you up?

2 A. Well, me and my dad -- my dad is very spiritual.

3 Yeah, he came -- he came to Marietta and picked me up.

4 Q. Okay. And he brought you back, correct?

5 A. Yes, sir.

6 Q. And you contacted Lamaz Robinson who was a high school
7 friend of yours?

8 A. Yes, sir.

9 Q. And you turned yourself into him?

10 A. Yes, sir.

11 Q. And you gave him the gun and your cell phone?

12 A. Yes, sir. Everything. The keys, the gun.

13 Q. Cooperated with him?

14 A. Yes.

15 Q. And when you got back, you gave a videotaped statement
16 to Investigator Jimmy Smith --

17 A. Right.

18 Q. -- and, I guess, Investigator Phil Ireland?

19 A. Right.

20 MR. MADSEN: That's all the questions I have.

21 THE COURT: Thank you, Mr. Madsen.

22 I believe, Mr. Fender, Ms. Mayes walked out. Do I
23 need to give her just a few minutes?

24 MR. FENDER: Yes, Your Honor.

25 MR. MADSEN: I think here she comes.

1 MS. MAYES: The State's ready to proceed, Your
2 Honor.

3 THE COURT: Okay. I'll be glad to -- you can go
4 ahead and start, Ms. Mayes.

5 CROSS-EXAMINATION

6 BY MS. MAYES:

7 Q. It's awfully convenient that you're able to put all
8 of these words in Yumonica's mouth and she's not here to
9 defend herself, is she?

10 A. No, ma'am.

11 Q. She's not here to defend herself because you put that
12 bullet in her head, didn't you?

13 A. Yes, ma'am.

14 Q. And let's talk about what you told your friend, Chief
15 Robinson, the person that you trusted to call and tell your
16 side of the story. You remember that, don't you?

17 A. Yes, ma'am.

18 Q. On July 4, 2019, you called Chief Robinson. That was
19 your choice to call him up while you were on the run?

20 A. Yes, ma'am, it was.

21 Q. And you tell Chief Robinson you want to tell your side
22 of the story?

23 A. Yes, ma'am.

24 Q. And you go on and tell Chief Robinson what happened
25 out there that night, didn't you?

1 A. Yes, ma'am.

2 Q. And not one word about all that nonsense was told to
3 Chief Robinson, was it?

4 A. No, ma'am.

5 Q. What you told Chief Robinson was that when she got out
6 of that car --

7 MR. MADSEN: Judge, can he be allowed to answer the
8 question before she starts asking another question?

9 THE COURT: He answered no. I heard him. You might
10 not have heard him, but I heard him.

11 MR. MADSEN: Well, I think he has the right to say
12 no and I think he was going to explain, but she kind of
13 cut him off. I think he has a right to explain his
14 answer.

15 THE COURT: He does.

16 MS. MAYES: I can follow up, Your Honor.

17 THE COURT: If you would, please.

18 BY MS. MAYES:

19 Q. Your statement to Chief Robinson was that when she
20 went to the back -- when she went to the back and she
21 realized that there had been no wreck, that you had lied
22 and brought her out there telling that little girl that TT
23 had been hurt, when you lied and brought her out there,
24 your statement to Chief Robinson was when she went to the
25 back and realized there was no wreck, she said what kind of

1 prank is this. Those were your words, weren't they?

2 A. Yes, ma'am, but it was an argument before it got to
3 that point. Ma'am, I -- I never -- I never altered from
4 the truth of -- of what was said.

5 Q. Mr. Means, you're here in this courtroom today on that
6 stand telling this jury that you told Yumonica it was all a
7 lie before she ever got there. You just testified to that
8 on direct examination.

9 A. We did. We had a conversation before she came.

10 Q. Mr. Means, you told Chief Robinson she didn't realize
11 there wasn't a wreck until she got out there. You're not
12 telling the truth today.

13 A. Ma'am, yes, I am telling the truth.

14 Q. So you didn't tell the truth to Chief Robinson --

15 A. Well, we --

16 Q. -- when you called to tell him your side of the story?

17 A. When we had a conversation, we were conversating on
18 the broad. I -- I didn't get into the nitty gritty through
19 the whole relationship of what had went on through that
20 week and all that other stuff other than we were having
21 problems. I didn't -- I didn't get into the nitty gritty
22 with him because honestly I was just gonna blow my brains
23 out.

24 Q. The nitty gritty, Mr. Means, isn't the facts of what
25 brought her out there. Your exact words, yes or no, we've

1 got an audio of it --

2 A. Yes, ma'am.

3 Q. -- when she went to the back and realized there was no
4 wreck, she said what kind of prank is this. Those were
5 your words.

6 A. She -- she said that. Yes, she did.

7 Q. All right. And your words were when she went to the
8 back and realized there wasn't a wreck?

9 A. Yes, ma'am.

10 Q. All right. You go on then and say right after that
11 I pulled the gun and said the same way I'm about to kill
12 you.

13 A. Yes, ma'am. That's correct.

14 Q. She turned to the side, didn't she?

15 A. Well, she was in motion, so she -- she pretty much
16 was turning to the side.

17 Q. She was turning to the side to run from you --

18 A. No, ma'am. She --

19 Q. -- when you put that bullet in the right --

20 A. No, ma'am.

21 Q. -- side of her head.

22 A. No, ma'am. This is what happened. The doors --
23 both doors was open and when she spat on me, she walked
24 around -- she walked around. Both -- both doors was open.
25 She was -- she was right where the baby was and closed

1 that door. Both doors was open to the vehicle, to the Kia.

2 Q. So let's talk about that. You're not telling this
3 jury -- of course, you never said a word to Chief Robinson
4 anywhere in that statement about anybody spitting on you
5 or your glasses coming off. You're not telling this jury
6 that you were afraid, are you?

7 A. No, ma'am, it wasn't afraid. My glasses was actually
8 broke. These are glasses that were just brought from the
9 jail, but my glasses was actually broke. They had been
10 glued and I still have glue on the glasses now.

11 Q. And my question was you're not telling us today that
12 you were afraid, are you?

13 A. No, I was not afraid.

14 Q. All right. And you're not telling us that Yumonica,
15 who you just told us -- was five foot seven and had
16 meniscus problems and trouble moving, you're not telling
17 us that you felt threatened in that situation?

18 A. No, it was hurt, ma'am.

19 Q. Okay.

20 A. It was hurt.

21 Q. You were hurt. You were hurt. You were hurt by
22 the situation, but you were not physically afraid or
23 threatened?

24 A. No, ma'am.

25 Q. All right. I just wanted to clear that up.

1 (State's Exhibit Number 67 was marked for
2 identification.)

3 BY MS. MAYES:

4 Q. So when we talk about Yumonica coming out there, she
5 comes out with no shoes on her feet. Her car was still
6 running when she got out of it, wasn't it?

7 A. I didn't really pay attention to her shoes not being
8 on her feet. The majority of the time Monica do not wear
9 shoes, but she usually wears slip-ins, but I never looked
10 at the fact she didn't have any shoes.

11 Q. Let me show you State's 67. Do you recognize who's in
12 that photograph?

13 A. Yes, ma'am.

14 Q. You remember that from that night?

15 A. No, ma'am.

16 Q. You don't remember that?

17 A. No, ma'am. It was dark.

18 Q. You don't remember that when she gets out of the car
19 and it's still running and that door's still open and she
20 runs over there to check on TT she wasn't even wearing
21 shoes?

22 A. She -- she didn't actually run. We were having an
23 argument conversation towards the Kia. She was not
24 running. She was -- she was cussing and she was talking
25 all kind of derogatory language. I mean, she was not

1 running to the car. We had -- we had a pretty lengthy
2 conversation.

3 Q. Because your testimony today is she already knew that
4 there had been no wreck and that TT was fine. She already
5 knew all of that is your testimony today?

6 A. She knew all of that.

7 Q. Okay. I just wanted to make sure we're -- we're
8 straight about your testimony today, Mr. Means.

9 A. Uh-huh.

10 Q. So let's talk a little bit about some of the things
11 you discussed specifically with the finances. You admit
12 that on this night, the night you kill Yumonica, you had
13 gone and, again, over-drafted that account. I believe your
14 testimony just a few minutes ago was you took \$700.00 out?

15 A. Right. It was a check. If you -- if you looked at
16 the account, there was a check that was deposited that was
17 \$700.00 that was two or three days prior to that. Plus it
18 was nineteen hundred dollar check deposited and it was
19 several other checks that were deposited from Mr. Larry
20 Smith and it was one deposited from Ms. Jones. All of
21 those was within that same week.

22 Q. Mr. Means, your testimony is that you over-drafted
23 the account that night prior to going over to Pat's house,
24 correct? That's a yes/no question.

25 A. Right. Yeah, we had already discussed that. Monica

1 had gave me that card because when she requested for them
2 back, I gave them back to her, but then when we discussed
3 the material that I needed she gave me the card back so
4 that I could pay Kareem and get the material that I needed.

5 Q. All right. So your testimony today is even though you
6 had to return her cards, her banks cards, to her on 30th,
7 had to return those cards with the understanding you had to
8 put every cent back --

9 A. Right.

10 Q. -- that it was perfectly fine to overdraft her account
11 that night which also just happens to be the night you kill
12 her?

13 A. Well, we had -- we had a -- listen, ma'am, we were not
14 in pursuit of -- of this accident or this -- this incident,
15 so we -- I mean, it wasn't planned that I was gonna kill
16 her, so I didn't know that me taking that money out what
17 was gonna happen at the next breath. I didn't know that if
18 that's what you're trying to ask me. I didn't know that it
19 was gonna be this after I took the money out.

20 Q. Yes, sir.

21 A. The money was taken out before then.

22 Q. That's exactly what -- what I'm getting at. You
23 bought that gun, the gun you used to kill Yumonica, two
24 days before the murder, didn't you?

25 A. I don't know exactly how many days it was. I bought

1 it before this incident because of Kendrick.

2 Q. You bought it on Sunday, June 30th, two days before
3 you kill her.

4 A. Yes, ma'am.

5 Q. You got a ride with your friend Deon Jackson, you go
6 to Appling, Georgia where you saw an add in Iwanta --

7 A. Yes, ma'am.

8 Q. -- and you paid cash for that gun, didn't you?

9 A. Yes, ma'am.

10 Q. And you used Yumonica's money to buy that gun, didn't
11 you?

12 A. No, I did not.

13 Q. The gun you used to kill her with.

14 A. No, I did not, ma'am. I had money from -- from
15 jobs that I was doing that I gave her some of that money
16 to go to Savannah to the baby shower. That -- we had an
17 understanding of that and if you would look at the -- at
18 the documents that -- that were presented, whenever you --
19 you can see that we were not arguing about that money on
20 that day she said to get out by seven.

21 Q. All right. This is a yes/no question. You bought
22 that gun just days before killing her, didn't you?

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

24 Q. Your testimony on direct examination was I never
25 imagined it would go like this, I never imagined that she

1 was wholeheartedly into him I think is what you said. She
2 had told you about Kendrick already.

3 A. No, we -- we never had a conversation about them being
4 in a relationship. We had a conversation about something
5 else that was dealing with him.

6 Q. Mr. Means, I'm gonna show you State's Exhibit 54.

7 A. Yes, ma'am. I see it.

8 Q. On June 29th, four days before, you say I know the
9 conversation with him will be nice, being you and him will
10 be intimate soon. Her response is we not together, so what
11 I do is none of your business. You then go to Pat's house,
12 her friend Pat -- her friend Pat, you go to her house that
13 night because you know she's there with Kendrick and you go
14 to spy on her.

15 A. No. No, ma'am.

16 Q. You just happened to go to Pat's house?

17 A. No, ma'am, that's not the truth. Once --

18 Q. And you just happened -- you just happened to be armed
19 with that gun?

20 A. Ma'am --

21 MR. MADSEN: Judge, can he finish his answer?

22 THE COURT: Yeah, let him answer.

23 THE WITNESS: Ma'am, whenever that gun was purchased,
24 it was not purchased to -- to kill Monica. That gun was
25 purchased because we -- we were in conversation about

1 Kendrick coming to move in and she was in conversation
2 with her friend Muffin about how he could be a access to
3 get me out of the house and I said if you want me out, I
4 have signed the paperwork in April, you had every right,
5 and you still do have every right, to go get me served so
6 that I can move.

7 Q. So let's talk a little bit about that --

8 A. Right.

9 Q. -- eviction. Eviction is something that you knew was
10 coming. Whose Cody?

11 A. Cody is Kareem and --

12 Q. Okay. Cody is Kareem.

13 A. -- and he's Kareem because my infant always used my
14 phone and I guess she just crossed the names with the
15 numbers because she just dabbles in my phone.

16 Q. All right. So just to clarify, Kareem is the same
17 person who was with you that night throughout all these
18 events that you've talked about?

19 A. You're -- you're exactly right.

20 Q. And Cody is also the person that you had texted and
21 made those comments to, I'm gonna make my move, you talk
22 about cutting her throat. That was the day beforehand.

23 A. Well, listen. The cutting of the throat, I mean, you
24 say all kind of stuff when you're angry. I'm trying to
25 sleep. My -- my bed is rattled from masturbation. I'm not

1 sleeping well because you're -- you're in this conversation
2 with this guy that you can have in another room. I'm
3 asleep. I mean, she had every right to get up and go into
4 another room if she wanted to do that. I just felt that it
5 was totally disrespectful.

6 Q. Mr. Means, she was in another room.

7 A. No, she was not.

8 Q. In your text to Cody, Kareem, you state on July 2nd
9 that you would make your move, but Me-Ma is in the bed with
10 her.

11 A. This is -- when I say that, we were -- we were leaving
12 early in the mornings going to job sites, so I was saying
13 to him soon we'll make -- make our move because Me-Ma was
14 in the bed. Me-Ma would always like to go with me if I go
15 to work and I didn't want to disturb her and make her jump
16 because she would jump up. I mean, I don't know the
17 information that you've been given, but my kid was with me
18 99 percent of the time and if she would feel me getting out
19 of the bed or know that I'm about to leave, she will -- she
20 will pretty much tear the house down to get with me, so I
21 would sleep in the chair, and I text him that I'm gonna
22 make my move soon, we'll -- I'll come pick you up so that
23 we can go to Mr. Larry's house before it get too hot, but
24 that was all. I just said Me-Ma was in the bed with her,
25 so I didn't have to worry about trying to wake her up to

1 go.

2 Q. All right. So you're -- you're in the chair and
3 Me-Ma, TT, is in the bedroom --

4 A. She's in the bed.

5 Q. -- with Yumonica?

6 A. Right.

7 Q. All right. One of the things that you say -- when
8 you're talking about eviction, one of the things you say
9 isn't that you're willing to leave voluntarily, you say
10 that she's gonna have to evict you. Do you recall making
11 that statement to Kareem on July 1st?

12 A. We -- we have had several conversations about that and
13 were doing that since the probation -- since the charge
14 where the receiving stolen goods is on the table. I was on
15 probation, so me relocating without proper documentation is
16 a violation. So I didn't want to be violated, so my thing
17 was if she would have me served the paperwork, then I could
18 take that to my probation officer in order for me to move
19 because I could just -- just easily move once I give them a
20 location where I am going.

21 Q. What you stated to Kareem on July 1, 2019, is that man
22 has no business in the house until she get me evicted, and
23 you're talking about Kendrick, aren't you?

24 A. Right, because she wanted to have a -- a threesome.

25 Q. So that was July 1, 2019, and you're saying that she's

1 gonna have to have you evicted. In reality, she still
2 wanted you to be involved in TT's life, even though the
3 marriage wasn't gonna work. She told you she wanted you to
4 be involved with TT, didn't she?

5 A. Well, we never -- we never discussed this like this.
6 When that paperwork was done, that was in April. Ma'am, we
7 have went -- we have went to the beach. We went to Myrtle
8 Beach in May. June we had the baby shower. I mean, I
9 wasn't -- if I knew that she was pursuing him the way that
10 she was, I mean, why would we still be living in the same
11 house like this? Ma'am, listen. I understand what you're
12 -- what you're getting at, but, ma'am, you cannot take what
13 comes through texts and -- and live it out. That's --
14 there's no way you can do that. I mean, you can take bits
15 and pieces to try to incriminate me, but what I'm saying is
16 whenever someone is talking -- text is different from --
17 from conversation. I can say something now and oh, my God,
18 and it could just be oh, my God, or it could be Oh, my God!
19 So you really can't take a text and -- and elaborate on it
20 to make it be something that it's not. Me and Monica were
21 -- we were not that bad off that you're saying. We were
22 not.

23 Q. So your -- by your own admission you're on notice that
24 she has moved on to Kendrick she has told you.

25 A. She -- she did not tell me that she had moved on.

1 Monica had said that she wanted me to allow Kendrick to
2 come down and stay weekends so that they could be intimate
3 with each other and that I should accept that because I
4 have done some things that she felt like -- so I -- I
5 asked her the question, is having sex with a guy gonna
6 accommodate the problems that we have? I said that's --
7 that's not -- there's no way that me allowing you and --
8 you and Kendrick to have sex is gonna make our marriage
9 any better, so I didn't agree with that.

10 Q. And when you say you've done some things, you're
11 talking about regarding the marriage as well, right?

12 A. Well, listen. We -- we had -- I was a -- a tool
13 fanatic. I like tools. I like tools that will help me
14 make my job easier, so in -- in wanting that stuff I would
15 do extra work to get the tools to make sure that I can do
16 my jobs a little bit more efficiently and a little bit more
17 professionally, so those were the things we argued about.
18 We argued about me being naive. We argued about me being
19 -- or thinking that everybody is for me, everybody's gonna
20 do -- you know, be as nice or whatever or as considerate as
21 I was. People have stuck me with jobs. I have used my own
22 personal funds to finish people's jobs. They say they
23 gonna pay you, they're waiting on their checks to come, and
24 then they do not come or they do not just give me the
25 money, so we were having arguments on that. Ma'am, we were

1 not having arguments about our marriage.

2 Q. All right. So, again, the text on 6-29, June 29th,
3 four days before where she tells you we're not together, so
4 what I do is none of your concern, that's just --

5 A. Ma'am, Monica said things and -- Monica would say
6 things that were harsh and below the belt because she knew
7 that I was not the type of person to argue. I -- I would
8 -- I would -- if she were arguing now, I would walk from
9 here to Johnston just to keep from arguing. That's --
10 that's the kind of stuff that -- that --

11 Q. Mr. Means, you came out to that location --

12 A. Ma'am --

13 Q. -- armed with a gun.

14 A. Ma'am, I was armed before all of this and if I was
15 intending on doing anything to her, I would have done it
16 before that night, but it was nothing -- it was nothing --
17 I had no reason to. Ma'am, I had -- ma'am, I had no reason
18 to. Me and my wife, we was sleeping in the same bed, we
19 was -- we was playing, we was joking around. Ma'am, we
20 were not in no bad position. I understand what the texts
21 say, but we were not as bad as you saying that we are or we
22 were. Ma'am -- ma'am, I love my wife and when this stuff
23 happened -- ma'am, I've been dealing with this for two
24 years, along with everybody else. I'm not down there
25 having a party. Ma'am, I'm -- I'm suffering in the inside

1 just like her family is. That was my friend. I -- I
2 understand what everybody is saying, but if you walk up --
3 if you walk up on your mate who you previously days before
4 this said that you love and you're gonna go down there and
5 spend some time with him, if you walk up on your mate that
6 you just had oral sex with that morning and you hear her
7 having sex with somebody else, do you not think that that
8 would do something to you? Ma'am, I'm human, too. I
9 understand your position, but, ma'am, I have lived with
10 this for two years. I haven't seen my baby in two years.

11 MS. MAYES: Your Honor, the --

12 THE WITNESS: I understand what you're saying and
13 I'm sorry for going on, but I want you to understand me.
14 I'm not this cold-blooded killer that you portrayed me
15 to be. I understand the texts. I have said that I have
16 done this, I've admitted it, but I just don't want you to
17 think I have no heart and that I drove to this spot and I
18 just killed her. I was taking Kareem home when she said
19 that it was okay and she said I'll come talk to you.

20 MS. MAYES: Your Honor, I object. Not responsive.

21 THE COURT: Okay.

22 All right. Mr. Means, do you need a little time to
23 collect yourself?

24 THE WITNESS: Yes, ma'am. I need some time. Yes,
25 ma'am, please.

1 THE COURT: Okay. Let me give Mr. Means a little
2 bit of time.

3 Mr. Foreman, we're gonna send you back to the jury
4 room for a few minutes and we'll continue in just a few
5 minutes.

6 Mr. Means, you're under oath. You stay right there
7 on the stand.

8 (Whereupon, the jury retires to the jury room at
9 11:31 AM.)

10 THE COURT: All right. Let me give Mr. Means just
11 a little bit of time to get himself together. I want
12 to tell you Mr. Means is to stay on the witness stand.
13 He is not to speak with anyone and, Deputy, can you make
14 sure that happens?

15 THE DEPUTY: Yes, ma'am.

16 THE COURT: All right. We're gonna be in recess
17 for about ten minutes.

18 (Recess taken at 11:31 AM.)

19 (Back on the record at 11:44 AM.)

20 BAILIFF: All rise.

21 THE COURT: All right. Mr. Means, are you ready
22 to continue?

23 THE WITNESS: Yes, ma'am. Thank you.

24 THE COURT: Is the State ready?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: Let's bring the jury back in.

2 (Whereupon, the jury return to the courtroom at
3 11:45 AM.)

4 THE COURT: Mr. Foreman, is the jury ready?

5 FOREPERSON: Yes, ma'am. The jury's ready.

6 THE COURT: You may proceed.

7 BY MS. MAYES:

8 Q. So we were talking before about the purchase of the
9 gun. You agree that that occurred on Sunday, June 30th?

10 A. Yes, ma'am.

11 Q. And then when we talk about the conversation that you
12 had with Kareem, who's Cody in the text messages, you
13 acknowledge sending the text that she would have to evict
14 me, right?

15 A. Yes, ma'am.

16 Q. And talking a little bit more about Yumonica and the
17 house, that's a house Yumonica had prior to even meeting
18 you, right?

19 A. Yes, ma'am.

20 Q. And, in addition, Yumonica had worked at Milliken for
21 over fifteen years, right?

22 A. Yes, ma'am.

23 Q. So you realized she was capable of moving on in her
24 life without you?

25 A. Yes, ma'am, but we made that house ours. After that

1 fire, we changed everything to make that our home. It was
2 not -- I mean, it was not just Monica's house. When we
3 married, we made that our home. It wasn't no Monica's
4 stuff or my stuff. It was our stuff.

5 Q. And that's the reason you stated she'll have to evict
6 me?

7 A. That's not the reason why. The reason why I said
8 that, ma'am, is because of my probation. I understood that
9 that was Monica's house and I'm not arguing with -- with
10 her what she's saying about that, it was Monica's house,
11 but we were married and we were married for more than five,
12 more than six, more than seven years, so I didn't really
13 consider that as Monica's house. She didn't want me to
14 consider that as Monica's house because even when I would
15 make decisions, I would ask her and she said this is our
16 house, so we never made that a point of being just Monica's
17 house, but I understand the point that you're making,
18 ma'am.

19 Q. And on this particular night you could have talked to
20 her at that house at Camillia Street, couldn't you?

21 A. Yes, ma'am, and -- and that was the intentions, but
22 whenever I said that we had a car accident Monica wanted to
23 come to see was I lying. We -- we -- I could have went
24 back home and we could have had this same conversation, but
25 she wanted to come and see was the car damaged and I had

1 already gave her -- she said that Pat's car didn't have
2 enough gas. We had already made this decision for her not
3 to even come and J.V. [REDACTED] even said that whenever she said
4 that -- through her video she said that I said do not come.

5 MS. MAYES: Objection, Your Honor, to hearsay.

6 THE WITNESS: Well, it was --

7 THE COURT: It is hearsay.

8 THE WITNESS: -- it was through the counselor.

9 THE COURT: Mr. -- Mr. Means.

10 THE WITNESS: Yes, ma'am. I'm sorry.

11 BY MS. MAYES:

12 Q. Mr. Means, you -- you testified today that you had
13 told Yumonica that the car wasn't damaged, but you
14 acknowledge -- you acknowledge your statement to Chief
15 Robinson, correct?

16 A. I under -- yes, ma'am, but we had a conversation
17 before she came there. I understand your -- your position,
18 but we had a conversation before she came there.

19 Q. And that conversation with Chief Robinson was on
20 July 4, 2019, while you were on the run, wasn't it?

21 A. Yes, ma'am.

22 Q. Yumonica was five foot seven. Her knees weren't good?

23 A. She had some problems with her knees, but just to say
24 she was on a cane, no, ma'am, she was not. She -- she
25 would work with me and we would do very extensive work,

1 but she had problems with her knees. She would have
2 injections. She had just had some injections while she
3 was out with her sciatic nerve.

4 Q. Problems moving around and things like that?

5 A. She was not handicapped. She worked as a -- a -- a
6 maintenance person on a job she was -- she was able to do.
7 She just had problems periodically through her -- through
8 her life. It -- it may be good for two or three or four or
9 five months and then one month it would -- it would just
10 throw her, but we -- we made it through.

11 Q. And as you said earlier, you weren't threatened that
12 night by her?

13 A. No, ma'am. Listen, ma'am. I was hurt.

14 MS. MAYES: Thank you. Nothing further.

15 MR. MADSEN: No further questions.

16 THE COURT: Okay. Can I let Mr. Means step
17 down then?

18 MR. MADSEN: Yes, Your Honor.

19 THE COURT: Mr. Means, you may step down.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 THE COURT: Call your next witness.

23 MR. MADSEN: Your Honor, the defense rests.

24 THE COURT: Okay.

25 MS. MAYES: If we may approach?

1 THE COURT: You may.

2 (Proceedings held at the bench; not reported.)

3 THE COURT: Mr. Foreman.

4 FOREPERSON: Yes, Your Honor.

5 THE COURT: All right. I'm gonna ask y'all to
6 return to your jury room. I've got to take up a couple
7 of legal matters, the defense has rested, let me get that
8 done and I'll have you back out, okay?

9 FOREPERSON: Yes, ma'am.

10 THE COURT: Remember there's no talking amongst
11 yourself about this case.

12 (Whereupon, the jury retires to the jury room at
13 11:53 AM.)

14 MR. MADSEN: Judge, we would renew our motion for
15 directed verdict. We would move for a new trial. At
16 this point in time we do not believe that there has been
17 sufficient evidence presented by the State that a
18 reasonable jury, even giving that evidence in the light
19 most favorable to the State, could find someone guilty of
20 murder or the ancillary charge on top of that.

21 We would renew all of our objections, all of our
22 motions and understand the Court's rulings, but also
23 would object to the cumulative effect of all of those.

24 If Your Honor denies that, we would move that you
25 direct a verdict as to the murder and that we believe

1 that voluntary manslaughter would be the only appropriate
2 charge going forward if Your Honor denies the first part
3 of that motion.

4 THE COURT: Okay. Well, I'm gonna tell you all
5 your objections are renewed, so are your motions, and
6 I'm denying a directed verdict and also motion for a
7 new trial.

8 MR. MADSEN: Thank you, Your Honor.

9 THE COURT: Thank you.

10 MS. MAYES: Judge, we do not anticipate having
11 reply testimony.

12 THE COURT: Okay.

13 All right. Then let me ask the lawyers just for a
14 timing schedule. We're trying to get the jury something
15 for lunch.

16 How long do you need before closings?

17 MR. MADSEN: I'm ready.

18 THE COURT: Let me see what the State needs.

19 MS. MAYES: It's -- it's almost twelve, Your Honor.

20 We -- first of all, we would need to decide exactly
21 -- before the State can prepare for closing exactly what
22 the charge would be. The State's position is that the
23 defendant has made it clear that there was no overt
24 threatening act in which he felt threatened and that he's
25 not entitled to voluntary manslaughter.

1 We would bring the Court's attention to State versus
2 Cooley wherein the Supreme Court strongly urged against
3 -- urged the prosecution against any type of what they
4 term compromise verdict where there is insufficient
5 evidence to support it. In Cooley, the Court states this
6 is a cautionary tail for solicitors as to the pitfalls
7 of a potential compromise charge which is unsupported by
8 the evidence.

9 Voluntary manslaughter, Your Honor, would require
10 that it be -- that the words be accompanied by some
11 overt threatening act, which have -- which could have
12 produced the heat of passion, citing State versus Lowery
13 and State versus Judge.

14 It's also been held that words alone, no matter
15 how terrible, are insufficient to constitute sufficient
16 legal provocation if the killing is caused by a deadly
17 weapon, and that is State versus Clemons and State versus
18 Holland.

19 And looking at Cooley, Your Honor, there is not a
20 sufficient basis for a voluntary manslaughter charge.
21 The biggest concern about Cooley is that in this
22 particular case voluntary manslaughter was charged, the
23 jury came back with a voluntary manslaughter verdict,
24 and on appeal when the Court determined that he was not
25 entitled to the voluntary manslaughter charge, there was

1 no further recourse. Double jeopardy had attached.

2 THE COURT: That's right. I've read that case.

3 MR. MADSEN: Of course, that was -- of course,
4 that was the State requesting the voluntary manslaughter
5 on that, but, Judge, if you look -- and I couldn't find
6 it. I was kind of -- when she was doing her cross was
7 trying to look it up, but I believe in the dissent in
8 State versus Niles, Justice Pleicones indicated, and I
9 think it's correct, any evidence in the record that
10 could infer this killing was a result of sufficient
11 legal provocation which caused Niles to experience an
12 uncontrollable impulse to do violence, so it's taken in
13 the light most favorable to the defendant.

14 Your Honor heard the testimony. State versus
15 Smith, which is 315 South Carolina 547, they talk about
16 at the end of the case the charge. The trial court
17 defined legal provocation as some act, which alone or
18 in connection with words or circumstances, is calculated
19 to throw one into passion, such as someone -- or pulling
20 someone's nose or spitting in their face. I find
21 pulling someone's nose very interesting, but obviously
22 the spitting in the face...

23 THE COURT: And I've also got this Knoten case up
24 here, too, about spitting in the face.

25 MR. MADSEN: And then you also have State versus

1 Locklair.

2 THE COURT: But that's just the -- for legal
3 provocation. What's the sudden heat of passion with
4 that?

5 MR. MADSEN: Well, I think the sudden heat of
6 passion is the argument accompanied with the words,
7 the probantur -- State versus Locklair, 341 South
8 Carolina 352.

9 THE COURT: But he said he wasn't threatened. At
10 no time was there any -- she was upset, I wrote it down,
11 she was pissed off, she was mad --

12 MR. MADSEN: She mushed him in the face. But State
13 versus Locklair, provocation by the victim --

14 THE COURT: -- he was not afraid, didn't feel
15 threatened, they were just talking.

16 I just need to know what the heat of passion is
17 and, you know, all I've heard is about this adultery.

18 I'm gonna tell you, Mr. Madsen, he bought the gun
19 on the 30th. There's testimony of that. There's --
20 even if I take into consideration him hearing them
21 having sex the day that he killed her, there's a long
22 period of time that goes on before he -- and I will have
23 to say -- lures her out there under the pretense of a
24 car accident and even then it takes her -- there's
25 testimony it takes her twenty minutes to drive there.

1 If that is not a cooling off period, I don't know what
2 is.

3 MR. MADSEN: I understand. Your Honor, we're not
4 saying that the adultery is what causes it. It's the
5 actions out there and, like I said, State versus Locklair
6 said the provocation by the victim must be that that
7 naturally and instantly produces in the mind of a
8 reasonable person the highest degree of exasperation,
9 such as rage, anger, sudden resentment or terror.

10 The argument that they have out there where she
11 spits on him and says this is his cum, mashing him in
12 the face, talking about that, that is -- our contention,
13 that is where the voluntary, that is the sudden heat
14 of passion, as she said, the solicitor I think kind of
15 brought it out from him better than I did, and so we
16 believe that we are entitled to a voluntary manslaughter
17 and we certainly believe that it would be err. It's an
18 any evidence standard in the light most favorable to the
19 defendant.

20 And I understand what Your Honor says about luring
21 him out there -- or luring her out there and that, and
22 that's certainly put --

23 THE COURT: And came with a gun.

24 MR. MADSEN: I got you, but that's what they said.
25 That is not what he testified to.

1 THE COURT: He said he bought this gun June 30th.

2 MR. MADSEN: Sure, a couple of days before, but
3 he denied buying it to kill her and so to ignore that
4 other part -- and he also testified that they had had
5 conversations in that he had told her that, you know,
6 the accident didn't happen and that she wanted to come
7 out there, so there's that other part of that.

8 And I understand that the State's going to argue
9 their side and obviously we're going to argue our side,
10 but under an any evidence standard that's in the light
11 most favorable to the defendant, he's entitled to the
12 voluntary manslaughter charge.

13 MS. MAYES: The State opposes because the case
14 cite on the spitting case is a completely different set
15 of circumstances. One can imagine that if you have
16 confrontation maybe outside of a bar and you've got two
17 guys who might be get being ready to come at each other
18 and one of them spits at the other, that may be perceived
19 as threatening. He has testified under oath not just
20 once, but repeatedly he did not feel afraid and he did
21 not feel threatened. So that act alone does not rise to
22 the level of legal provocation and that is gonna be the
23 requirement for voluntary manslaughter. It must be --
24 there must be an overt threatening act which could have
25 produced the sudden heat of passion and the words alone

1 would not be enough. He said repeatedly he was hurt by
2 the words, but there was no overt threatening act, nor
3 did he feel threatened.

4 And so, Your Honor, the State's concern is in line
5 with Cooley. It would be a grievous scenario if the
6 record does not support this charge if it were charged
7 and then the State would have no potential recourse and
8 in light of what is on the record from his own mouth and
9 the lack of any true legal provocation in conjunction
10 with sudden heat of passion, Your Honor, we do not
11 believe he's entitled to voluntary manslaughter.

12 MR. MADSEN: Judge, I can't think of anything worse
13 than someone saying that they are spitting semen on --
14 on someone else. How would that not cause someone to
15 go into a rage, to go into a heat of passion? That is
16 certainly sufficient legal provocation.

17 MS. MAYES: Then we also draw the Court's attention
18 to the case that had been previously submitted pre-trial,
19 State versus Gadsen, where it had been determined that
20 where a party lies in wait it would not rise to the level
21 of a voluntary manslaughter charge.

22 MR. MADSEN: Judge, I also point to --

23 THE COURT: I've also read that case.

24 MR. MADSEN: I also point to State versus Walker,
25 324 South Carolina 257, which basically says the sudden

1 heat of passion, upon sufficient legal provocation, which
2 mitigates a felonious killing to manslaughter. While it
3 does not dethrone reason entirely or shut out knowledge
4 and volition, must be such as would naturally disturb the
5 sway of reason, and render the mind of an ordinary person
6 incapable of cool reflection and produce what, according
7 to human experience, may be called an uncontrollable
8 impulse to do violence.

9 Again, anyone who has, you know, spit of someone
10 else's semen on them -- I mean, I don't think you have
11 anyone here that's not going to throw down if someone
12 does that to them.

13 MS. MAYES: But the law requires that it be
14 threatening and he has testified repeatedly it was not
15 a threatening act, nor did he feel threatened.

16 Does Your Honor have State versus Starnes?

17 THE COURT: I'm sitting here reading State versus
18 Starnes right this second that says a person's fear
19 immediately following an attack, let's say spitting, or
20 a threatening act, which there was none because he says
21 he wasn't -- he did not feel threatened, may cause a
22 person to act in the sudden heat of passion, but the
23 mere fact that a person is afraid is not sufficient by
24 itself to entitle a defendant to a charge on voluntary
25 manslaughter. That's State v. Starnes.

1 And, you know, if I'm looking at all of this that
2 -- that I've heard, all the testimony -- let me take
3 just about ten minutes. I want to read the Gadsen case.
4 I've read it, but I want to read the whole case because
5 taking all of it, and I'm taking it in light of the
6 defendant, I am, but he bought this gun, he lured her
7 out there, and he says from his own testimony he got her
8 out there by -- under pretext of an accident, not --

9 MR. MADSEN: Judge, that's not what his testimony
10 was. You can't take the State's side and say hey, he
11 bought the gun and so he -- he testified he didn't buy
12 that to kill her.

13 THE COURT: But he bought the gun on the 30th.

14 MR. MADSEN: Sure. He bought the gun a couple of
15 days before. He told law enforcement that.

16 THE COURT: That was his testimony. He bought
17 the gun on the 30th. He testified that he told her it
18 was an accident and he later testified that he had a
19 conversation with her that it wasn't an accident, but
20 she insisted upon still coming out there.

21 MS. MAYES: So it's the State's position there
22 would be -- either way he still brings her to that
23 location.

24 THE COURT: He brings her there and, you know,
25 I've listened to all of the testimony about adultery

1 and trying to get him out of the house and the legal
2 separation. I don't find that any of that stands for a
3 voluntary manslaughter because the cooling off period
4 is way too long.

5 Now the question becomes if she spat in his face,
6 is that --

7 MR. MADSEN: Emotion.

8 THE COURT: -- a sudden heat of passion enough to
9 -- and legal provocation to --

10 MR. MADSEN: And musing he said.

11 THE COURT: -- to shoot her?

12 MR. MADSEN: And musing, Your Honor.

13 THE COURT: And musing.

14 MR. MADSEN: And knocked the glasses off.

15 THE COURT: Let me read this case and I'll be back.

16 Let me ask, have the lawyers read the other jury
17 charges?

18 MS. MAYES: Yes, Your Honor. Other than what we
19 submitted last night, we've already -- being the bench
20 book request for intent and a further definition of
21 malice, no -- no additional changes.

22 MR. MADSEN: I was okay with the charges as they
23 were written.

24 THE COURT: All right. Yours -- you sent me some
25 new ones last night. I don't have those. I'll look.

1 Did you send them to my law clerk?

2 MR. MADSEN: I think she sent them to you because
3 she copied me on those. We objected because we thought
4 that they were a charge on -- in fact, they had things
5 like lying in wait.

6 THE COURT: Well, I think --

7 MS. MAYES: We agree -- we agree to remove that.

8 THE COURT: Yes, there's a Supreme Court case that
9 says we can no longer give examples. I can't think of
10 anything more prejudiced to this defendant than if I said
11 let me give you this example.

12 MS. MAYES: Yeah.

13 MR. MADSEN: Well, and there was also stuff where
14 people had requested like spitting and things like that
15 for a clear defense charge and they said no, you can't do
16 that either.

17 MS. MAYES: We -- we agree to remove that. We just
18 wanted a further definition of malice where it includes
19 acts of premeditation.

20 THE COURT: Any objection to that?

21 MR. MADSEN: Yes, Your Honor. We believe that the
22 charge that you had submitted was sufficient.

23 THE COURT: Okay. Well, let me -- let me look at
24 the malice.

25 MS. MAYES: We'll take a look at where -- at where

1 we stand. As the State had previously indicated, the
2 spitting, if it is perceived in circumstances where it
3 were truly threatening and the person felt threatened, is
4 entirely different than a scenario where he acknowledges
5 he was not threatened.

6 THE COURT: Okay. Let me read this right quick.

7 (Recess taken at 12:13 PM.)

8 (Back on the record 2:14 PM.)

9 THE COURT: It is my -- I took out lying in wait
10 after the Supreme Court Burdette case, so I'm changing
11 that. I'm gonna bring these out to you because I think
12 it's gonna be important for y'all's closing.

13 (Pause in proceeding.)

14 (Back on the record at 2:17 PM.)

15 BAILIFF: All rise.

16 THE COURT: Be seated.

17 THE COURT: We went to ask the jury right quick
18 if they were willing to sit for closings because their
19 food is not here yet.

20 THE CLERK: Do you want to go ahead and bring them?

21 THE COURT: Uh-huh.

22 Well, we're doing State, then defense and the State
23 can have the last. The old way.

24 MS. MAYES: Uh-huh.

25 MR. MADSEN: Address anything in my -- any new

1 matters that I bring out in mine.

2 THE COURT: There's been a bunch of new lawyers
3 that ask me to do it the other way, but I'm just so used
4 to the old way.

5 (Whereupon, the jury return to the courtroom at
6 2:20 PM.)

7 THE COURT: All right. Mr. Foreman, I know that
8 we're waiting on lunch for y'all, but I'm told that
9 y'all are willing to go ahead and hear closings?

10 FOREPERSON: Yes, Your Honor.

11 THE COURT: Okay. So with that we're gonna proceed.
12 Is the jury ready?

13 FOREPERSON: Yes, Your Honor.

14 THE COURT: Okay. State.

15 MS. MAYES: Your Honor, may it please the Court?

16 THE COURT: Yes, ma'am.

17 MS. MAYES: It's been 728 days since Yumonica was
18 murdered. 728 days since Yumonica was ripped from her
19 ten-year-old, who watched her die, and her three-year-old,
20 who was used as the bait by this person, the man she once
21 loved, the man she once trusted. 728 days since he used
22 her three-year-old child as the bait to lure her out there
23 on Highway 191 in the middle of the night and take her
24 life. Take her life with what is the very essence and
25 definition of malice.

1 Malice, as you'll hear later in this case, is
2 defined as hostility, hatred or ill will. Any of those
3 three things. His anger had been developing for days.
4 We know that from the texts that night he killed her with
5 what is known as malice aforethought.

6 I want to start by saying that Yumonica is not here
7 to defend herself from these outrageous attacks on her
8 character. He made sure of that when he killed her.
9 Yumonica isn't here to describe the efforts that she went
10 through to be free, to move on with her life. He made
11 sure of that. That she would never be free. Yumonica
12 is not on trial. Her killer is on trial.

13 So when we talk about evaluating the credibility
14 of witnesses, that's your job as jurors, and the good
15 thing about being a member of the jury is that you don't
16 have to leave your common sense at home. That same
17 common sense that you rely on every day in your jobs,
18 in raising your families, in everything that you do, it's
19 that same common sense that will guide you throughout
20 your deliberations, that same common sense that makes
21 the evidence clear. In this case, it's the evidence that
22 lights the path and shows the way.

23 When you think about the efforts that Tirrell Means
24 has taken, not only to assail and assault Yumonica's
25 character with the story that he testified to that was

1 never told to Chief Robinson, that's all an attempt, I
2 submit, to somehow get out of the murder charge.

3 When you think about evaluating that, the State
4 implores you to please use your common sense, that same
5 common sense that we just spoke about. Think of it as
6 when you get out of the shower at home and the steam has
7 made the mirror all foggy. It takes a little while for
8 that fog to clear. In this case, it's that common sense
9 that allows the mirror to be un-fogged. It's that common
10 sense that tells us what really took place that night.
11 Time will always reveal the truth. No matter what efforts
12 he took that night to conceal it, to flee the scene. See,
13 he picked a place where he thought he could get away with
14 it. Maybe no one would find her body for a while. Maybe
15 he'd be long gone. He had already drained out her bank
16 account. Maybe he could get away with it entirely, but,
17 you know, J.V. [REDACTED] was with her. J.V. [REDACTED] knows him.
18 J.V. [REDACTED] saw him and it's J.V. [REDACTED] that he used as the
19 tool to lure Yumonica out there just like he used TT,
20 the baby.

21 So as I said before, don't let his manipulation,
22 the same manipulation he used that night to get Yumonica
23 out there, don't let that cloud the vision and cloud the
24 evidence. When Yumonica got out of that car, she thought
25 her baby was hurt. The whole story he said on the stand

1 about how oh, I told her on the way down there, I told
2 her on the way down there that never mind, everything's
3 good. We know that's not true. We know that's not true
4 because he told Chief Robinson the real story; that
5 Yumonica got out and when she realized that the car
6 hadn't been wrecked, that's when he confronted her and
7 he says he pulled the gun out. He was talking about
8 killing Kendrick and then says with a statement of
9 express malice the same way I'm about to kill you and
10 as she turns to the side he says I popped her in the
11 head. That's murder. Under any definition that's always
12 murder.

13 Let's talk a little bit about J. V. [REDACTED] was
14 the one who got those text messages, the text messages
15 where he was saying that he'd been in a car accident and
16 that TT -- or that they'd been in, that it was real bad,
17 and then she talked about how he called her on the phone,
18 but when he called her on the phone he actually told her
19 from his own mouth TT was hurt. And as Yumonica is
20 headed down 191 she still believes that.

21 You heard J. V. [REDACTED] testify. She absolutely believed
22 that up until the point she got out of that car. She
23 got out of the car without her shoes on. We know that.
24 She got out of the car with the door still open and as
25 J. V. [REDACTED] said she was scared and running to check on TT.

1 That's what the defendant admitted, too, to Chief
2 Robinson.

3 That statement to Chief Robinson, that statement
4 was made to someone that he knew, someone that he thought
5 he could tell his own version of events to, someone that
6 he thought would listen to his side of the story, and so
7 Chief Robinson let him talk. He wasn't in custody, this
8 was his chance, and as he said I want to tell my side,
9 and that's where we heard what happened way before he
10 ever took the stand and decided to throw all this other
11 stuff in there, all this other stuff that he thinks he
12 can use to get away with murder.

13 Does anyone really think that Yumonica would get
14 out of that car with her ten-year-old sitting right there
15 and her three-year-old baby in that other car and say
16 any of those things that he alleges? Absolutely not.
17 And if any of that had happened, that would have been the
18 first thing he said to Chief Robinson. That would have
19 been the primary thing he said to Chief Robinson and
20 there's not a single word about glasses coming off,
21 spitting, or any words whatsoever. He instigated this
22 himself. He was lying in wait for her with that gun,
23 the gun he had just bought two days earlier.

24 His intent is clear. The malice is clear. She
25 came out there in the middle of the night for her baby,

1 that was the only reason, and any mother as Yumonica
2 was would go to the ends of the Earth for her baby. She
3 got out to go check on TT and he tells us what happens
4 next. When she went to the back and she realized it
5 wasn't wrecked, she said what kind of prank is this.
6 Everything he told you earlier today wasn't true. That
7 whole story about oh, never mind, I told her it wasn't
8 really a wreck, it's not true.

9 July 4, 2019, while he's still on the run he told
10 Chief Robinson. He told Chief Robinson what really
11 happened and right there it is. His side as he told
12 Chief Robinson, his words, this is his chance to tell
13 what really happened, and there you have it. He says
14 he brought her out there to talk to her, but he's armed
15 with a gun. All those places in Aiken county we know he
16 could have talked to her. No, he brings her out to the
17 middle of nowhere because he thinks he can get away with
18 it. And there's nothing in there about spitting or
19 Yumonica saying anything to him other than what kind of
20 prank is this when she realizes that it's all a lie and
21 that there wasn't a wreck. And he's got that gun and
22 then he says the same way I'm about to kill you and she
23 turns to the side to flee, I submit, and he says as cold
24 and calculated and malicious as it could ever be, and I
25 popped her in the head.

1 I want to talk about that. Popped her in the head.
2 Right there in the right temple. He knew exactly what
3 he was gonna do before her car ever pulled up. That's
4 an execution shot. That's the only place that you would
5 shoot someone if you fully intended for them to die,
6 if you fully intended for it to be a fatal shot, an
7 execution. She never had a chance. Her fate was sealed
8 the moment she answered that call and she had to. She
9 had no choice. He had her baby. She had to go out
10 there. There was nowhere left for her to turn and there
11 was nowhere to run. When she got out there and she was
12 in his hands, it was already over. It was over when he
13 took that money out of her bank account earlier that
14 night, when he over-drafted it as he said. He knew she
15 wasn't gonna need the money and he knew he was gonna be
16 on the run.

17 When we talk about malice, there's so many aspects
18 to malice, but to say to her like I'm about to kill you
19 and then do it, her ten-year-old right there, and then
20 you disappear into the wind. And you heard that baby on
21 9-1-1. I don't know where I am.

22 A clear and present evil, but for malice it need
23 not exist a day in advance, even though I submit the
24 State has proven beyond a reasonable doubt that malice
25 did exist a day in advance, it existed when he was

1 telling Kareem that he wanted to cut her throat. It
2 existed two days in advance when he went and bought that
3 gun. It existed at 11:38 PM when he sent that text to
4 J.V. [REDACTED] saying he'd been in a car accident and they were
5 hurt. But that is not required by the law. The law only
6 requires that malice exist at the time of the fatal act,
7 at the time that the trigger is pulled, and that's it.
8 That's the only requirement for malice aforethought and
9 there is no doubt whatsoever that he pulled that trigger
10 with malice. The pathologist testified that that gunshot
11 wound was at least three feet or greater away. He already
12 knew what he was gonna do.

13 So when we talk about murder, let's take a look at
14 the elements of murder. Murder is defined under South
15 Carolina law as the killing of any person with malice
16 aforethought and malice can be determined to be either
17 express or implied. And, again, as I just stated, with
18 malice aforethought it need not exist an hour or ten
19 minutes or any amount of time in advance, only at the
20 time that he pulls that trigger. And malice is hatred,
21 ill will or hostility. There's no greater definition of
22 malice than what we see here.

23 When we say it can be express or implied, inferred,
24 express malice is a statement such as like I'm about to
25 kill you. And how do we know he made that statement? He

1 tells us he did. He told Chef Robinson he did before he
2 came up with all these other stories.

3 So let's take a look at his own words in that call
4 to Chief Robinson. Again, his chance to tell his story,
5 his chance to tell his side as he put it, and it was at
6 his request that that call was recorded. He wasn't in
7 custody. He called Chief Robinson to tell his side.
8 That night I told her I had a bump up and that I needed
9 her to call. That night I went and over-drafted her
10 account, got some money out, and I told her I had a
11 wreck. He puts those things right together. Why?
12 Because they're part and parcel of the same act.

13 Now when you hear him testify and I submit, again,
14 is master manipulation, now he says oh, she knew I was
15 gonna take all that money out. Really? Yumonica had
16 just told him two days earlier put every cent back.
17 You've seen the text. It was a huge source of discord.
18 She needed that money. She earned that money. That
19 money was hers. And so he goes and puts it back into
20 the account on June 30th, you saw those text messages,
21 but then on the night of July 2nd he goes and withdraws
22 all of it. All of it. That's why it's over-drafted.
23 It's all gone. As Shabba told you, she finds no money
24 in that account after Yumonica's death.

25 So now we've got this story about why the money was

1 taken out, but that night he says I went and over-drafted
2 her account, got some money out, and I told her I had a
3 wreck. She came out there to the place. When she went
4 to the back and realized it wasn't wrecked, she was like
5 what kind of prank is this. That's when she realized it
6 wasn't wrecked right out there on Highway 191, 1:30 in
7 the morning, in the darkness. Everything he said today
8 is a lie. .

9 I pulled the gun out on her and I said the same way
10 I'm about to kill you. Express malice. She turned to
11 the side and I popped her in the head. No emotion. As
12 cold and calculated as it gets.

13 Another thing he says in that call to Chief Robinson
14 is do I regret it, yeah, because our daughter's in the
15 car. Not because I took her life. Not because she's
16 been ripped by her -- away from her children. He says
17 do I regret it? Yeah, because our daughter was in the
18 car.

19 That's also what led to him being identified as a
20 suspect. If it weren't for J.V. seeing what she saw
21 and being out there, he would have been long gone to
22 Georgia. He does regret it only for that reason.

23 Proof of malice. I want to talk to you about some
24 of these things because malice is the heart and center
25 of this case. He says to Kareem on July 2, 2019, he's

1 about to do something soon. What if I cut her throat?
2 I'm about to make my move. We know that he lures her
3 out there by the texts and the calls. Somebody just hit
4 us in the back. That's at 11:38 PM.

5 You know, I have no idea what Mr. Madsen might get
6 up here and say. He may -- he may say that oh, there
7 was no cooling off period. There was no cooling off
8 period and that makes it somehow voluntary manslaughter.
9 I have no idea. I'll have to wait and see what he says
10 about that. I'll have to wait and see.

11 But 11:38, two hours, two hours before he kills
12 Yumonica. The defendant selected a location that was
13 dark and secluded. We know that. There's many well-lit
14 locations in Aiken county that if he just wanted to talk
15 to her he could have done. He could have talked to her
16 at their house at Camillia Street. That's where J. V. [REDACTED]
17 was. No. No, it's not by coincidence that he brings her
18 all the way out in the middle of the night to Edgefield
19 in that peach orchard.

20 We know that he maintains that story about TT being
21 hurt and that J. V. [REDACTED] believed it and told her mommy and
22 that her mommy believed it up until the point she got
23 out of that car and, as he put it, when she looked at the
24 back and realized there wasn't a wreck. The statement
25 he made of express malice. Undeniable. And that night

1 we know that the defendant over-drafted her account as
2 he just said and what did he do then? What did he do
3 then after? His words, popped her in the head. Right
4 there.

5 Did he offer any assistance? No. He left J.V. [REDACTED]
6 behind. We know from Shabba and other evidence presented
7 in this case that Yumonica had every intention of moving
8 on with her life. Look, divorce is hard. Everybody gets
9 that. Divorce is hard, it's difficult, but what's worse
10 than a difficult divorce is to stay in a marriage where
11 there are children and the marriage isn't gonna work
12 and the marriage is unhappy, and Yumonica realized that.
13 Yumonica had to leave. Yumonica made a choice. He
14 couldn't accept that choice and he murdered her. He
15 wasn't gonna let her move on without him.

16 The past can't be undone. It's too late to save
17 Yumonica. It's too late to bring her back to her
18 children, to Shabba, to J.V. [REDACTED] to Taraji. It's too
19 late, but it's not too late for justice. It's never too
20 late. And the most important thing that I can say right
21 now is to call it what it is. Call it what it is and
22 say her name. Her name was Yumonica. She was 46 years
23 old, she worked at that Milliken plant most of her adult
24 life. She worked hard, she raised her children. She
25 had that house in Aiken county and she had the will and

1 the strength to move on with her life when she knew it
2 was right to do so. And call it what it is. Call it
3 what it is. It's murder.

4 Thank you.

5 THE COURT: Mr. Madsen.

6 MR. MADSEN: May it please the Court?

7 THE COURT: Yes, sir.

8 MR. MADSEN: Solicitor.

9 A person can only take so much before they snap.
10 Those are the first words I said to you because a person
11 can only take so much before they snap. Tirrell Means
12 didn't have to, but he testified. You didn't hear about
13 a heart filled with malice. You heard about a heart
14 filled with hurt, despair and anguish. You saw him up
15 there.

16 You heard about the text messages and about the
17 money disputes. What married couple doesn't have those?
18 I think it probably happens to everyone. We all know to
19 use an ATM you have to have a PIN to take money out of
20 it. And Shabba told you she could turn it on and off
21 using the computer at the request of her mother and that
22 even she had her mother's PIN. Shabba also told you that
23 Monica had been out with an injury from Milliken. And
24 I'm sure y'all know a contractor or two. That kind of
25 job can sometimes be feast or famine, so they did have

1 money problems.

2 And I told you in the beginning with Monica and
3 Tirrell how it could be one way one day and another way
4 the next day. Or, I guess, even minutes later. You
5 heard about their separation papers in April, 2019. Not
6 even close to when they got married. Something printed
7 off the Internet. Shoved under a bed is where Shabba
8 found it. Never filed. They were still living together.

9 And you heard about the back and forth texts. Their
10 expert. At 6-29, why wouldn't they ask their expert
11 about that? Why would they try to hide that from you?
12 Does that fit their narrative? Of course not. 6-29
13 Tirrell texted her "I love you". She texts him back "I
14 love you more". They didn't want you to hear that. She
15 then texts him again on 6-29, "when you get some money,
16 hook me up". He responds "you know I will, all kisses
17 over here, baby". He then texts her again on 6-29.
18 "I miss you baby". Remember, she's at -- down near
19 Savannah at Tammy's baby shower. She texts him back "me,
20 too, really -- or me too really". All on 6-29. And then
21 he talks and told you how he was going to go down there
22 maybe to an outlet mall and get some shoes and that and
23 they have some texts back and forth about that and he
24 says "hey, I'm gonna have to get a place to stay" and
25 she said "you said you will let me know where you are

1 staying. So you, not us?". All on 6-29.

2 Why would the State want to hide this from you?
3 Why would they not ask their expert about those? Are
4 they trying to change the narrative? Are they trying
5 to pull one over on you? Does it -- it just doesn't
6 fit with what they want you to believe. That's an easy
7 answer. Their expert went through and told you about
8 those.

9 What do we also know about those texts? What did
10 I ask the expert about? Right in the middle of those
11 texts she's texting Kendrick Gambrell. "I can't seem
12 to stop thinking about you". So as their texts are all
13 lovey-dovey between the two of them, I love you, I love
14 you more; I miss you, I miss you, too; hey, you said you
15 were coming down and get a place; you, not us, in the
16 middle of that she's texting Kendrick. They even talk
17 about -- something about hey, will you leave him alone?
18 No. He loves his wife. He's even trying to bargain
19 with her to maybe do some stuff that most people wouldn't
20 want to do. Naked pictures on her phone of another man.
21 Would that cause anyone hurt, despair or anguish? It's
22 a pretty simple answer. Of course.

23 How about waking up next to your spouse with the
24 bed shaking while they're having phone sex with someone
25 else? Could that send you over the top? Obviously.

1 Hears it while he has his CPAP on, and maybe some of you
2 have it, they're not a lot of fun to wear, I can promise
3 you that, and they can be loud, and to wake up over that
4 and hear that. Anyone in that situation would have hurt,
5 despair and anguish and cause a sudden heat of passion.

6 A person can only take so much before they snap.
7 Waking up on July 2nd in the same bed with your wife,
8 playing around, having oral sex, and then setting off to
9 work. And he kind of told you what he had going on at
10 work for four different jobs, mainly Saluda, Johnston,
11 that he needed help, that he had to go up and get his
12 brother George in Greenville, he had to pick Kareem up
13 and then take the child somewhere and then Kareem's child
14 gets in -- or gets hurt and so he's got to drop him back
15 off and that they meet at Riley's for lunch and Yumonica
16 comes out there and then when everything's done, she
17 brings him back, they're waiting on the truck, they're
18 all at their house together, George, Yumonica, Tirrell,
19 then she takes him back out to go get his truck because
20 the fella's looked at it, they come back and Yumonica
21 gets in her car to go, Tirrell has to go Greenville to
22 take his brother back, and so they start heading up
23 there.

24 TT's in the back. As he said, she's with him
25 99 percent of the time, and they drop George off and he

1 and Kareem and TT start coming back and they see something
2 on the house cameras. A big old SUV, I think he said
3 Kareem thought it was the Feds, and he takes a look at
4 it and it's Kendrick. And who confirmed that? J.V. [REDACTED]
5 Did they ask her about that? No, they forgot about that.
6 Why? Because they're trying to hide it. They don't
7 want you to have the full story.

8 A person can only take so much before they snap.
9 It's going and it's going and it's building. Tirrell
10 gets back, stops at his place, realizes Pat's car's gone,
11 was told a story about Yumonica going to the gym, so he
12 goes down to Pat's and he told you when he got out and
13 he walked up to that apartment what he heard. Would that
14 cause someone to lose their mind? Would that cause hurt,
15 despair and anguish to hear your spouse doing that? Who
16 wouldn't go absolutely nuts when you heard that happen?

17 He told you he leaves. He's crying. Kareem's kind
18 of a nonchalant guy. What's going on? He's not thinking
19 straight. His heart is racing. He drives, he stops back
20 in Aiken, and then he just keeps driving. But he wants
21 to talk to Yumonica. Wouldn't anyone want an answer?
22 Wouldn't you keep calling, keep texting, trying to find
23 out why, what has just happened? No one's going to be
24 thinking straight at that point in time. Anyone's going
25 to lose their mind when they hear their spouse doing

1 something like that.

2 He doesn't realize that Yumonica's left her phone
3 with J. V. [REDACTED] when he's calling and texting. He keeps
4 on trying, trying, trying and then comes up with a story
5 about an accident, and that finally works.

6 So she leaves Pat's house where Kendrick is at.
7 Where are you at? I'm coming to you, I'm driving. He
8 tells her the accident didn't happen, I just want to
9 talk. What's J. V. [REDACTED] tell you? That mom said TT's okay
10 on the drive there. They want you to ignore that because
11 it doesn't fit within their narrative.

12 The government wants you to believe that he's just
13 sitting there lying in wait. That this place is the
14 most rural place in Edgefield, South Carolina. The
15 entire county and he picks out the most rural place. A
16 peach orchard. But we know from the testimony of the
17 Lieutenant Doran a little over two miles from Johnston.
18 And I would submit to you that in the peach capital of
19 the world that if you drive that way, if you drive that
20 way, if you drive that way or if you drive that way,
21 you're gonna come to a peach orchard. Johnston, the
22 second largest city in the county. Why would they try
23 to make it sound like that? They're trying to make you
24 think a certain way. They're trying to say that he's
25 this malicious person that has come up with this idea

1 and just killed her. He doesn't take the body anywhere,
2 he doesn't move her car, he doesn't do anything. Is
3 that someone who's planned and calculating or someone
4 in a sudden heat of passion does something that they are
5 going to regret for the rest of their life? They want
6 you to think that he's planned this out, picked this
7 perfect location. He doesn't do anything to cover it up.
8 Kareem starts yelling at him, what did you do, what did
9 you do, and you just need to drive.

10 And you heard from Tirrell when she got there that
11 he asked her about what he heard and that she said some
12 very crass, mean-spirited and hurtful things, rushed him
13 in the face knocking off his glasses, spit on him and
14 told him that it was Kendrick's cum. Who wouldn't lose
15 their stuff? If I walked down the street and I spit on
16 someone and said oh, this was this, you don't think
17 there's gonna be a fight? You don't think that someone
18 is just going to absolutely lose it to where they are
19 not rational and just do something? And he lost it and
20 he told you he lost it and in a sudden heat of passion
21 with sufficient legal provocation he killed her.

22 Ladies and gentlemen, that is not murder. That is
23 voluntary manslaughter. Who wouldn't lose it at that
24 point? Who wouldn't go absolutely nuts and just lose it?

25 Now out at the scene, the State called a number of

1 witnesses. You heard from Jacob Derrick. Kind of a
2 Good Samaritan, just stops, and then you saw a picture
3 of him. And then you heard from J. V. [REDACTED] and you saw a
4 picture of her and Lieutenant Doran, you saw pictures
5 of Investigator Smith and Lieutenant Doran. Did anyone
6 ever dispute that they were out there? Why is the State
7 trying to do that to buttress, like, oh, just in case you
8 don't believe us, look, here's a picture of him. He's
9 there. Here's a picture of him handing over the phone.
10 Or are they just trying to make it like, hey, we did so
11 much more, don't -- don't pay attention to what went on,
12 just, you know, there's a picture of these folks here.
13 Maybe you should believe us.

14 But what do we know? No footprints, no tire prints
15 matching anything, they don't bring out a metal detector
16 to try to find metal and they definitely don't take any
17 DNA off Yumonica's hands because they don't want to
18 corroborate what happened.

19 Everything you know about what happened comes
20 because Tirrell has told you. That Tirrell cooperated.
21 They want to talk about him leaving and running away.
22 Like they had to put him on poster boards, do TV shows
23 about him, America's Most Wanted. Where is he? Is that
24 what happened? That he fled the scene and they had to
25 somehow catch him. When someone's in the heat of passion

1 and snaps and they aren't thinking straight, they leave.
2 He doesn't do anything there to try to cover it up,
3 doesn't try to move the body somewhere, move the car or
4 anything. He loses his mind, he does something terrible
5 and he leaves, but when he came back to his senses what
6 did he do? Under two days later what does he do? Did
7 they have to go catch him? Was there a car chase? When
8 he comes back to his senses, what does he do? He calls
9 Chief Robinson.

10 Chief Robinson told you this wasn't an interview,
11 I didn't do followup questions, I was just kind of
12 listening as a friend at that point in time. Was Tirrell
13 still upset? Yes. Did he turn himself in? Yes. Pastor
14 Hoopes brought him back from his dad's. He even told
15 you how he gave the video interview when he got back to
16 Investigator Smith and Investigator Ireland. Why don't
17 they want you to see that? They have the burden of proof.
18 It doesn't fit their narrative. When he comes to his
19 senses, he comes back. Does he throw away the gun? He's
20 this malicious guy trying to get away with it. Does he
21 throw away the gun? Or when he came to his senses does he
22 bring it back with him? How about his phone? Does he
23 pitch that? Or when he comes back to his senses does he
24 bring it back with him?

25 I would submit to you that if you take something

1 like this or that firearm that there are a lot of lakes
2 and rivers or places that you could throw it that no one
3 would ever get it and if you're this malicious, conniving
4 person trying to kill someone and hide it, you would do
5 that. You wouldn't bring it back with you. He came to
6 his senses. The heat of passion has subsided. He
7 realized what he did. Even the Secret Service told you
8 without the phone they can't do those extractions.

9 A person can only take so much. A person can only
10 take so much before they snap. Ladies and gentlemen, his
11 actions were clearly unlawful, but they're not murder.
12 His heart wasn't filled with malice. You saw him on
13 the stand. His heart was filled with hurt, despair,
14 anguish. A person can only take so much before they
15 snap and Tirrell is not guilty of murder, he's guilty
16 of voluntary manslaughter, which is the unlawful killing
17 of another during heat of passion with sufficient legal
18 provocation. Heat of passion. Someone mashing you in
19 the face, spitting supposed semen on you from someone
20 else right after you have to hear them having sex with
21 someone. Everything that was building, that's heat of
22 passion. The spitting on, the argument, the words,
23 sufficient legal provocation. It's not a malicious
24 killing. This is a person whose heart's filled with
25 hurt, despair and anguish and he did something that he

1 will have to live with for the rest of his life, but
2 what he did was voluntary manslaughter.

3 Thank you.

4 THE COURT: Ms. Mayes.

5 MS. MAYES: May it please the Court?

6 THE COURT: Yes, ma'am.

7 MS. MAYES: And I'll be brief, but this is the
8 State's last opportunity to respond. What defense just
9 stated is that a person can only take so much, something
10 they've been saying over and over and over again as if
11 somehow he just learned of Kendrick and snapped.

12 Yumonica could only take so much. Yumonica realized
13 she needed out of that marriage. She told him that. She
14 gave him every chance to leave. He wouldn't leave. You
15 heard the testimony. You hear the testimony that he
16 eventually told his friend Kareem she's just gonna have
17 to evict me. Yumonica texts him on July 1st. "I see
18 you haven't gotten your stuff out of my house. I want
19 my bank cards and money. You know what, just bring me
20 my keys, the keys to that Kia, and cards, and I'll eat
21 the loss if it means getting you out of my life and out
22 of my house". Yumonica's only crime was wanting to be
23 free which she had every right to do. She wanted to
24 co-parent with him because of TT and because of that
25 it meant he still had to be a part of her life. They

1 still had to be civil. They still had to have some
2 level of love for one another. Don't fault her for that.
3 Yumonica had been subjected to that manipulation over and
4 over again. That same manipulation that allowed him to
5 take the money out of her account and then say oh, I'm
6 sorry, I'll put it back and then on the night he kills
7 her go take it all out.

8 That's Tirrell. That same manipulation that brought
9 Yumonica out there is the same manipulation that he used
10 on that stand to somehow now, as Mr. Madsen puts it, call
11 this voluntary manslaughter. Manslaughter. A lesser
12 offense that if he can come up with all these crazy
13 outrageous reasons to claim, oh, sudden heat of passion,
14 look at all these horrible things she did to me. Oh,
15 now I'm gonna say she spit on me. Now I'm gonna say she
16 knocked my glasses off. None of that was in that call
17 to Chief Robinson because it didn't happen. And this
18 ridiculous part about what he claims she said to him,
19 again, your common sense, that same common sense that
20 un-fogs the mirror, just rely on that.

21 J.V. [REDACTED] was right there with her. She never said
22 that. He told us in that statement to Chief Robinson
23 exactly what she said. She got out and realized there
24 wasn't a wreck and she said what kind of prank is this.
25 He tells her he's gonna kill her and pulls the gun and

1 he does it. All that other stuff he got up there and
2 said is just manipulation. That same manipulation he
3 pulled on Yumonica over and over and over again until he
4 killed her. Until he killed her. And now he wants to
5 use it to say it's not murder, but it is. It is murder
6 and it is with malice.

7 And the judge will charge you on exactly what
8 voluntary manslaughter is, but voluntary manslaughter by
9 definition means that there cannot be malice. Voluntary
10 manslaughter means an act of killing another in the
11 sudden heat of passion with legal provocation without
12 malice. That's why it doesn't apply and it can never
13 apply in this case. There was malice in his heart and
14 malice in his mind and when he pulled that trigger he
15 knew he was gonna kill her and there was nothing she
16 could do. She couldn't get away. It's malice every
17 day. It's the very definition of malice.

18 Please, the State implores you, don't lose sight
19 of that. Let the evidence light the path and the
20 evidence lead the way. She's not here to say what
21 really happened, but we know. We know from that
22 statement to Chief Robinson and we know from CSI who
23 found no evidence of a struggle. The only shoe prints
24 around her were first responders, not his shoes. That
25 gunshot was three feet away or greater. She never had

1 a chance.

2 Ladies and gentlemen, this is murder and in
3 Edgefield county you cannot commit a crime of this
4 nature. It will not be tolerated. You can't take the
5 mother of these children out in the middle of the night
6 and lure her there with a gun with malice in your heart
7 and execute her. You cannot do that and call it
8 anything other than what it is. It's murder.

9 Thank you.

10 THE COURT: Thank you, Ms. Mayes.

11 I'm getting ready to charge the jury. Are there
12 any matters I need to take up with the attorneys?

13 MR. MADSEN: No, Your Honor.

14 THE COURT: For the State?

15 MS. MAYES: No, Your Honor.

16 THE COURT: All right. Let me address the jurors.

17 Members of the Jury, it is now my duty as the trial
18 judge to instruct you on the law applicable to this case
19 and in that regard it is your duty as jurors to accept
20 and apply the law as I know state it to you.

21 Furthermore, it is your exclusive duty to decide all
22 the issues of fact in this case and to determine the
23 effect, value, weight and truth of the evidence. All the
24 parties have the right to expect that you will carefully
25 consider and evaluate the evidence and apply the law of

1 this case to it so that in the end, all parties will
2 receive a fair and impartial trial.

3 During this trial you and I have separate duties to
4 perform. As the trial judge, it is my responsibility
5 to presides over this trial and to rule upon the
6 admissibility of evidence offered during the trial. In
7 that regard, you are to consider only the evidence
8 before you; that is, you are to consider only the
9 testimony which has been presented from the witness
10 stand together with any exhibits admitted into the
11 record of the case and any stipulations of counsel.

12 If you remember, we had one stipulation, and I'm
13 going to read it to you again. I read it to you during
14 the trial when they stipulated.

15 The State and the defendant agree to a stipulation
16 of evidence that Yumonica Means was negative for drugs
17 and alcohol as a result of a SLED toxicology test.

18 If you have any preconceived ideas as to what the
19 law is or what you think the law ought to be and it
20 does -- does not agree with what I tell you the law is,
21 you are obliged under your oath to abandon these
22 preconceptions because you are sworn to accept the law
23 as I now state it to you.

24 In this trial, you are the sole and exclusive judge
25 of the facts. Do not infer that I have any opinion about

1 the facts in the case from anything I have said or done
2 during the course of this trial. In this regard, the law
3 simply does not permit me to have an opinion about the
4 facts.

5 As jurors, it is your duty alone to determine the
6 effect, value, weight and truth of the evidence presented
7 during the course of this trial.

8 Furthermore, it is your job as jurors to determine
9 the credibility or believability of the witnesses who
10 have testified in this case. You must evaluate the
11 evidence and determine which evidence convinces you of
12 its truth.

13 In determining the believability of witnesses who
14 have testified in the case, you may believe one witness
15 over many or many over one. You may believe a part of
16 the testimony of a witness and reject the remaining part.
17 You may believe the testimony of a witness in its
18 entirety or reject it in full. You may consider whether
19 the witness has an interest in the result of this trial,
20 whether the witness is prejudiced for either party, the
21 opportunity for the witness to have seen the matters and
22 things about which the witness may testify and the way
23 the witness acts on the witness stand.

24 Furthermore, evidence may be direct or
25 circumstantial. Direct evidence is testimony by a

1 witness about what the witness personally saw or heard
2 or did. Circumstantial evidence is indirect evidence.
3 In other words, it is proof of one or more facts from
4 which one can find another fact. You may consider both
5 direct and circumstantial evidence equally. Crimes may
6 be proven by circumstantial evidence. The law makes
7 no distinction between the weight or value to be given
8 to either direct or circumstantial evidence.

9 However, to the extent the State relies on
10 circumstantial evidence, all of the circumstances must
11 be consistent with each other and when taken together
12 point conclusively to the guilt of the accused beyond a
13 reasonable doubt. If these circumstances merely portray
14 the defendant's behavior as suspicious, the proof has
15 failed.

16 The State has the burden of proving the defendant
17 guilty beyond a reasonable doubt. The burden rests with
18 the State regardless of whether the State relies on direct
19 evidence, circumstantial evidence or some combination of
20 the two.

21 The evidence from which you are to decide what the
22 facts consist of in this case are sworn testimony of the
23 witnesses, both on direct and cross-examination, the
24 exhibits which have been admitted into evidence, and
25 any facts to which all the attorneys have agreed and

1 stipulated. I read the stipulation earlier.

2 The following things are not evidence and you must
3 not consider them as evidence in deciding the facts of
4 this case. Statements and arguments of the attorneys,
5 questions and objections of the attorneys and testimony
6 that I instruct you to disregard. I don't believe I
7 did that in this case.

8 The rules of evidence ordinarily do not permit
9 witnesses to testify to opinions or conclusions. In
10 this case, I believe we had five expert witnesses. An
11 exception to this rule exists for witnesses we call
12 expert witnesses. A witness who by education and
13 experience has become an expert in some art, science or
14 profession may give an opinion as to the subject the
15 witness claims to be an expert in and may also give the
16 reasons for the opinion.

17 You should consider any expert opinion given by a
18 witness and like any other evidence give it the weight
19 you think it deserves. If you decide that an expert
20 witness's opinion is not based on sufficient education
21 and experience or if you decide that the reasons given in
22 support of the opinion are not sound or that the opinion
23 is outweighed by other evidence, you may disregard the
24 opinion entirely.

25 An expert witness's testimony is to be given no

1 greater weight than that of any other witness simply
2 because the witness is an expert and you do not have
3 to accept an expert's opinion even though it is
4 uncontradicted.

5 During this trial you heard testimony from a child.
6 Where a witness is a child, you must determine as with
7 any witness whether that testimony is believable. In
8 deciding believability, you may consider not only matters
9 that I've already discussed with you, but you may also
10 consider the age of the child, the child's ability to
11 understand and answer questions. Because young children
12 may not fully understand what is happening, it is up to
13 you to decide whether the child understood the seriousness
14 of appearing as a witness at this criminal trial, whether
15 the child understood the questions, whether the child has
16 a good memory and whether the child understands the
17 difference between lying and telling the truth.

18 In addition, young children may be influenced by
19 the way that questions were asked. It is up to you to
20 decide whether the child understood the question --
21 questions asked.

22 The defendant in this case is presumed innocent.
23 This is no mere legal theory. It is a fundamental and
24 substantial right to which everyone is entitled. It is
25 like a robe of righteousness placed around the defendant

1 that remains with him through every stage of the trial,
2 continues with him after you retire to your jury room to
3 deliberate and continues to exist so that the defendant
4 is presumed innocent unless and until you, the jury,
5 determine that the State has proved the guilt of the
6 defendant beyond a reasonable doubt.

7 A defendant is not required to prove his innocence.
8 He is not required to prove anything. The burden is upon
9 the State to prove the guilt of the defendant beyond a
10 reasonable doubt and it is required that every essential
11 element of an offense charged be proven by the State
12 beyond a reasonable doubt. The State is not required
13 to prove the guilt of the defendant beyond all doubt or
14 beyond every doubt; however, the appropriate standard
15 is proof beyond a reasonable doubt.

16 The State has the burden of proving the defendant
17 guilty beyond a reasonable doubt. Some of you may have
18 served as jurors in civil cases where you were told it
19 is only necessary to prove that a fact is more likely
20 true than not true, such as by the greater a weight or
21 preponderance of the evidence. In criminal cases, and
22 this is a criminal case, the State's proof must be more
23 powerful than that. It must be beyond a reasonable
24 doubt.

25 Proof beyond a reasonable doubt is proof that

1 leaves you firmly convinced of the defendant's guilt.
2 There are very few things in this world that we know
3 with absolute certainty and in criminal cases the law
4 does not require proof that overcomes every possible
5 doubt. If, based on your consideration of the evidence,
6 you are firmly convinced that the defendant is guilty of
7 the crime charged, you must find the defendant guilty.
8 If, on the other hand, you think there is a real
9 possibility that the defendant is not guilty, you must
10 give the defendant the benefit of the doubt and find
11 him not guilty.

12 Testimony has been given about a statement allegedly
13 made by this defendant to law enforcement. In evaluating
14 the alleged statement, you first need to determine if
15 the State has proven that the defendant, in fact, made
16 the statement. If not, then you cannot consider that
17 alleged statement in any way against the defendant. If
18 you find that the defendant made the statement, the next
19 thing you are going to have to evaluate is whether the
20 defendant was properly advised of his Miranda -- of his
21 rights prior to being interrogated and giving the
22 statement. If a person is in custody, he must be given
23 his Miranda warnings prior to interrogation by the police.
24 Miranda warnings are that you have the right to remain
25 silent, that any statement made can and will be used

1 against you in court, that you have the right to an
2 attorney and if you do not have the resources to hire a
3 lawyer, the Court will appoint one at no expense, that
4 you have a right to consult a lawyer before answering
5 any questions or making any statement, that you have
6 the right to have a lawyer present at all times during
7 all interviews and all interrogations, and that you may
8 stop answering questions at any time.

9 While these exact words do not have to be used, the
10 substantial equivalent must be communicated in order to
11 constitute Miranda warnings. If the State proves that
12 it gave Miranda warnings prior to interrogating the
13 defendant while in custody, the State must then prove
14 that the defendant knowingly and intelligently waived
15 his constitutional rights and made the statement to
16 police.

17 The final requirement is that the statement in
18 question must have been given voluntarily. The State
19 must prove that the statement was the expression of the
20 defendant's own free will and was not improperly induced
21 by compulsion, duress, force or fear or by the promise of
22 some reward or hope of reward. Unless the statement was
23 given freely and voluntarily, you may not consider it
24 against the defendant.

25 If a statement was made while in custody to law

1 enforcement -- let me repeat that. If a statement was
2 made while in custody to a law enforcement officer in
3 response to the officer's questions, I instruct you that
4 you cannot use that statement against the defendant
5 unless you are satisfied that the State has proven beyond
6 a reasonable doubt every requirement about which I have
7 instructed you.

8 Now the defendant in this case is charged with two
9 separate and distinct offenses, each of which must be
10 evaluated on its own merit or lack of merit.

11 In one indictment Mr. Means is charged with murder.
12 It is alleged that in Edgefield county on or about
13 July 3, 2019, Tirrell Means, with malice aforethought,
14 shot Yumonica Means proximately resulting in Ms. Means'
15 death.

16 In the other indictment Mr. Means is charged with
17 possessing a firearm during the commission of the alleged
18 murder, which is a violent crime.

19 I remind you that these indictments themselves are
20 not evidence. In order to establish criminal liability,
21 criminal intent is required. For example, the mental
22 state required to be proven by the State for a particular
23 crime might be purpose, intent, knowledge, recklessness
24 or criminal negligence. Criminal intent must be proven
25 by the State beyond a reasonable doubt. Criminal intent

1 is always a matter that must be determined by the jury
2 from the circumstances surrounding the situation.

3 There is no way to prove intent to a mathematical
4 certainty. There is no medical science that can dissect
5 a person's brain and determine what the person had in
6 mind, so the law says that a criminal intent may be
7 inferred from the circumstances shown to have existed.
8 This is how you make a determination of whether or not
9 the element requiring intent was present. It is not
10 necessary to establish intent by direct and positive
11 evidence, but intent may be established by inference
12 in the same way as any other fact by taking into
13 consideration the acts of the parties and all the facts
14 and circumstances of the case.

15 Criminal intent is a mental state, a conscious
16 wrongdoing. It is up to you to determine what the
17 defendant intended to do based on the circumstances
18 shown to have existed. Criminal intent can arise from
19 action or a failure to act, it may arise from negligence,
20 recklessness or an indifference to duty or to consequences
21 that is considered by the law to be the equivalent of
22 criminal intent.

23 I'm now going to explain to you the law as it applies
24 to the charges against the defendant. The defendant is
25 charged with murder. The State must prove beyond a

1 reasonable doubt that the defendant killed another person
2 with malice aforethought.

3 Malice is hatred, ill will or hostility towards
4 another person. It is the intentional doing of a
5 wrongful act with just cause or excuse and with an intent
6 to inflict an injury or under circumstances that the law
7 will infer an evil intent.

8 Malice aforethought does not require that malice
9 exist for any particular time before the act is committed,
10 but malice must exist in the mind of the defendant just
11 before and at the time the act is committed. Therefore,
12 there must be a combination of the previous evil intent
13 and the act.

14 Malice aforethought may be express or inferred.
15 These terms "express" and "inferred" do not mean different
16 kinds of malice, but merely the manner in which malice
17 may be shown to exist; that is, either by direct evidence
18 or by inference from the facts and circumstances which
19 are proved.

20 Express malice is shown when a person speaks words
21 which express hatred or ill will for another or when the
22 person prepared beforehand to do the act which was later
23 accomplished. Malice may be inferred from the conduct
24 showing a total disregard for human life. If facts are
25 proved beyond a reasonable doubt sufficient to raise an

1 inference of malice to your satisfaction, this inference
2 would be simply an evidentiary fact to be considered by
3 you, the jury, along with all the other evidence in the
4 case and you may give it the weight you decide it should
5 receive.

6 If you find the State has failed to prove beyond a
7 reasonable doubt that the defendant committed murder,
8 you may consider whether the State has proved beyond a
9 reasonable doubt that the defendant committed voluntary
10 manslaughter. Included within the offense of murder is
11 the lesser offense of voluntary manslaughter.

12 Manslaughter is defined as the unlawful killing of
13 another without malice, express or implied. To prove
14 voluntary manslaughter, the State must prove beyond a
15 reasonable doubt that the defendant took the life of
16 another in the sudden heat of passion based on sufficient
17 legal provocation. Both heat of passion and sufficient
18 legal provocation must be present at the time of the
19 killing to constitute voluntary manslaughter.

20 Sudden heat of passion may for a time affect a
21 person's self-control and temporarily disturb a person's
22 reason. The sudden heat of passion must be the type
23 that would make an ordinary person unable to cool and
24 reflect on his actions and would produce an uncontrollable
25 impulse to do violence. Even when a person's passion

1 has been sufficiently aroused by a legally adequate
2 provocation,
3 if at the time of the killing those passions had cooled
4 or a sufficiently reasonable time had elapsed so the that
5 passion of an ordinary reasonable person would have cooled,
6 the killing would be murder and not manslaughter.

7 At the same time, in determining whether an act which
8 caused death was compelled by heat of passion or by
9 malice, all the surrounding circumstances and conditions
10 are to be taken into consideration, including previous
11 relations and conditions connected with the tragedy, as
12 well as those existing at the time of the killing.

13 Sufficient legal provocation must be the type that
14 would make a person of ordinary reason and caution become
15 enraged and to lose control temporarily. The provocation
16 needed for voluntary manslaughter must come from some act
17 of or related to the victim. Whether any accused cooled
18 off prior to a violent act must be determined by a review
19 of all the circumstances surrounding the event and the
20 people involved.

21 Words alone however vulgar or insulting are not
22 enough to be legal provocation. Where death is caused by
23 the use of a deadly weapon the words must be accompanied
24 by some overt threatening act which could have produced
25 the heat of passion. The exercise of a legal right no

1 matter how offensive it is to another is never sufficient
2 legal provocation for manslaughter.

3 If the heat of passion had cooled or if there was
4 enough time between the provocation, if any, and the
5 killing with the passion of a reasonable person to cool,
6 the killing would not be voluntary manslaughter.

7 In deciding whether a reasonable person would have
8 had enough time to cool off, you should consider all the
9 circumstances surrounding the killing. You may consider
10 the nature of the provocation, if any, the defendant's
11 mental and physical state and the circumstances and
12 relationships between the parties.

13 If you find the defendant guilty and there is a
14 reasonable doubt as to whether he is guilty of murder
15 or guilty of voluntary manslaughter, you should give
16 him the benefit of that doubt and find him guilty of the
17 lesser offense. Of course, you should not convict him
18 of any crime unless his guilt has been established beyond
19 a reasonable doubt.

20 Another charge made against the defendant is for
21 possessing a firearm during the commission of a violent
22 crime. It is a separate criminal offense to have in
23 one's possession a firearm during the commission of a
24 violent crime. I charge you that a pistol is a firearm
25 under the law and that the offenses of murder is defined

1 as a violent crime under South Carolina law.

2 To convict the defendant of this offense, you must
3 determine that the State has proven him guilty of murder
4 because the possession of a firearm must be during the
5 commission of a violent crime. You must then determine
6 that the State has proven beyond a reasonable doubt that
7 the defendant possessed a firearm during the commission
8 of that violent crime as alleged in the indictment.

9 The defendant is entitled to every reasonable doubt
10 arising in the whole case. If upon any issue of fact
11 essential to a conviction you have a reasonable doubt as
12 to how that issue should be resolved, you must resolve
13 that doubt in favor of the defendant. If upon renewing
14 an entire case you have a reasonable doubt as to whether
15 the State has proven the defendant guilty of an offense
16 charged, the defendant is entitled to that reasonable
17 doubt and a verdict of not guilty on that charge.

18 On the other hand, if upon reviewing an entire case
19 you find the State has proven every element of the crime
20 charged against the defendant beyond a reasonable doubt,
21 it is equally your duty to find the defendant guilty of
22 that charge.

23 Let me say something about your deliberations.
24 Deliberation is defined as a careful consideration,
25 a weighing up with a view to decision. The genesis of our

1 jury system is that it allows twelve good men and women
2 from twelve different backgrounds, life experiences and
3 perspectives to consider the evidence, talk about it and
4 ultimately reach a verdict. We call them deliberations
5 for a reason. You are to consider the evidence in this
6 case carefully and deliberately and discuss it in a calm,
7 thorough and courteous manner. Listen to the views of
8 your fellow jurors, consider other people's points and
9 points of view and talk through and discuss the evidence,
10 and remember if you are doing something deliberately,
11 you are not in a big hurry and you should not be in a
12 hurry here.

13 This case is very important to both sides and it
14 is their only day in court. When you retire to the
15 jury room, you should discuss the case with your fellow
16 jurors to reach an agreement if you can do so. Your
17 verdict must be unanimous on all charges. Each of you
18 must decide the case for yourself, but you should not --
19 should do so only after you have impartially considered
20 all the evidence, discussed it fully with the other
21 jurors and listened to the views of your fellow jurors.
22 Do not be afraid to change your opinion if the discussion
23 persuades you that you should, but do not come to a
24 decision simply because the other jurors thinks it's
25 right. It is important that you attempt to reach a

1 unanimous verdict, but, of course, only if each of you
2 can do so after having made your own decision. Do not
3 change an honest belief about the weight and effect of
4 the evidence simply to reach a verdict. In other words,
5 do not change your opinion solely for the sake of
6 reaching a unanimous verdict.

7 I will give you a copy of these instructions in
8 written form during your deliberations. You may refer
9 to the instructions to guide your decisionmaking. You
10 must consider the instructions as a whole and not follow
11 some and ignore others.

12 Mr. Foreman, I'm gonna get you to return these
13 instructions to me at the time you render your verdict.

14 There are two possible verdicts which you may find
15 in this case. Guilty or not guilty. There is no
16 significance whatsoever in the order which I state
17 these possible verdicts. It's simply that one must be
18 stated first. Ladies and gentlemen, your verdict must
19 be a unanimous one.

20 Mr. Foreperson, when the jury agrees on the verdict,
21 you will write the verdict on the verdict form, then
22 knock on the jury room door and inform the bailiff that
23 you have reached a verdict. At that time we'll have you
24 back into the courtroom.

25 I'm gonna tell you, Mr. Foreman, all jurors need to

1 be present when you're deliberating. Do not deliberate
2 even if someone's in the bathroom. You wait on them.
3 All jurors must be present while deliberations are going
4 on.

5 Mr. Foreman, if there's any questions to the Court,
6 I would ask that you write them on a piece of paper,
7 sign your name and date them. You must also sign the
8 verdict form and date it also.

9 I'm gonna ask that you now return back to your
10 jury room. Do not begin deliberations -- I think you
11 have lunch back there -- until you're told by the clerk
12 to do so.

13 There's some matters I have to discuss with the
14 lawyers, but on top of that we need to gather up all
15 this evidence, too. So no deliberations until we tell
16 you to do so, okay?

17 Thank you.

18 (Whereupon, the jury retires to the jury room at
19 3:49 PM.)

20 THE COURT: All right. As to the jury instructions,
21 anything from the State?

22 MS. MAYES: Your Honor, as to the charge on the
23 possession of a firearm during the commission of a
24 violent crime, somehow it just slipped past me earlier.
25 On that particular one, there is a reference to -- to a

1 defendant by name, so we would take out that name. I
2 believe it's in the first paragraph, second paragraph
3 and then, again, at the end of that second paragraph.
4 If we could replace that with the word defendant.

5 And then where it says --

6 THE COURT: But I didn't say the name though,
7 did I?

8 MR. MADSEN: I think they said that she took it
9 out -- or that they took it out.

10 MS. MAYES: Oh, for the one -- for the one going
11 back to the jury room, the copy going back to the jury?

12 THE COURT: All right. Tell me which one you're
13 talking about because I did take it out.

14 MR. MADSEN: Judge, at times it just says
15 Ms. Mattress, so you probably --

16 THE COURT: Yes, I -- I took those out --

17 MS. MAYES: Okay.

18 THE COURT: -- even with those to the jury.

19 MS. MAYES: And then, Judge, where it says I charge
20 you that a pistol is a firearm under the law and that
21 the offenses of murder -- or the offense of murder is
22 defined as a violent crime, I believe based on both
23 murder and voluntary manslaughter being submitted to
24 the jury that would need to say the offenses of murder
25 and voluntary manslaughter are defined as violent crimes

1 under South Carolina law.

2 And then in the second paragraph where it says if
3 the State has proven him guilty of murder, that would
4 just be replaced by proving him guilty of --

5 THE COURT: Are you talking about the verdict form
6 or are you talking about the jury charge?

7 MS. MAYES: The copy of the jury charge.

8 THE COURT: All right. Wait a minute. Let me get
9 with you on that because my law clerk's showing me things
10 like that.

11 All right. Possession of a firearm during a violent
12 crime, tell me again. I'm sorry.

13 MS. MAYES: So at the end of the first paragraph it
14 says I charge you that a pistol is a firearm under the
15 law and that the -- and it should be here -- and that
16 the offenses of murder and voluntary manslaughter are
17 defined as violent crimes under South Carolina law.

18 THE COURT: All right. Then I'm gonna have to
19 bring them back in and read it to them again.

20 MS. MAYES: And then in the second paragraph where
21 it says if the State has proved him guilty of murder --

22 THE COURT: Of murder or voluntary manslaughter.

23 MS. MAYES: Right. Or that could just be replaced
24 with if the State has proven him guilty of a violent
25 crime because that possession must occur during the

1 commission of a violent crime. As long as both are
2 defined as a violent crime in the first paragraph.

3 THE COURT: I got you.

4 Okay. Let me -- anything?

5 MR. MADSEN: I just want to put on we had had a
6 conference and I had objected to the express malice as
7 shown when a person speaks words, express hatred or ill
8 will for another or when the person prepared beforehand
9 to do the act which was later accomplished.

10 THE COURT: I read that out, right?

11 MR. MADSEN: I just objected to that as potentially
12 a charge on the facts.

13 THE COURT: Right.

14 MR. MADSEN: And then I understand what her point
15 is on the second indictment, but I believe the indictment
16 was for possession of a firearm during the commission of
17 murder. We believe it ought to stand on its face as it
18 is instead of adding --

19 THE COURT: The definition of is it is a violent
20 crime.

21 MR. MADSEN: But I think that's not what was alleged
22 in the indictment and so I would just object to that.

23 THE COURT: What do you say to that?

24 MS. MAYES: Well, then with that being the case --
25 I just didn't want it to be an appellate issue at all,

1 but with that being the case, I have no problem with it
2 going back as possession of a violent crime during the
3 commission of murder. We may need to add that to the
4 verdict form if that's not clear.

5 I'm not sure how that is laid out in the verdict
6 form, but under that scenario they would have to find
7 guilty of murder to also find guilty of possession of a
8 weapon during a violent crime.

9 MR. MADSEN: I agree with that.

10 MS. MAYES: I think -- I think the crime -- I
11 think that the way the statute is written it fits either
12 crime.

13 THE COURT: Well, and voluntary is a lesser
14 included of murder. It's not like I guarantee you're
15 always gonna get the lesser included. I think I'd
16 rather call them back in and reread that and --

17 MR. MADSEN: Well, Judge, I think I'd move to -- I
18 don't think she has a problem with it.

19 MS. MAYES: Actually I'm looking at the indictment
20 now and the indictment is simply -- the notice is
21 possession of a weapon during a violent crime, and in
22 this particular case, it's alleged that he did possess
23 or display the firearm during the commission of a
24 violent crime, to wit, murder, but that doesn't mean
25 we're bound only by murder considering that this is a

1 lesser included.

2 THE COURT: A lesser included. I agree. So I
3 think I should bring them back in and tell them is what
4 I'd like to do.

5 MR. MADSEN: And, Judge --

6 THE COURT: And on your other -- let me tell you.
7 I looked it up. I understand and I noted it for the
8 record, but in the 2019 case, this is the Burdette case,
9 they said it was okay, you could do that.

10 MR. MADSEN: Okay. Thank you, Your Honor.

11 THE COURT: But we weren't to give examples such
12 as lying in wait or --

13 MR. MADSEN: Yes, Your Honor. Thank you.

14 THE COURT: Yeah, let me have the jury back just
15 for one second.

16 (Whereupon, the jury return to the courtroom at
17 3:57 PM.)

18 THE COURT: I'm sorry about that, Mr. Foreman.
19 Y'all are probably still chewing lunch, right?

20 FOREPERSON: Yes, ma'am.

21 THE COURT: I am so sorry. This won't take but
22 just one second. I need to correct a charge. I want
23 to read it to you again and I will have it corrected on
24 the sheet that I send back to you on the charges.

25 Another charge made against the defendant is for

1 possessing a firearm during the commission of a violent
2 crime. It is a separate criminal offense to have in
3 one's possession a firearm during the commission of a
4 violent crime. I charge you that a pistol is a firearm
5 under the -- under the law and that the offenses of
6 murder and voluntary manslaughter is defined -- or are
7 defined as violent crimes under South Carolina law.

8 To convict the defendant of this offense, you must
9 determine that the State has proven him guilty of a
10 violent crime because the possession of a firearm must
11 be during commission of a violent crime. You must then
12 determine that the State has proven beyond a reasonable
13 doubt that the defendant possessed a firearm during the
14 commission of that violent crime as alleged in this
15 indictment, okay?

16 All right. With that said, I'll let you go back
17 to your jury room.

18 Thank you.

19 (Whereupon, the jury retires to the jury room at
20 3:59 PM.)

21 THE COURT: All right. Anything else from the
22 State?

23 MS. MAYES: Not at this time, Your Honor.

24 MR. MADSEN: I just renew my objections to
25 everything.

1 THE COURT: Okay.

2 MR. MADSEN: I just renew my objections to the
3 recharge.

4 THE COURT: And so noted for the record.

5 MR. MADSEN: And, Judge, I guess, since we're kind
6 of over and done with, I renew all my objections, all my
7 motions, all my directed verdict motions, the cumulative
8 effects of all of those.

9 THE COURT: And so noted for the record. They are
10 renewed.

11 MR. MADSEN: Thank you, Your Honor.

12 THE COURT: All right. Let me talk to y'all about
13 the verdict form.

14 Judge Addy couldn't find one, but he told me this
15 is how he usually does his, so, and I think that this
16 is appropriate, but I'm gonna share it with y'all
17 because, I mean, he's charged with murder, the lesser
18 offense is voluntary. I think they've got to go to the
19 murder first. If they can't find that, then they need to
20 go to the next, the lesser included.

21 MS. MAYES: And I think that's -- that's how we had
22 discussed it in chambers.

23 THE COURT: Right. So I just wanted to show both
24 of y'all the verdict form.

25 All right. The next thing we need to do is gather

1 all the evidence.

2 MS. MAYES: And, Your Honor, it may be easier to
3 pull the ones that we all agreed were only for ID.

4 THE CLERK: I've got them up here. They're already
5 pulled.

6 MS. MAYES: Okay. We should be in good shape.

7 THE CLERK: We just have to go through them and mark
8 off and make sure that everything's there.

9 THE COURT: Okay. With that said, then we're in
10 recess.

11 When we get all of the exhibits, Mr. Clerk, do you
12 mind telling the jury they can begin deliberating?

13 THE CLERK: I told them as soon as they get through
14 eating, to let us know, and I'll bring the stuff in --

15 THE COURT: Here's the verdict form.

16 THE CLERK: -- because they're eating in different
17 places, different rooms, right now.

18 MS. MAYES: And then, Judge, regarding digital
19 evidence, we have the speaker, we have the computer, or
20 they can always come back here for a -- for a playback.

21 THE COURT: All right. Sonny, will you let them
22 know that?

23 THE CLERK: Yes, ma'am.

24 THE COURT: If they need to hear the video
25 recording, just to write us a note and let us know.

1 (Court's Exhibit Number 12 was marked for
2 identification.)

3 (Court's Exhibit Number 13 was marked for
4 identification.)

5 (Whereupon, the evidence and verdict form was
6 sent back to the jury at 4:21 PM.)

7 (Back on the record at 4:49 PM.)

8 THE COURT: Okay. This is what they -- they want
9 to request/replay State's Exhibit Number 17; that is,
10 the Chief's tape.

11 So I can do this one of two ways. They already
12 told the clerk that they couldn't hear it in here.

13 THE CLERK: With the speaker.

14 THE COURT: I can have the clerk take it back and
15 replay it if there's no objection.

16 MS. MAYES: There is no objection, Your Honor. We
17 would just ask that the Bose speaker go with it.

18 THE CLERK: Yeah.

19 THE COURT: Yes, we want to do that, but that I
20 think because it's so big -- do you have any objection?
21 Because it's so big, it was hard for me to hear up here.
22 I didn't get to hear it all. I think in there it will
23 play better.

24 MS. MAYES: That should be our clean computer.

25 THE CLERK: It looks like it has a full battery life

1 on it.

2 THE COURT: The clerk is gonna be with it.

3 MS. MAYES: This is a computer that is used for
4 purposes such as this. It should be clean with only
5 Windows on it.

6 THE CLERK: Okay.

7 THE COURT: Let me tell Mr. Means.

8 Mr. Means, the jury requested a replay of State's
9 Exhibit Number 17, that is your conversation with the
10 chief. What I'm going to do is send the clerk back
11 and the clerk will stay while he replays that. He's a
12 neutral party and there's no objection to that.

13 I'm gonna make this a Court's exhibit, too,
14 Ms. Stacy.

15 (Court's Exhibit Number 14 was marked for
16 identification.)

17 (Recess taken at 4:50 PM.)

18 (Back on the record at 6:27 PM.)

19 BAILIFF: All rise.

20 THE COURT: Please be seated.

21 All right. I'm told that we have a verdict, so
22 let me talk to everybody out in the audience. I know
23 it's an emotional case, but I want absolutely no emotion
24 when the verdict is read. Everybody understand?

25 MR. MADSEN: Yes, ma'am.

1 THE COURT: Thank you. And I'd appreciate it.

2 All right. Well, then anything from the State
3 before I bring the jury in?

4 MS. MAYES: Nothing from the State, Your Honor.

5 THE COURT: Anything from the defense?

6 MR. MADSEN: No, Your Honor.

7 THE COURT: All right. Let's bring them in.

8 (Whereupon, the jury return to the courtroom at
9 6:33 PM.)

10 THE COURT: All right. Mr. Foreman, has the jury
11 reached a verdict?

12 FOREPERSON: Yes, Your Honor.

13 THE COURT: Okay. If you'd hand it to the bailiff.

14 FOREPERSON: (Handing.)

15 THE COURT: All right. I'm gonna get the clerk
16 to publish the verdict and I'll ask Mr. Means to stand.

17 THE CLERK: In the case of State of South Carolina,
18 Plaintiff, versus Michael Means, defendant, Count I, we,
19 the jury, in the above-captioned case on the charge of
20 murder of Yumonica Means unanimously find Michael Means
21 guilty.

22 We, the jury, in the above captioned case on the
23 charge of possession of a weapon during a violent crime,
24 to wit, murder or voluntary manslaughter, unanimously
25 find Michael Means guilty.

1 THE COURT: Thank you.

2 THE CLERK: Mr. Foreperson and Ladies and Gentlemen
3 of the Jury, if that is your verdict, please indicate by
4 raising your right hand.

5 All hands. Were raised.

6 THE COURT: Okay. Would you like the jury polled?

7 MR. MADSEN: No, Your Honor.

8 THE COURT: All right. Let me say something to the
9 jury. Y'all have been a wonderful jury, all attentive,
10 paid attention. It's a pretty serious case. I can't
11 tell you how much I appreciate all of y'all.

12 I'm gonna ask you to return to your jury room.
13 I'm gonna come back and talk to you, then we'll proceed
14 with sentencing. Give us ten minutes. That will give
15 you time to get everything together.

16 (Whereupon, the jury retires to the jury room at
17 6:35 PM.)

18 THE CLERK: Can the alternate come, too?

19 THE COURT: Yes.

20 Any objection to the alternate joining the jury?

21 MS. MAYES: No objection from the State, Your Honor.

22 MR. MADSEN: Judge, can we approach?

23 THE COURT: Yes. Is it about this before I let him
24 join?

25 MR. MADSEN: No, not him.

1 THE COURT: Okay.

2 (Proceedings held at the bench; not reported.)

3 (Recess taken at 6:35 PM.)

4 (Back on the record at 6:41 PM.)

5 THE COURT: All right.

6 MR. MADSEN: I think I've just got to renew all my

7 -- I think I've got to renew all my objections.

8 THE COURT: Okay. Yes.

9 MR. MADSEN: Judge, we would just renew our directed
10 verdict motion, all of our objections, all of our
11 pre-trial motions, any objections that we made during
12 the trial. We do not believe that a jury could have
13 found him guilty given the evidence of murder and so
14 we would ask for a new trial and just to renew all our
15 objections and motions.

16 THE COURT: Okay. I renew all those objections,
17 all the motions, and I know your objections continued
18 through the series of text messages, we talked about that,
19 instead of you standing up and objecting individually
20 to each one in front of the jury. All those are noted
21 for the record. I deny a directed verdict and I also
22 deny your motion for a new trial.

23 MR. MADSEN: Thank you, Your Honor.

24 THE COURT: Can I hear from the State on sentencing?

25 MS. MAYES: Yes, Your Honor.

1 momma would be really, really proud of you. I think
2 you've handled yourself well. I can tell you you've got
3 some great family support. I think -- you tell your
4 sisters they don't need to worry about who to blame,
5 they're survivors. That's what they are. They didn't
6 do anything wrong and you tell them I said so.

7 The jury spoke in this case. They listened to it
8 just as well as I did. I find it to be absolutely
9 horrific. I do believe, Mr. Means, that you lured her
10 out there under the pretext of a car accident. It
11 appears to me that you were lying in wait. I think you
12 executed her. That is exactly what I think happened
13 and for that, if you'll stand, I'm gonna sentence you.

14 You are to be committed to the State Department
15 of Corrections for a term of life. I will run that
16 concurrent with the five years for the possession of
17 a weapon during a violent crime. Good luck to you.

18 Court's adjourned.

19 (Whereupon, the proceedings were concluded at
20 7:03 PM.)

21

22

23

24

25

WITNESSES

Edgefield County Sheriff's Department

James C Smith

Law Enforcement Case #: 1907019

DWF

ARREST WARRANT NUMBER

2019A1910100211

ACTION OF GRAND JURY

TRUE BILL

Eugene Clin

Foreperson of Grand Jury

Date: OCT 2 2019

VERDICT

GUILTY

Nathan Goode

Foreperson of Petit Jury

Date: 7-1-2021

DOCKET NO. 2019GS1900356

The State of South Carolina

County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2019

THE STATE

vs.

Michael Tirrell Means

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

RECEIVED

AUG 02 2021

APPELLATE DEFENSE

THE ABOVE IS A TRUE COPY OF THE ORIGINAL
WHICH IS ON FILE IN THE OFFICE OF THE
CLERK OF COURT OF EDGEFIELD COUNTY, SC

Charles L. Reel

CHARLES L. REEL, CLERK OF COURT
OF GENERAL SESSIONS AND
COMMON PLEAS, E.C.S.C

7-29-2021
DATED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF EDGEFIELD)
)

INDICTMENT FOR
 Murder

§ 16-03-0010

At a Court of General Sessions, convened on October 2019, the Grand Jurors of Edgefield County present upon their oath:

That **Michael Tirrell Means** did in Edgefield County on or about July 3, 2019, unlawfully kill Yumonica Means, with malice aforethought, either express or implied, by shooting her in the head, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 ASSISTANT SOLICITOR)

STATE OF SOUTH CAROLINA

COUNTY OF Edgefield

STATE VS.

Michael Tirrell Means

AKA:

Race: Black Sex: M Age: 39

DOB: SS#:

Address: 528 Camellia St

City, State, Zip: Aiken, SC 29801

DL#: SID#:

*CDI. Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS1900356

A/W#: 2019A1910100211

Date of Offense: 7/3/2019

S.C. Code § : 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted. ☐ Lesser Included Offense. ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation. ☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of LIFE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL:

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.

§ Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

Edgefield County Sheriff's Department

James C Smith

Law Enforcement Case #: 1907019

DWF

ARREST WARRANT NUMBER

2019A1910100215

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: *Euthe Clin*
OCT 2 2019

VERDICT

GUILTY

Foreperson of Petit Jury
Date: *Nath Good*
7/1/2021

DOCKET NO. 2019GS1900357

The State of South Carolina

County of Edgefield

COURT OF GENERAL SESSIONS

OCTOBER TERM 2019

THE STATE

vs.

Michael Tirrell Means

CDR #: 0549

Indictment for

**Possession of a Weapon During a Violent
Crime**

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

THE ABOVE IS A TRUE COPY OF THE ORIGINAL
WHICH IS ON FILE IN THE OFFICE OF THE
CLERK OF COURT OF EDGEFIELD COUNTY, SC

Charles L. Reel

CHARLES L. REEL, CLERK OF COURT
OF GENERAL SESSIONS AND
COMMON PLEAS, E.C.S.C.

7-29-2021
DATED

STATE OF SOUTH CAROLINA)

COUNTY OF EDGEFIELD)

INDICTMENT FOR

Possession of a Weapon During a Violent Crime

§ 16-23-0490

At a Court of General Sessions, convened on October 2019, the Grand Jurors of Edgefield County present upon their oath:

That **Michael Tirrell Means** did in Edgefield County, South Carolina on or about July 3, 2019 knowingly and willfully, possess or display a firearm, during the commission of a violent crime or attempt to commit a violent crime, to wit: murder, such weapon described as a 9MM handgun in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield
STATE VS.Michael Tirrell Means

AKA:

Race: Black Sex: M Age: 39DOB: [REDACTED] SS#: [REDACTED]Address: 528 Camellia StCity, State, Zip: Aiken, SC 29801DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

SolicitorSC Bar#DefendantAttorney for DefendantSC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL: \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2769Sentence Date: July 1, 2021

CERTIFICATE OF COUNSEL FOR APPELLANT

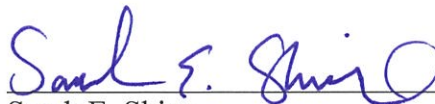
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Jul 29 2022

SC Court of Appeals



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 29th day of July, 2022.