

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County
Carmen T. Mullen, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GREGORY SANDERS,

APPELLANT

APPELLATE CASE NO. 2018-000911

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

**STATE'S EXHIBIT #8 (PHOTOGRAPH), STATE'S EXHIBIT #9 (PHOTOGRAPH),
STATE'S EXHIBIT #10 (PHOTOGRAPH), STATE'S EXHIBIT #19 (PHOTOGRAPH),
STATE'S EXHIBIT #21 (PHOTOGRAPH) AND DEFENDANT'S EXHIBIT #1
(PHOTOGRAPHS)**

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF HAMPTON
COURT OF GENERAL SESSIONS
CASE NUMBERS 2016-GS-25-00177 & 2016-GS-25-00178

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

GREGORY SANDERS, JR.

DEFENDANT

MAY 7, 8, 9, 2018

TRANSCRIPT OF PRETRIAL AND TRIAL
HAMPTON, HAMPTON COUNTY, SOUTH CAROLINA

BEFORE

HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

APPEARANCES

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1 OFF-THE-RECORD DISCUSSION.

2 DEFENDANT SANDERS ENTERS COURTROOM.

3 THE COURT: Good morning, Mr. Sanders.

4 DEFENDANT SANDERS: Good morning.

5 THE COURT: I'm Carmen Mullen. I'm the judge
6 that's going to be trying your case here today. He's
7 fine. He can keep his seat. Sir, at this time, what
8 we're doing is pretrial motions. The jury is not here
9 yet. They don't come in until 11:00 o'clock, and at
10 that point, they will be brought in, roll call will
11 happen, and I will qualify the jury. But at this point,
12 this is just for pretrial motions in your case. All
13 right?

14 So, with that said, Solicitor, why don't you go
15 ahead and call your case, and let's go ahead and see
16 what motions we can take care of before the jury comes
17 in.

18 SOLICITOR LEGETTE: Thank you, your Honor. May it
19 please the Court. The State's ready to proceed, your
20 Honor, in 2016-GS-25-00177, State versus Gregory
21 Sanders, for possession of a weapon during a violent
22 crime; and also 2016-GS-25-00178, the State against
23 Gregory Sanders for murder. And he has pled not guilty;
24 he is asking for a trial, your Honor.

25 THE COURT: Okay. And we are up for trial. Mr.

1 A. Something to the effect of he didn't -- he didn't
2 know who she was -- or something like -- something to
3 that effect. He was unaware of what we were talking
4 about.

5 Q. So basically, he didn't want to make a statement.

6 A. No, ma'am.

7 Q. All right. Did he ever agree to waive his rights
8 and speak with an attorney and talk with you?

9 A. No, ma'am.

10 Q. Did he appear to be under the influence of any
11 alcohol or drugs?

12 A. No, ma'am.

13 Q. Now, so he didn't waive his rights, but he did say
14 something. What did he say?

15 A. Something to the effect of she was a -- if I don't
16 know her, she was a nobody, or something to that effect.

17 Q. Now, at any point, did you begin questioning him
18 after he told you he did not want to make a statement?

19 A. No, ma'am.

20 Q. The statement that he did make, how was it made?

21 Of his own volition or --

22 MR. PLEXICO: Your Honor, I object to the leading.

23 SOLICITOR LEGETTE: Thanks, your Honor.

24 THE COURT: Sustained.

25 BY SOLICITOR LEGETTE:

5-7-18 STATE V SANDERS OPENING STATEMENT - STATE - LEGETTE

1 SOLICITOR LEGETTE: No, your Honor.

2 THE COURT: Anything from the Defense?

3 MR. PLEXICO: No, your Honor.

4 THE COURT: Ladies and gentlemen, at this time we
5 are going to begin the trial of this case. If you would
6 give your attention to Ms. Legette, please.

7 SOLICITOR LEGETTE: Thank you, your Honor.

8 THE COURT: Thank you.

9 SOLICITOR LEGETTE: May it please the Court?

10 THE COURT: Yes, ma'am.

11 OPENING STATEMENT ON BEHALF OF THE

12 STATE BY SOLICITOR LEGETTE:

13 SOLICITOR LEGETTE: Mr. Plexico, ladies and
14 gentlemen, good afternoon. A deadly promise. A deadly
15 promise. That what's this case will come down to, a
16 deadly promise. May 7, 2016, two years ago this very
17 day, Greg Sanders made Marilyn Garvin a deadly promise,
18 telling her you better buy a black dress, because I'm
19 going to kill your daughter. Buy a black dress; I'm
20 going to kill her.

21 Three days later, Tyhira Harrington, on May 10,
22 2016, was gunned down by Gregory Sanders. That's a
23 deadly promise. And that's why we're here today, ladies
24 and gentlemen. Mr. Sanders, for his actions on May 10,
25 2016, has been charged with murder of Tyhira Harrington,

5-7-18 STATE V SANDERS - OPENING STATEMENT - STATE - LEGETTE

1 here in Hampton County, over in Estill, near the
2 Fairwood Apartments; and also, with possession of a
3 weapon during the commission of a violent crime. That's
4 why we're here.

5 Now, during this trial, you may hear testify or
6 evidence about it being possibly self-defense. It was
7 not self-defense, ladies and gentlemen. It was simply
8 Greg Sanders carrying out the threat, the deadly promise
9 he gave to Marilyn Garvin on May 7, 2016.

10 Ladies and gentlemen, we'll hear from these
11 witnesses. Some of you may not want to be here, but I
12 want you to listen. And I want you to listen, and I
13 want you to remember the deadly promise made by Gregory
14 Sanders. That's what it'll come down to. When all of
15 the evidence is in, I will come back before you, and I
16 will ask you to render a true and just verdict. Verum
17 dictum speaks to truth. I will ask you to find Gregory
18 Sanders guilty of these crimes, where he carried out his
19 deadly promise to Marilyn Garvin to murder her daughter.
20 And I'll ask you to find him guilty of possession of a
21 weapon during the commission of a violent crime. Thank
22 you.

23 THE COURT: Mr. Plexico.

24 MR. PLEXICO: Your Honor, Madam Solicitor.

25 SOLICITOR LEGETTE: Mr. Plexico.

5-7-18 STATE V SANDERS OPENING STATEMENT - DEFENDANT - PLEXICO

1 OPENING STATEMENT ON BEHALF OF THE

2 DEFENDANT BY MR. PLEXICO:

3 MR. PLEXICO: I'm delighted to be here today to
4 defend my client. The State has the burden, as the
5 Judge has stated, and I just want to reiterate. They're
6 going to have the burden of proving self-defense or
7 disproving self-defense beyond a reasonable doubt. That
8 may sound a bit odd, because, usually, in a criminal
9 trial, they have to prove the defendant, through
10 evidence produced from this witness stand, to prove the
11 defendant guilty beyond a reasonable doubt. And in a
12 self-defense case, they also have a legal duty and the
13 burden and responsibility to disprove self-defense
14 beyond a reasonable doubt.

15 And if this is from zero to a hundred, and this
16 little line here is saying no, this is unlike a car case
17 where you get out your checkbook when it's all said and
18 done. If they find that you're liable for a fender
19 bender, you get out your checkbook and you write the
20 price of a new fender or whatever the damages are to the
21 insurance company. No, this is criminal court, so we
22 have a different standard in criminal court. It's not
23 51/49. It's guilt beyond a reasonable doubt, and that's
24 a doubt for which you have a reason. Now, that's a
25 heavy burden, and I think it will be undisputed that my

5-7-18 STATE V SANDERS OPENING STATEMENT - DEFENDANT - PLEXICO

1 client is out that night walking with his girlfriend,
2 and listen for this evidence, and he's totally without
3 fault in bringing on this difficulty; that a car
4 approaches; passes him and his girlfriend; backs up and
5 comes down the street that they're on; and they get out;
6 then they accost with a goal of attacking my client, is
7 apparently what's going on to me.

8 Remember, it is a reasonable person's expectation
9 of what's going to happen when you walking with your
10 friend, the defendant, and your girlfriend at night, and
11 a car zooms up, backs up, whips around, and people get
12 out. I think you know what's coming next. Okay?

13 Now, the State's going to have to disprove self-
14 defense beyond a reasonable doubt. Every defendant
15 comes in this courtroom with a cloak of innocence, a
16 presumption of innocence, and that presumption of
17 innocence by itself is oftentimes enough to set a
18 defendant free. The State has all the burdens here.
19 And most importantly, they have to disprove self-defense
20 beyond a reasonable doubt. You give the reason and say,
21 yeah, just, you know, look at the whole situation, this
22 is reasonable, then, then the State has failed in their
23 burden to proffer a verdict, at that point, guilty
24 verdict.

25 People can't just go out and run amok. We have a

5-7-18 STATE V SANDERS OPENING STATEMENT - DEFENDANT - PLEXICO

1 right, we have a *Second Amendment* right, and you know, I
2 guess that that was put there for a reason. You know.
3 You don't have to let yourself go out and get hurt.
4 Okay? You don't have to stand there and get hurt.
5 That's the most ridiculous thing you can think of. And
6 I hope the State doesn't argue that, but we'll have to
7 see how the information develops. We have no duty to
8 prove anything, and that's the important idea is, who
9 has the burden of proof. And do remember? Yes, indeed,
10 the Solicitor was correct on that point. This is a
11 self-defense case. Thank you.

12 COURT REPORTER: I'm sorry, this is a what?

13 MR. PLEXICO: Self-defense case.

14 THE COURT: Thank you. All right. State will call
15 their first witness.

16 SOLICITOR LEGETTE: Thank you, your Honor. State
17 calls Katherine Bozard.

18 THE COURT: Go ahead and swear her in, if you
19 would.

20 MADAM CLERK: Raise your right hand. Do you swear
21 or affirm to tell the truth, the whole truth, and
22 nothing but the truth, so help you God?

23 KATHERINE BOZARD: I do.

24 MADAM CLERK: You may be seated.

25 THE COURT: Go ahead.

1 SOLICITOR LEGETTE: Thank you, your Honor.

2 KATHERINE BOZARD

3 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

4 Q. Hi, Ms. Bozard. How are you?

5 A. I'm fine, thank you.

6 Q. Would you please spell your last name for the court
7 reporter.

8 A. B/o/z/a/r/d.

9 Q. Thank you. Ms. Bozard, where do you work?

10 A. I work at Hampton County 911.

11 Q. And what are your duties at Hampton County 911?

12 A. I'm the E911 coordinator, and also the custodian of
13 911 records.

14 Q. And how long have you been the E911 coordinator for
15 Hampton County?

16 A. Two years.

17 Q. And how long, prior to becoming a coordinator, did
18 you work for the Hampton County E911?

19 A. Twenty-three years.

20 Q. In what capacity?

21 A. As a dispatcher.

22 Q. Now, tell us what are the duties of a dispatcher at
23 E911.

24 A. The duties of a dispatcher at E911 consist of
25 taking the 911 calls, and also non-emergency calls;

7-5-18 STATE V SANDERS

BOZARD - DIRECT - LEGETTE

1 dispatching them to the appropriate units, whether it be
2 police, fire or EMS.

3 Q. And you also assist with emergency medical
4 assistance?

5 A. We also do fire and EMS.

6 Q. And you testified earlier that you are the
7 custodian of records --

8 A. Correct.

9 Q. -- for the 911 calls?

10 A. Correct.

11 Q. What does that mean?

12 A. That means that all records that are recorded,
13 which all records are recorded at E911, only I have
14 access to them to make recordings, not only for the
15 Court but for law enforcement.

16 Q. And is it proper to make a recording whenever
17 someone calls E911?

18 A. In certain circumstances, yes, ma'am.

19 Q. All right. So are recordings made when they call
20 911?

21 A. Yes.

22 Q. Okay. Now, are you familiar with the 911 phone
23 calls that came in on or about May 10, 2016?

24 A. I am.

25 Q. Okay. Were recordings made on May 10, 2016?

7-5-18 STATE V SANDERS

BOZARD - DIRECT - LEGETTE

1 A. They were not made on the 10th.

2 Q. I'm sorry. When were they made?

3 A. I don't know the exact date. It was a few days or
4 up to a week after that.

5 Q. Well, let me ask -- let me back up. So, on May 10,
6 2016, did any 911 calls come into your dispatch center?

7 A. Yes.

8 Q. Are those calls recorded as they come in?

9 A. They are recorded as they come in.

10 Q. Are they recorded simultaneously, or at the same
11 time as they come in?

12 A. The same time as they come in.

13 Q. Now, at some point during, I guess, your being the
14 coordinator at the E911 for Hampton County, were you
15 asked to make recordings?

16 A. Yes.

17 Q. Okay. Did you make recordings of specifically any
18 calls from May 10, 2016?

19 A. Yes.

20 Q. Okay. Now, are these recordings kept, or the calls
21 kept, in the normal course of business?

22 A. Yes.

23 Q. Okay. At our request, have you previously reviewed
24 these calls from May 10, 2016?

25 A. Yes, I have.

7-5-18 STATE V SANDERS

BOZARD - DIRECT - LEGETTE

1 Q. And have you initialed this for accuracy?

2 A. Yes, I have.

3 Q. Momentarily, I will hand you what's been previously
4 marked State's Exhibits Number 1 and 2.

5 SOLICITOR LEGETTE: Your Honor, we have a matter.
6 May we approach?

7 MR. PLEXICO: We have a matter involving that.

8 THE COURT: You may.

9 OFF-THE-RECORD BENCH CONFERENCE, OUT
10 OF HEARING OF JURORS. PRESENT: THE
11 COURT, MS. LEGETTE, MR. PLEXICO.
12 END BENCH CONFERENCE.

13 BY SOLICITOR LEGETTE:

14 Q. I'm hand you now what's previously marked State's
15 Exhibit Number 2. Take a moment and tell me if you
16 recognize State's Exhibit Number 2.

17 A. Yes.

18 Q. And what is State's 2?

19 A. It is the second 911 call.

20 Q. Okay.

21 A. That came in.

22 Q. And are you -- have you previously reviewed State's
23 Number 2 for accuracy at our request?

24 A. Yes.

25 Q. And is State's Exhibit Number 2 a fair and accurate

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BOZARD - DIRECT - LEGETTE

1 reflection of the 911 call that came into your dispatch
2 center on May 10, 2016?

3 A. Yes.

4 Q. Has it been changed or altered in any way?

5 A. No.

6 SOLICITOR LEGETTE: I would, at this time, your
7 Honor, offer State's 2 for admission into evidence.

8 MR. PLEXICO: Without objection.

9 THE COURT: Without objection.

10 ITEM IDENTIFIED AS C.D. OF 911 CALL

11 MARKED STATE'S EXHIBIT NUMBER 2

12 ADMITTED AS EVIDENCE.

13 SOLICITOR LEGETTE: May I approach the witness?

14 THE COURT: You may.

15 SOLICITOR LEGETTE: Thank you.

16 STATE'S EXHIBIT NUMBER 2, C.D.

17 OF 911 CALL, PLAYING.

18 END PLAYING OF STATE'S EXHIBIT

19 NUMBER 2.

20 BY SOLICITOR LEGETTE:

21 Q. Ms. Bozard, was that the 911 call that was recorded
22 by you?

23 A. Yes.

24 SOLICITOR LEGETTE: Okay. Thank you, Ms. Bozard.

25 I have no further questions.

1 THE COURT: Mr. Plexico?

2 KATHERINE BOZARD

3 CROSS-EXAMINATION BY MR. PLEXICO:

4 Q. Do you know the name of the man who's talking on
5 the phone?

6 A. No.

7 MR. PLEXICO: I don't have anything else.

8 THE COURT: Anything further, Ms. Legette?

9 SOLICITOR LEGETTE: No, your Honor.

10 THE COURT: All right. Any objection to this
11 witness being excused from anyone?

12 SOLICITOR LEGETTE: Not from the State, your Honor.

13 MR. PLEXICO: No, your Honor.

14 THE COURT: You are excused. Thank you. State
15 will call their next witness.

16 SOLICITOR LEGETTE: State calls Perry Bennett.

17 MADAM CLERK: Put your left hand on the *Bible* and
18 raise your right hand. Do you swear or affirm to tell
19 the truth, the whole truth, and nothing but the truth,
20 so help you God?

21 PERRY AUGUSTUS BENNETT: I swear.

22 MADAM CLERK: Take a seat.

23 SOLICITOR LEGETTE: Thank you, your Honor.

24 PERRY AUGUSTUS BENNETT

25 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

5-7-18 STATE V SANDERS

BENNETT - DX - LEGETTE

1 Q. Good afternoon, sir.

2 A. Good afternoon.

3 Q. Sir, what is your name, for the record?

4 A. Perry Augustus Bennett.

5 Q. And Mr. Bennett, where do you work?

6 A. Orangeburg County Sheriff's Office.

7 Q. And what are your duties and the Orangeburg County
8 Sheriff's Office?

9 A. Answer calls for service, protect all matters of
10 the law, whether it be federal or statewide.

11 Q. And how long have you worked for the Orangeburg
12 County Sheriff's Office?

13 A. Since September of 2017.

14 Q. Now, did you formerly work for the Estill Police
15 Department?

16 A. Yes, ma'am.

17 Q. And how long were you at the Estill Police
18 Department?

19 A. Two-and-a-half years.

20 Q. What were your duties at the Estill Police
21 Department?

22 A. Primarily the same thing, to enforce laws, to
23 enforce traffic violations, answer calls for service,
24 and initiate incident reports, things of that nature.

25 Q. Okay. And were you working for the Estill Police

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BENNETT - DX - LEGETTE

1 Department on or about May 10, 2016?

2 A. Yes, ma'am.

3 Q. Okay.

4 SOLICITOR LEGETTE: Beg the Court's indulgence.

5 THE COURT: Um-hmm.

6 BY SOLICITOR LEGETTE:

7 Q. And you worked for the Estill Police Department on
8 our about May 10, 2016?

9 A. Yes, ma'am.

10 Q. And what shift were you working on May 10, 2016?

11 A. Night shift.

12 Q. What shift is that? What hours are they, are
13 those?

14 A. That was 6:00 a.m. to 6:00 p.m.

15 Q. Was anyone else working on shift with you?

16 A. Yes.

17 Q. Who was working with you?

18 A. Officer Marvalette Griffin.

19 Q. Marvalette Griffin?

20 A. Yes.

21 Q. Okay. Now, I talk a little fast, but we're going
22 to have to slow down so everyone can hear. So I'm going
23 to ask you to slow down a little bit, and I'll slow
24 down, too. Okay?

25 A. Okay.

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BENNETT - DX - LEGETTE

1 Q. All right. So Marvalette Griffin worked with you
2 that night. Did you receive any calls for assistance on
3 the night of May 10, 2016?

4 A. Yes, ma'am.

5 Q. Approximately what time?

6 A. About 1:00 o'clock.

7 Q. About 1:00 o'clock. So let me ask you a question.
8 So was it May 9th, going into May 10th, and it was the
9 morning, or they'll call you at nighttime?

10 A. Yeah. It was May --

11 Q. 10th?

12 A. Definitely.

13 Q. Was it morning, like 1:00 a.m., on May 10th?

14 A. I looked up on it.

15 Q. Okay. Very good. Now, and what, specifically,
16 were you asked to respond to?

17 A. Respond to Fairwood, Apartments, close to the
18 intersection of Lawton and Grayson Street.

19 Q. And why were you responding to that area?

20 A. It was dispatched to me for a call to service in
21 reference to the shots being fired in the area.

22 Q. Now, you said Fairwood Apartment, and you called a
23 Grayson and Lawton Streets?

24 A. Close to that intersection, yes, ma'am.

25 Q. Okay. And what town is that in?

5-7-18 STATE V SANDERS

BENNETT - DX - LEGETTE

1 A. Estill, South Carolina.

2 Q. And what county is that?

3 A. Hampton County.

4 Q. Now, did you respond to that location?

5 A. Yes, ma'am.

6 Q. Did you find anything, or what did you find when
7 you arrived at the location?

8 A. Upon my arrival, I observed a large puddle of blood
9 laying in front of the Fairwood Apartments sign, close
10 to the laundromat area.

11 Q. Did you find anything else while you were
12 responding?

13 A. Once -- upon arriving on the scene, I also observed
14 earrings laying in that large puddle of blood, as well
15 as some -- two -- one pair of pink flip-flop laying in
16 front of that Fairwood Apartments sign, lying back
17 there.

18 Q. Did anyone respond with you?

19 A. Yes.

20 Q. Who responded with you?

21 A. Marvalette Griffin.

22 Q. Now, once you arrived and you found --

23 MR. PLEXICO: I didn't hear what he said who he
24 responded with.

25 BY SOLICITOR LEGETTE:

5-7-18 STATE V SANDERS

BENNETT - DX - LEGETTE

1 A. Marvalette Griffin. Officer Griffin.

2 Q. And does he also work -- where does he work?

3 A. Estill Police Department at that time.

4 Q. Okay. Now, when you responded to this location in
5 the town of Estill -- is this in the town of Estill?

6 A. Yes.

7 Q. So, when you responded to the location, what, aside
8 from finding evidence, what did you do?

9 A. I secured the crime scene, tried to -- tried to
10 find what witnesses who were available at the time,
11 which there were none available or accessible to law
12 enforcement. Upon my arrival, I then contacted command
13 staff, and --

14 Q. And --

15 A. -- and waited for -- for further instructions.

16 Q. And who was the command staff?

17 A. That consisted of Chief Mark Collins, who then
18 notified the investigator Michael Thomas.

19 Q. So upon notifying your supervisor or the chief, you
20 actually secured the scene. Did you find any other
21 evidence?

22 A. Other than the earring and the one -- the one flip-
23 flop, no. A pair of flip-flops, that's all. I did also
24 notify -- not notify -- also noticed there were nine --
25 what appeared to be .40 caliber shell casings close to

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BENNETT - DX - LEGETTE

1 the scene.

2 Q. And upon noticing the calibers with the shell
3 casings, did you do anything with the shell casings?

4 A. Yes, I did. Marcum photographed them and placed
5 the property into evidence.

6 Q. Now, did you take any other photographs? You
7 indicated you took photographs of the shell casings.
8 Were there any other pictures taken?

9 A. Yes.

10 Q. And what, overall, did you take pictures of?

11 A. Of the scene itself. Upon arriving on scene, we --
12 we blocked off the area with my patrol car, as well as
13 Officer Griffin's patrol car. We photographed the
14 scene, took a variety of pictures of the puddle of
15 blood, the flip-flops, as well as the -- what appeared
16 to be the two shell casings that were there on the
17 scene.

18 Q. Thank you. In a moment I'm going to hand you
19 what's been previously marked for identification as
20 State's Exhibits Number 3 through 16. I'm sorry, it's
21 not that. 3 through 16. Please take a moment and tell
22 me if you recognize State's Exhibits 3 through 16.

23 SOLICITOR LEGETTE: May I approach, your Honor?

24 THE COURT: You may.

25 BY SOLICITOR LEGETTE:

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BENNETT - DX - LEGETTE

1 A. Yes, I'm familiar with those.

2 Q. So what are State's 3 through 16?

3 A. These are pictures of the crime scene that I
4 responded to on the 10th of May.

5 Q. And are State's Exhibits Number 3 through 16 a fair
6 and accurate reflection of the crime scene as it existed
7 on May 10, 2016?

8 A. Yes, ma'am.

9 Q. Have they been changed or altered in any way?

10 A. No, ma'am.

11 SOLICITOR LEGETTE: At this time, your Honor, I
12 would offer for admission into evidence State's Exhibits
13 Number 3 through 16.

14 THE COURT: Any objection?

15 MR. PLEXICO: May I examine those, Judge?

16 THE COURT: You may.

17 MR. PLEXICO: May I approach?

18 I have no objections to this, your Honor.

19 THE COURT: Thank you.

20 ITEMS IDENTIFIED AS PHOTOGRAPHS

21 MARKED STATE'S EXHIBIT NUMBERS

22 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,

23 13, 14, 15, 16

24 ADMITTED AS EVIDENCE.

25 BY SOLICITOR LEGETTE:

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BENNETT - DX - LEGETTE

1 Q. All right. Officer Bennett, can you see the screen
2 over to your left, or you need to come down so you can
3 be able to see the screen?

4 A. I can see it.

5 Q. You can see it? Okay.

6 A. Yes, ma'am.

7 Q. All right.

8 THE COURT: His is not on.

9 SOLICITOR LEGETTE: Oh, is it -- oh, it has a
10 screen? Just need to turn it on.

11 THE COURT: It's on.

12 SOLICITOR LEGETTE: All right. Well.

13 THE COURT: And if not, you can step down if you
14 need to see, sir.

15 A. Okay.

16 THE COURT: Okay?

17 A. Yes, ma'am.

18 THE COURT: Thank you. I appreciate it.

19 BY SOLICITOR LEGETTE:

20 Q. All right. Now, I'm actually getting ready to hand
21 this to you again so you can tell us what this is,
22 because it's very difficult to see.

23 SOLICITOR LEGETTE: May I approach the witness,
24 your Honor? May I approach?

25 THE COURT: Of course.

1 BY SOLICITOR LEGETTE:

2 Q. I hand you now State's Exhibit Number 3. Can you
3 tell us what we're seeing in State's 3? And if you
4 don't mind holding it up for the jury, because it's so
5 difficult to see on the ELMO. What are we seeing on
6 State's Exhibit Number 3?

7 A. This is the intersection I responded to, close to
8 where the incident occurred at Grawson [sic] Street and
9 Lawton.

10 Q. Okay. Is it Grawson or Grayson?

11 A. Grayson and Lawton Street, the intersection there.

12 Q. Okay. All right. Now, I'll direct your attention
13 to the ELMO, and this is State's Exhibit Number 4. What
14 is State's Exhibit Number 4?

15 A. That's the Fairwood Apartments, close to that same
16 intersection that I arrived to on that night, where I
17 observed the puddle of blood and the actual other
18 evidence that was documented in police department
19 evidence.

20 Q. Okay. And State's Number 5, what are we seeing in
21 State's Number 5?

22 A. Same sign again, Fairwood Apartments, close to that
23 same incident location.

24 Q. Okay.

25 A. On Grayson Street.

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BENNETT - DX - LEGETTE

1 Q. All right, now, State's Number 6.

2 A. That's the laundromat. A little to your right
3 would be the pair of flip-flops that were located. And
4 a little further up towards Grayson Street there is the
5 large puddle of blood, which was observed once I
6 arrived.

7 Q. Okay. And so, now, if you orient us -- so puddle
8 of blood is in what proximity to the laundromat?

9 A. It's right in front of the laundromat. If you go
10 further up, where you see the -- where the apartments
11 are, that's the road, that's Grayson Street, so it's
12 actually in the road.

13 Q. In the road? Okay. All right. Now, State's
14 Exhibit Number 7, I think, is that just a side view of
15 the same --

16 A. Of the laundromat, yes, ma'am.

17 Q. Okay. And now, State's Number 8.

18 A. That's the puddle of blood in front of the
19 laundromat.

20 Q. Okay. And so, back to our, I guess, back in this
21 area right here in the picture, that's the laundromat?

22 A. Yes, ma'am.

23 Q. All right. And is that a parking lot pretty much
24 in front of the laundromat?

25 A. That's correct.

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BENNETT - DX - LEGETTE

1 Q. All right. And State's Number 9.

2 A. That is, from a different angle, the -- actually
3 the puddle of blood on Grayson Street. And the
4 laundromat itself would be further back on that, which
5 is different angle, but it's the same location.

6 Q. And is there a person standing in that picture?

7 A. Yes.

8 Q. Who is that person standing in that photograph?

9 A. Officer Griffin.

10 Q. All right. And is that the vehicle?

11 A. That we blocked off, yes, the road, yes, ma'am.

12 Q. Okay. Now, back in the distance, back in this area
13 right here, what are we seeing?

14 A. That's the apartment complex.

15 Q. So the laundromat, tell us, what is the proximity
16 of the laundromat to the actual apartments?

17 A. It's maybe a couple of feet. It's not even a mile.
18 It's right across the street, Grayson Street. Be
19 actually on the private property of the apartment
20 complex itself.

21 Q. So they're located in the same area, pretty much?

22 A. Yes, ma'am.

23 Q. And now, State's Number 10, which might just be a
24 different shot of the same?

25 A. That's correct.

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BENNETT - DX - LEGETTE

1 Q. Okay. And now, State's Number 12.

2 A. That is the pair of flip-flops that were located on
3 scene once as I arrived. And if you look further -- if
4 you're looking to your left, that's going to be the
5 laundromat itself. So it's actually up on the steps
6 there, right -- to your right's going to be an extra
7 parking space.

8 Q. Okay. Now, State's Number 13.

9 A. Yes. That's the shell casing. What appeared to be
10 a .40 caliber shell casing that I observed on scene once
11 I arrived, which was -- would have been on Grayson
12 Street.

13 Q. Now, you indicate that it appeared to be a .40
14 caliber shell casing. Were you familiar with the actual
15 -- had you examined it to see what kind of shell casing
16 it was?

17 A. No, ma'am.

18 Q. And now, State's Number 14.

19 A. That was the other shell casing that was located on
20 the scene, in close proximity to the puddle of blood on
21 Grayson Street.

22 Q. Now, you indicated that you actually collected the
23 flip-flops, as well as the shell casings in this matter?

24 A. Um-hmm.

25 THE COURT: That's a yes, for the record?

1 BY SOLICITOR LEGETTE:

2 A. Yes. Yes. Yes, ma'am.

3 Q. I will hand you briefly, in a moment, what's been
4 marked for identification as State's Number 23. Take a
5 moment and tell me if you recognize State's 23.

6 SOLICITOR LEGETTE: May I approach, your Honor?

7 THE COURT: You may.

8 BY SOLICITOR LEGETTE:

9 A. Yes, ma'am.

10 Q. And what is State's 23?

11 A. That is the evidence bag that I used to gather this
12 evidence on the scene, where I'd signed and initialed,
13 and where it also states the chain of custody form on
14 the bag itself.

15 Q. And State's 23, are those the shell casings that
16 you collected?

17 A. Yes. Yes, ma'am.

18 Q. And what did you do with those shell casings once
19 you collected them?

20 A. I collected them; I placed them into the evidence
21 locker there at the Estill Police Department.

22 Q. And to your knowledge, is State's 23 in fairly
23 substantially the same condition today as it was when
24 you collected them on May 10, 2016?

25 A. Yes, ma'am.

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BENNETT - DX - LEGETTE

1 Q. To your knowledge, have they been changed or
2 altered in any way?

3 A. No, ma'am.

4 SOLICITOR LEGETTE: At this time, your Honor, I
5 would offer State's 23 for admission into evidence?

6 THE COURT: Without objection? State's 23?

7 MR. PLEXICO: I don't believe that chain of custody
8 is proper yet, your Honor, so I would object to it.

9 SOLICITOR LEGETTE: Your Honor, he collected these
10 particular items, and so.

11 THE COURT: This is State's 23, right?

12 SOLICITOR LEGETTE: Yes, ma'am.

13 THE COURT: Okay. It's in evidence.

14 SOLICITOR LEGETTE: Thank you, your Honor.

15 ITEM IDENTIFIED AS SHELL CASINGS

16 MARKED STATE'S EXHIBIT NUMBER 23

17 ADMITTED AS EVIDENCE.

18 BY SOLICITOR LEGETTE:

19 Q. And you indicated what you did with those
20 shell casings when you collected them?

21 A. Placed them in property and evidence, and signed my
22 initials, my name.

23 Q. And were they then turned over to the evidence
24 locker?

25 A. Yes, ma'am.

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1 Q. Now, you indicated that you responded to the crime
2 scene itself, and you collected evidence from the crime
3 scene. Did you, in response to any orders from your
4 superiors, do anything else in this case?

5 A. Once the arrival of the chief of the department,
6 Chief Mark Collins, I was advised to convene with
7 Investigator Thomas with the Estill Police Department
8 and the Hampton Regional Medical Center.

9 Q. And did you meet with any witnesses at the Hampton
10 Regional Medical -- I'm sorry. Did you meet with any
11 witnesses at the Hampton Regional Medical Center, or
12 with any investigators?

13 A. Yes.

14 Q. Who did you meet with?

15 A. I met with Investigator Thomas, and I took
16 statements from John McKnight, as well as Yhantyse
17 Priester. Yhantyse Priester. I believe I'm maybe not
18 pronouncing the last name correct, but what I got is
19 Yhantyse Priester.

20 Q. Now, upon meeting with Mr. John McKnight, did you
21 do anything as far as taking any pictures of any items
22 he may have had?

23 A. Yes.

24 Q. What did you take pictures of?

25 A. Took photographs of the inside of his vehicle,

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BENNETT - DX - LEGETTE

1 which was a Honda Accord. I transported the victim in
2 this case for assistance to the Hampton Regional Medical
3 Center.

4 Q. I hand you now what's been previously -- well,
5 you've already entered -- it already entered -- it's
6 been already entered into evidence -- it's State's 15
7 and 16. And I believe you said you recognized these
8 items, so I will direct your attention now to the
9 screen, to your left-hand side. On the screen to your
10 left, this is State's 15. What are we seeing a picture
11 of?

12 A. That is the puddle of the blood stains that were --
13 that came from the victim as he was transporting her
14 from the incident location to the Hampton Regional
15 Medical Center in Varnville.

16 Q. And this is the picture of Johnny McKnight's car?

17 A. That's correct.

18 Q. And now I direct your attention to State's Number
19 16. What is State's 16?

20 A. That is the cab of Mr. McKnight's car on the night
21 of this incident.

22 Q. And Mr. McKnight, where did you encounter Mr.
23 McKnight?

24 A. I came upon him there in Hampton Regional Medical
25 Center.

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BENNETT - DX - LEGETTE

1 Q. Okay. Now, Officer Bennett, are you also familiar
2 with any daytime photographs of the crime scene location
3 at the Fairwood Apartments?

4 A. I am.

5 Q. And are you familiar with the crime scene in the
6 daytime?

7 A. Yes, ma'am.

8 Q. Okay. I hand you now what's been previously marked
9 for identification as State's Exhibit Numbers 17 through
10 22. Please take a moment and tell me if you recognize
11 State's 17 through 22.

12 SOLICITOR LEGETTE: May I approach?

13 BY SOLICITOR LEGETTE:

14 Q. Do you recognize State's 17 through 22?

15 A. Yes, ma'am.

16 Q. What are State's 17 through 22?

17 A. These are pictures of the incident location during
18 the daytime hours, the -- with the actual laundromat in
19 the close proximity to Lawton and Grayson Street, at the
20 intersection.

21 Q. And are State's Exhibit 17 through 22 a fair and
22 accurate reflection of the daytime location near Grayson
23 and Lawton Street, near the actual area where the crime
24 was committed on May 10, 2016?

25 A. Yes, ma'am.

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BENNETT - DX - LEGETTE

1 SOLICITOR LEGETTE: At this time, your Honor, I
2 would offer State's 17 through 22 for admission into
3 evidence.

4 MR. PLEXICO: Without objection, your Honor.

5 THE COURT: Without objection.

6 SOLICITOR LEGETTE: Okay. May I approach, your
7 Honor?

8 THE COURT: You may.

9 SOLICITOR LEGETTE: And publish?

10 THE COURT: You may.

11 SOLICITOR LEGETTE: Thank you, your Honor.

12 ITEMS IDENTIFIED AS PHOTOGRAPHS

13 MARKED STATE'S EXHIBIT NUMBERS

14 17, 18, 19, 20, 21, 22.

15 ADMITTED AS EVIDENCE.

16 BY SOLICITOR LEGETTE:

17 Q. Just momentarily I think we'll have the ELMO.
18 While I direct your attention to the screen, this is
19 State's Number 17. What are we seeing in State's Number
20 17?

21 A. That's the laundromat, right there where the --
22 where the vehicles are parked. The intersection there
23 is Grayson and Lawton, right there where the vehicles
24 are parked. That's where the puddle of blood was
25 observed by law enforcement on Grayson Street.

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BENNETT - DX - LEGETTE

1 Q. And now, to State's Number 18.

2 A. It's a different angle, still showing the vehicles
3 there in the parking lot of the laundromat. And right
4 behind those vehicles is where the puddle of blood was
5 located.

6 Q. And now, State's Number 19.

7 A. That's actual Grayson Street right there, where you
8 see the vehicles on the left-hand side. The gentleman
9 in the red shirt, right behind where the orange circle
10 is, is where the blood was located, the puddle of blood.

11 Q. And now, to State's Number 20.

12 A. That is the -- right there behind the white truck?

13 Q. Um-hmm.

14 A. There is the circle of blood there. Well, the --
15 the orange circle, which indicates where the blood was
16 located on that night on Grayson Street, right before
17 the stop sign there.

18 Q. And now, to State's Number 21.

19 A. Right behind those vehicles of the sedan and the
20 truck, there is -- that's Grayson Street with the
21 circle, indicating where the article of blood was
22 located upon our arrival.

23 Q. And now, to State's Number 22.

24 A. That's the Fairwood Apartments sign where the flip-
25 flops were located to -- to your right. The vehicle is

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BENNETT - CX - PLEXICO

1 there. Both vehicles there, indicating where the
2 parking lot was. And then, behind that is the circle
3 where the puddle of blood was located.

4 Q. Thank you. And now, Mr. Bennett, once you went to
5 the Hampton Regional Medical Center -- once you went to
6 the Hampton Regional Medical Center and met with the
7 witnesses, did you have any other involvement in this
8 case?

9 A. No, ma'am.

10 SOLICITOR LEGETTE: Beg the Court's indulgence.

11 Officer Bennett, I have no further questions.

12 Please answer any questions for Mr. Plexico.

13 MR. PLEXICO: Court's indulgence, please.

14 THE COURT: Yes.

15 MR. PLEXICO: I think these are the best ones. May
16 I approach?

17 THE COURT: You may.

18 PERRY AUGUSTUS BENNETT

19 CROSS-EXAMINATION BY MR. PLEXICO:

20 Q. You said these all had orange circles on them, sir?

21 A. That's correct.

22 Q. Okay. And are those orange circles in the middle
23 of a public street?

24 A. State-maintained highways, Grayson Street.

25 Q. Okay. And that's a state-maintained highway?

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BENNETT - CX - PLEXICO

1 A. That's correct.

2 Q. All right. And there's no doubt in your mind about
3 that?

4 A. That's correct.

5 Q. All right. And this is -- and this is where you
6 found the shell casings?

7 A. That's correct.

8 Q. Okay. And --

9 A. No. Let me correct myself. That was where the
10 blood was located.

11 Q. Where the blood was located. And the shell casings
12 were?

13 A. Close proximity to that -- to that blood, where the
14 circle is.

15 Q. Okay. All right. But in the street?

16 A. That's correct, on Grayson Street, yes, sir.

17 Q. Matter of fact, that aided you in helping to see
18 it, correct? Being in the street aided you, as opposed
19 to being in the dirt and detecting it.

20 A. Could you repeat the question. I apologize.

21 Q. It was easier to see upon the pavement than it
22 would be in dirt.

23 A. That's -- that's correct.

24 Q. Okay. All right.

25 MR. PLEXICO: Court's indulgence.

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BENNETT - CX - PLEXICO

1 THE COURT: Um-hmm.

2 MR. PLEXICO: I don't have anything further.

3 THE COURT: Anything further?

4 SOLICITOR LEGETTE: Nothing from the State, your
5 Honor.

6 THE COURT: Any objection to this deputy being
7 excused?

8 SOLICITOR LEGETTE: None, your Honor.

9 MR. PLEXICO: No objections. No objections, your
10 Honor.

11 THE COURT: You're excused, sir. Thank you very
12 much.

13 All right. Call your next witness.

14 Are you all okay? Anyone need a break? Yes.

15 Ladies and gentlemen, of the jury, let's not discuss
16 this case. I'm going to send you back to your jury
17 room. I need you to do one thing for me over this
18 little break. I need you to elect a foreperson. The
19 foreperson doesn't have anymore say than anyone else.
20 They're simply the person that communicates with me
21 regarding scheduling. And then, when the case is sent
22 to you for your deliberations, they're the person to
23 make sure everyone is participating. I am going to ask
24 that you give that name of your foreperson to the
25 bailiffs after this break. I'm going to have that

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DR. WEST - DX - LEGETTE

1 MADAM CLERK: Left hand on the *Bible*, and raise
2 your right hand. Do you swear or affirm to tell the
3 truth, the whole truth, and nothing but the truth, so
4 help you God?

5 HARVEY WEST, M.D.: I do.

6 MADAM CLERK: You may be seated.

7 THE COURT: All right. Take a seat right here, Dr.
8 West. Okay.

9 SOLICITOR LEGETTE: Thank you, your Honor.

10 HARVEY WEST, M.D.

11 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

12 Q. Dr. West, where do you work, sir?

13 A. I work at Hampton Regional Medical Center in the
14 E.R.

15 Q. And what is your capacity at the Hampton Regional
16 Medical Center?

17 A. E.R. doctor.

18 Q. And how long have you been an E.R. doctor?

19 A. Five-and-a-half years.

20 Q. Can you tell us briefly about your education,
21 training, and background as it relates to being an E.R.
22 doctor.

23 A. I went to medical school at Indiana University. I
24 did a one-year preliminary residency at Rush University
25 in Chicago, and Cook County Hospital, including surgery

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DR. WEST - DX - LEGETTE

1 and trauma. Then, I did three years of family medicine
2 residency in -- in Charleston.

3 Q. And how long have you been an E.R. doctor, or a
4 doctor in general?

5 A. Five-and-a-half years.

6 Q. And --

7 A. Well, plus four years before that, after medical
8 school.

9 Q. So nine years?

10 A. Um-hmm.

11 Q. Okay. And are you a licensed medical doctor in
12 South Carolina?

13 A. Yes.

14 Q. Were you working for the Hampton Regional Medical
15 Center on or about May the 10th, 2016?

16 A. Yes.

17 Q. Did you have occasion to see a patient in the E.R.
18 that particular evening known as Tyhira Harrington?

19 A. Yes.

20 Q. Can you describe Tyhira Harrington when you saw
21 her.

22 A. When she arrived, she was dropped at the front of
23 the hospital by some people, I don't know who. The
24 nurses brought her back, and she was covered in blood.
25 Her right eye was pushed outward. There was a hole near

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DR. WEST - DX - LEGETTE

1 her right eye. It was deviated up and to the right.

2 She had a large swelling to her right skull.

3 Q. And were you able to render any medical services to
4 her?

5 A. No, she was -- she was dead when she got there, and
6 had been dead for awhile.

7 Q. And so, as part of your job as an E.R. doctor, do
8 you pronounce patients from time to time?

9 A. Yes.

10 Q. Did you pronounce Tyhira Harrington?

11 A. Yes.

12 Q. And you pronounced her as?

13 A. Dead on arrival.

14 SOLICITOR LEGETTE: Thank you, Dr. West. I have no
15 further questions.

16 THE COURT: Mr. Plexico, anything?

17 MR. PLEXICO: I don't have anything.

18 THE COURT: Any objection to Dr. West being
19 excused?

20 SOLICITOR LEGETTE: None, your Honor.

21 MR. PLEXICO: None, your Honor.

22 THE COURT: You're excused, sir. Thank you.
23 Call your next witness.

24 SOLICITOR LEGETTE: Thank you, your Honor. State
25 calls Freddie Brisbane.

5-7-18 STATE V SANDERS

BRISBANE - DX - LEGETTE

1 MR. PLEXICO: Say that again?

2 SOLICITOR LEGETTE: Freddie Bris -- Freddie
3 Brisbane.

4 MR. PLEXICO: Freddie Brisbane.

5 MADAM CLERK: Left hand on the *Bible*, raise your
6 right hand. Do you swear or affirm to tell the truth,
7 the whole truth, and nothing but the truth, so help you
8 God?

9 FREDDIE BRISBANE: I do.

10 MADAM CLERK: You may be seated.

11 THE COURT: Yes, ma'am.

12 SOLICITOR LEGETTE: Thank you, your Honor.

13 FREDDIE BRISBANE

14 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

15 Q. Hello, Mr. Brisbane.

16 A. Good evening.

17 Q. Good evening. Would you please spell your last
18 name for the court reporter.

19 A. B/r/i/s/b/a/n/e.

20 Q. Thank you. Mr. Brisbane, where do you work?

21 A. I work for F. Brisbane Service as a mortuary
22 transport service out of North Charleston.

23 Q. And can you explain what a mortuary transport
24 service does?

25 A. A mortuary transport service is where I get calls

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BRISBANE - DX - LEGETTE

1 from coroners, funeral homes, and private autopsies,
2 cases that need to go different places.

3 Q. Now, were you running, or are you the owner, of
4 Brisbane's Mortuary Service?

5 A. Yes. Yes, I am.

6 Q. And how long have you run Brisbane's Mortuary
7 Service?

8 A. Started in 1983.

9 Q. So were you running Brisbane's Mortuary Service in
10 May of 2016?

11 A. Yes.

12 Q. And did you receive a call from a coroner from
13 Hampton County?

14 A. Yes, I did.

15 Q. During May of 2016?

16 A. Yes.

17 Q. And who did you get a call from?

18 A. Coroner Ernie Washington.

19 Q. And specifically along or about May 10th or May
20 11th, 2016, did you do any work in Hampton County as far
21 as transporting any persons?

22 A. Yes, I did.

23 Q. What did Coroner Washington ask you to do?

24 A. Coroner Washington, he had confirmed with MUSC at
25 the time, of autopsy for this case. He asked me if I

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BRISBANE - DX - LEGETTE

1 could come down and pick this case up. I told him, yes,
2 I would. I was down in about maybe two hours, two-and-
3 a-half hours.

4 Q. And what date was that? Do you remember?

5 A. I think it was the 6th. It was 2016, I think. I
6 have --

7 Q. Was it May 11th or May 10th?

8 A. May 11th, if I'm not mistaken.

9 Q. And did you come down and pick up a body?

10 A. Yes, I did.

11 Q. What was the name of that body?

12 A. What was her name?

13 Q. Do you need to refer to your notes?

14 A. Yes.

15 Q. If you will.

16 A. I had that note with me at the time.

17 Q. Was her name Tyhira Harrington?

18 A. Harrington, that's the -- that's correct, yes.

19 Q. All right. So did you arrive in Hampton County?

20 A. Yes, I did.

21 Q. Okay. And so, when you arrived in Hampton County,
22 where did you go?

23 A. I go to -- I went to Hampton County Hospital
24 morgue.

25 Q. Okay. And did you pick up the body?

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1 A. Yes, I did.

2 Q. What was -- was the body in a sealed condition when
3 you picked it up?

4 A. Yes, it was.

5 Q. Okay. Did you verify the name on the body?

6 A. Yes, I did.

7 Q. Okay. And what did you do next? Did you transport
8 the body anywhere?

9 A. First, I made sure that that was the person's name.
10 Yes, I did, I transported the body personally, myself,
11 in the van, non-stop, to MUSC Hospital in Charleston,
12 and contacted the morgue attendant. The morgue
13 attendant came, and we identified the body again before
14 he put that body into the morgue.

15 Q. And this is the body of Ms. Harrington?

16 A. That's correct.

17 Q. During the transport of Ms. Harrington, was there
18 any tampering with her body?

19 A. No tampering. Non-stop.

20 Q. And when you got to the morgue at MUSC, did you
21 verify that she was still the body that you had taken
22 from Hampton to MUSC?

23 A. Yes. MUSC have a policy there. When I get there,
24 I have to give them the paperwork, which is the brought.
25 That's the Burial Transport Removal, and have all

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BRISBANE - CX - PLEXICO

1 identification of. They, in turn, put that on the tag,
2 on the -- on the body bag that she was in, and put her
3 in the morgue.

4 Q. So you delivered her body to MUSC?

5 A. That's correct.

6 SOLICITOR LEGETTE: Mr. Brisbane, I have no further
7 questions. Please answer any questions from Mr.
8 Plexico.

9 THE COURT: Mr. Plexico?

10 FREDDIE BRISBANE

11 CROSS-EXAMINATION BY MR. PLEXICO:

12 Q. And you -- did you return back -- back later that
13 day?

14 A. The next day, yes. Um-hmm.

15 MR. PLEXICO: Okay. All right. I don't have
16 anything else. Thank you.

17 THE COURT: Any objection to being excused?

18 SOLICITOR LEGETTE: No, your Honor.

19 THE COURT: Mr. Brisbane, you're excused, sir.
20 Thank you.

21 FREDDIE BRISBANE: Thank you.

22 SOLICITOR LEGETTE: Thank you.

23 THE COURT: Call your next witness.

24 SOLICITOR LEGETTE: Thank you. State calls Samson
25 Williams.

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WILLIAMS - DX - LEGETTE

1 BAILIFF: Samson Williams?

2 SOLICITOR LEGETTE: Yes. Samson Williams.

3 MADAM CLERK: Do you swear or affirm to tell the
4 truth, the whole truth, and nothing but the truth, so
5 help you God?

6 SAMSON WILLIAMS: I do.

7 SAMSON WILLIAMS

8 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

9 Q. Mr. Williams.

10 A. Yes, ma'am.

11 Q. Good afternoon. Mr. Williams, where are you from?

12 A. Estill, South Carolina.

13 Q. Born and raised?

14 A. Yes, ma'am.

15 Q. Okay. Now, Mr. Williams, do you know a woman named
16 Marilyn Garvin?

17 A. Yes, ma'am.

18 Q. How do you know Marilyn Garvin?

19 A. Right now, we is married, but we been together
20 going on three years.

21 Q. Going on three years. Okay. Now, Mr. Williams, do
22 you really want to be here today, or are you -- you're
23 under subpoena? Are you under subpoena? Are you under
24 subpoena to be here today?

25 A. No, ma'am.

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WILLIAMS - DX - LEGETTE

1 Q. Okay. Now, Mr. Williams, do you have a prior
2 record?

3 A. Yes, ma'am.

4 Q. All right. Now, just briefly, I want to kind of go
5 over it with you. And you have a shoplifting
6 conviction?

7 A. Yes, ma'am.

8 Q. Okay. You also have a receiving stolen goods
9 conviction from looks like -- or maybe it's petty
10 larceny, from 2010?

11 A. Yes, ma'am.

12 Q. Okay. All right. I'm sorry. And in 2004, grand
13 larceny, also?

14 A. Yes, ma'am.

15 Q. Okay. And now, Mr. Williams, does any of that have
16 to do with what you're going to tell the Court today --
17 today?

18 A. No, ma'am.

19 Q. Okay. Now, Mr. Williams, do you know a man named
20 -- do you know the defendant?

21 A. Yes, ma'am.

22 Q. And do you know what his name is?

23 A. I know his street name.

24 Q. You know his -- you know his legal name?

25 A. No, ma'am.

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WILLIAMS - DX - LEGETTE

1 Q. Well, what is his street name?

2 A. I call him --

3 MR. PLEXICO: Your Honor, I renew my prior
4 objection.

5 THE COURT: Okay. Noted for the record. Overruled
6 again. Go ahead.

7 SOLICITOR LEGETTE: Thank you, your Honor.

8 BY SOLICITOR LEGETTE:

9 Q. What do you call him?

10 A. We call him Get Hard.

11 Q. Okay. All right. So, but you know him.

12 A. Yes, ma'am.

13 Q. How long have you known Mr. -- the defendant?

14 A. Numbers of year. I can't say exactly, but I've
15 known him for awhile.

16 Q. A long time?

17 A. Yes, ma'am.

18 Q. Okay. So over years. You said years?

19 A. Yes, ma'am. It's over five, six years.

20 Q. About five or six years?

21 A. Yes, ma'am.

22 Q. Okay. And would you see him around the community?

23 A. Yes, ma'am.

24 Q. All right. Now, Marilyn Garvin, do you know her
25 daughter?

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WILLIAMS - DX - LEGETTE

1 A. Yes, ma'am.

2 Q. Or did you know her daughter?

3 A. Well, when I met her, I met her daughter.

4 Q. What was her daughter's name?

5 A. Tyhira.

6 Q. Tyhira?

7 A. Tyhira, yes, ma'am.

8 Q. Okay. And about how long would you say you knew
9 Tyhira?

10 A. Basically about the same time as her mother, about
11 three years.

12 Q. Okay. Now, you said you knew the defendant, and
13 you knew Tyhira, and you know Marilyn Garvin. Were you
14 living in Estill back in May of 2016?

15 A. Yes, ma'am.

16 Q. Okay. Specifically about May 7, 2016, were you and
17 your girlfriend, Ms. Marilyn Garvin, together?

18 A. Yes, ma'am.

19 Q. You all had been dating during that period of time?

20 A. Yes, ma'am.

21 Q. And tell us about a night -- did you actually see
22 Mr. -- the defendant, who you know as another name
23 besides his name, Mr. Sanders, did you see him one night
24 while you and Ms. Garvin were together?

25 A. Yes, ma'am.

5-7-18 STATE V SANDERS

WILLIAMS - DX - LEGETTE

1 Q. Can you tell us the circumstances of when you saw
2 him.

3 A. Basically, we was just walking back to the house.

4 Q. Now, you say we. Who is we?

5 A. Marilyn Garvin.

6 Q. Okay.

7 A. We were walking back toward the house, and he was
8 right there by the back of the courthouse, where the
9 town hall at. He was sitting on the porch, him and his
10 girlfriend. And he made a statement like, man, you need
11 to go buy you a black dress because I'm going to kill
12 your daughter.

13 Q. And who did he say this to?

14 A. Well, basically he was speaking to her, because
15 there ain't nobody but me and her together that night.

16 Q. And how certain are you that it was Mr. Sanders
17 that made this comment?

18 A. Cause I walked up and spoke to him. And I asked
19 him -- I asked him, I said, why are you saying this?
20 And you know.

21 Q. And did he say why he was saying it?

22 A. Not really, you know.

23 Q. And did his -- did Ms. Garvin have any reaction to
24 Mr. --

25 A. Oh, yeah. She got upset, and she tried to contact

5-7-18 STATE V SANDERS

WILLIAMS - DX - LEGETTE

1 her daughter. You know.

2 Q. Okay. And so, now, was this before Tyhira was
3 killed?

4 A. Yes, ma'am.

5 Q. Okay. And did you see Mr. Sanders after he made
6 this comment that night?

7 A. Oh, yeah. He right there from Estill, so he, you
8 know, I see him.

9 Q. Okay. Did you see him the night that Tyhira was
10 killed?

11 A. Not that night, but that day.

12 Q. That day? Okay? Where did you see Mr. Sanders
13 that particular day?

14 A. In the apartments.

15 Q. All right. Whose apartment specifically was he in?

16 A. Hers.

17 Q. Who is hers?

18 A. Ty, but Ty, Tyhira. Well, I call her Ty.

19 Q. You call her Ty? Okay. All right. So you call
20 her Ty. So you all were in the apartment?

21 A. Well, he was there. Yeah, I was there for a brief
22 moment, you know.

23 Q. Did anything about his comment come up during that
24 night?

25 A. Well, I would -- I would say, but you know, I can't

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WILLIAMS - DX - LEGETTE

1 say it wasn't. But you know, a lot of stuff was being
2 said, you know.

3 Q. Specifically, did he make the comment again, or did
4 you talk with him about this comment he made?

5 A. Oh. Well, basically, what I told you about killing
6 her again, no, I couldn't say that he made the comment
7 during the time that I was in the apartment, but it was
8 Marilyn spoke with him.

9 Q. Okay. All right. During this period of time that
10 he was in the apartment, at any point did -- did Ty come
11 home?

12 A. Well, yeah, they was in there. He was there with
13 her. And it was her and her other girlfriends, and me
14 and Marilyn, her mother.

15 Q. Okay.

16 SOLICITOR LEGETTE: Begging the Court's indulgence.

17 THE COURT: Um-hmm.

18 BY SOLICITOR LEGETTE:

19 Q. Mr. Williams, do you see the man in the courtroom
20 today that told Marilyn Garvin that he would kill her
21 daughter?

22 A. Yes, ma'am.

23 Q. Can you point him out to the Court, please.

24 A. Yes, ma'am.

25 Q. Can you describe what he's wearing.

5-7-18 STATE V SANDERS

WILLIAMS - CX - PLEXICO

1 A. Right now?

2 Q. Yes, right now.

3 A. A gray shirt..

4 Q. Thank you.

5 SOLICITOR LEGETTE: Let the record reflect the
6 defendant -- I'm sorry -- the witness has indicated the
7 defendant, Greg Sanders.

8 Mr. Williams, I have no further questions. Answer
9 any questions for Mr. Plexico, please.

10 SAMSON WILLIAMS

11 CROSS-EXAMINATION BY MR. PLEXICO:

12 Q. In 2010, you were actually convicted of six counts
13 of larceny, weren't you?

14 A. Yes, sir. Yes, sir.

15 Q. Okay. Not one count, but six counts?

16 A. Yes, sir.

17 Q. In addition to the receiving stolen goods?

18 A. No. No receiving stolen goods.

19 MR. PLEXICO: May I approach the witness?

20 THE COURT: You may.

21 BY MR. PLEXICO:

22 A. Six counts of grand larceny. Right there.

23 Allendale County. That's what I got charged with. I
24 don't know nothing about that, receiving stolen goods.

25 Q. So you said there were six counts of grand larceny

1 in Allendale County?

2 A. Yes, sir.

3 Q. And you don't know anything about getting convicted
4 in -- here in Hampton County, correct?

5 A. Not at that present time.

6 Q. Okay. Would you say the text saying this text --

7 MR. PLEXICO: May I approach the witness again?

8 THE COURT: You may.

9 SOLICITOR LEGETTE: Objection, your Honor. I have
10 not seen.

11 THE COURT: You want to show her?

12 BY MR. PLEXICO:

13 Q. Now, Tyhira came into the apartment. Did my client
14 and Tyhira go in the apartment together on the night of
15 the 10th. Is that correct?

16 A. Sir, excuse me. Could you speak up.

17 Q. Did Tyhira invite my client over to the apartment
18 that night?

19 A. I cannot say that.

20 Q. Okay. When he initially got there, she didn't have
21 any problem with him being there, correct?

22 A. Well, I -- like this. At the present time, seem
23 like, yeah, she had a problem, you know.

24 Q. All right. Well, she had her two girlfriends there
25 with her, Kywana Bradley and Yhantyse Priester, correct?

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WILLIAMS - CX - PLEXICO

1 A. Yes, sir.

2 Q. All right. Now, at some point in time, didn't they
3 strike my client?

4 A. I couldn't tell you. I know there was a verbal
5 argument.

6 Q. Okay. So you were in another part of the
7 apartment?

8 A. Well, basically -- no, basically I was there, but I
9 -- I didn't -- I know it was a verbal argument. I
10 didn't see any -- any cross -- I didn't --

11 Q. You didn't see anybody -- you didn't see those
12 three girls attacking my client?

13 A. No, I did not. Yes, sir, I did not.

14 Q. My client left -- left peacefully, correct?

15 A. Excuse me?

16 Q. My client left peacefully, right?

17 A. Well, when -- yeah, afterwards. When I sneak up,
18 yeah, he just walked out.

19 Q. Okay. All right. And he didn't hit anybody,
20 correct?

21 A. I didn't see him hit anybody.

22 Q. All right. Now, all right. Did you -- all right.
23 Did you have anything to do with sending Tyhira out in
24 the car that night looking for my client?

25 A. Anything to do with it?

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WILLIAMS - CX - PLEXICO

1 Q. Yeah. Did you send her out or encourage her to go
2 out and do that?

3 A. Encourage her? I wasn't even there after that. We
4 were just moving in our new apartment, you know. And
5 all that went by, that way after I left.

6 Q. But you and Marilyn had been living with Tyhira in
7 her apartment?

8 A. Well, we were just moving out. Yeah, we were
9 staying there up until the day before. We were just
10 moving out that same day. When that happened, we was in
11 our other apartment all that happened then. We were not
12 there.

13 Q. And that's in Tyhira's apartment?

14 A. No, that was in our apartment.

15 Q. Okay. But you all were moving out of that.

16 A. Yes, sir. We had already moved out.

17 Q. Okay.

18 A. But we was still in the process.

19 Q. All right. Did Tyhira live in that apartment with,
20 you all?

21 A. No, sir. She had her own apartment.

22 Q. Okay. All right. So did you all -- did you make a
23 police report of what he supposedly said on the 7th?

24 A. Excuse me?

25 Q. While wearing the black -- get a black dress. Did

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WILLIAMS - RDX - LEGETTE

1 you all make a police report on that?

2 A. No, because he didn't -- not that I recall, no,
3 because, you know, after it happened, you know, I didn't
4 even really, you know, I say didn't talk to him, you
5 know.

6 Q. Okay. Now.

7 A. But she did -- she ain't made no police report, but
8 she on her phone, and sent some texts over the phone and
9 sent them to her.

10 Q. Well, you know, the flower shop is right beside the
11 police station, for all practical purposes.

12 A. Well, yeah, it was after hours, we coming from the
13 store, sir.

14 Q. Does 911 ever close up?

15 A. No, sir. But that -- that didn't give us no reason
16 to run to the police station.

17 Q. It wasn't anything that you thought was serious.

18 A. Exactly. I figured it was just verbal, you know,
19 conversation. People say all kinds of things. You know
20 what I'm saying. This take -- she took heed. I didn't.

21 MR. PLEXICO: I don't have anything further.

22 THE COURT: Ms. Legette?

23 SAMSON WILLIAMS

24 RE-DIRECT EXAMINATION BY SOLICITOR LEGETTE:

25 Q. Just briefly, Mr. Williams. While you were in the

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WILLIAMS - RDX - LEGETTE

1 apartment that night when Mr. Sanders was present, did
2 anyone fight? Did anyone fight?

3 A. I did see him in verbal conversation. It was in
4 verbal conversation with her, you know.

5 Q. Okay. But were there any licks passed? Any
6 touching?

7 A. I didn't recall if -- I might have walked out for a
8 minute, but while I was in there, I didn't see any --

9 Q. No fighting.

10 A. -- no right -- no right --

11 Q. Thank you.

12 COURT REPORTER: I'm sorry, your answer was, *nobody*
13 *no licks on them?*

14 A. No, ma'am, I didn't see any licks.

15 THE COURT: Anything further, Mr. Plexico?

16 MR. PLEXICO: I don't have anything further.

17 THE COURT: All right. Any objection to this
18 witness being excused?

19 SOLICITOR LEGETTE: None, your Honor.

20 THE COURT: Mr. Williams, you're excused, sir.

21 SAMSON WILLIAMS: Thank you.

22 THE COURT: Call your next witness.

23 SOLICITOR LEGETTE: State calls Marilyn Garvin.

24 MADAM CLERK: Left hand on the *Bible*. Raise your
25 right hand. Do you swear or affirm to tell the truth,

5-7-18 STATE V SANDERS

GARVIN - DX - LEGETTE

1 the whole truth, and nothing but the truth, so help you
2 God?

3 MARILYN GARVIN: Yes.

4 MARILYN GARVIN

5 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

6 Q. Hello, Ms. Garvin.

7 A. Hi.

8 Q. Ms. Garvin, your first name -- what's your first
9 name?

10 A. Marilyn.

11 Q. Okay. Ms. Garvin, where do you live currently?

12 A. I live in Estill, South Carolina.

13 Q. Okay.

14 A. [REDACTED] now.

15 Q. All right. And Ms. Garvin, in the past, back when
16 you were younger, did you have a few items on your
17 criminal history?

18 A. Yes.

19 Q. Okay. So I think some shoplifting convictions?

20 A. Yes.

21 Q. Okay. Does any of that have anything to do with
22 what you're going to tell this jury today?

23 A. No.

24 Q. Now, Ms. Garvin, do you know a woman -- did you --
25 how many children do you have?

- 1 A. One.
- 2 Q. And what's her name?
- 3 A. Tyhira Harrington.
- 4 Q. And is -- where is she now?
- 5 A. She's deceased.
- 6 Q. And you have any other children?
- 7 A. No, I have two grandkids, her daughters.
- 8 Q. Okay. And what are their names?
- 9 A. The oldest one is Terianna C. , and she is
- 10 seven. The baby is Derrie F. (phonetic spell), and
- 11 she is four.
- 12 Q. All right. Now, Ms. Garvin, tell us about Tyhira
- 13 Harrington.
- 14 A. My daughter --
- 15 Q. Where did you live? Where did she live?
- 16 A. Estill. Well, we were from -- we were from
- 17 Allendale, but we was in Estill.
- 18 Q. When did you move to Estill?
- 19 A. It was January 2015 when we moved there.
- 20 Q. Okay. And where did you live in Estill?
- 21 A. Fairwood Apartments. I think it was 2016
- 22 apartment.
- 23 Q. Okay. And who lived with you and Tyhira?
- 24 A. Myself and my two granddaughters.
- 25 Q. Did anyone else live there?

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GARVIN - DX - LEGETTE

1 A. A friend, Joe Frank. Boyfriend. I'd say
2 boyfriend.

3 Q. All right. And so, how long did you live with
4 Tyhira?

5 A. Ever since we moved there, January '15.

6 Q. Okay. In January?

7 A. Until the night she got killed.

8 Q. All right. Now, did you know -- did Tyhira work?

9 A. Yes.

10 Q. Where did she work?

11 A. She worked at a place called Worlds of Beer in
12 Hilton Head, and another place called Hickory Tavern.
13 It's also in Hilton Head.

14 Q. And did she have any other side jobs?

15 A. Doing hair.

16 Q. And when she did hair, what did she do to hair?
17 Did she --

18 A. She braid. She do like, weave, regular sew-
19 insurance. All types of stuff people want done, she did
20 it.

21 Q. And aside from her boyfriend, did Tyhira have any
22 other friends?

23 A. Repeat the question.

24 Q. Aside from her boyfriend, did she have any other
25 friends?

5-7-18 STATE V SANDERS

GARVIN - DX - LEGETTE

- 1 A. Other friends like --
- 2 Q. Like girlfriends?
- 3 A. Female friends, yes.
- 4 Q. Okay. Do you know their names?
- 5 A. Kywana Bradley. I don't -- I don't know Daisy last
- 6 name, but they call her Daisy.
- 7 Q. Call her Daisy.
- 8 A. I don't know her last name.
- 9 Q. Do you know her first name?
- 10 A. I don't know her first name, either, but I know we
- 11 call her Daisy.
- 12 Q. Call her Daisy.
- 13 A. I know her as Daisy.
- 14 Q. Okay.
- 15 A. But I know she was a friend of my daughter's.
- 16 Q. Okay. Now, do you know a man named Greg Sanders?
- 17 A. I didn't know him, but I knew of him by coming to
- 18 my daughter's apartment.
- 19 Q. Okay. Is he present in court today?
- 20 A. Yes. He's sitting right there.
- 21 Q. Can you describe what he's wearing.
- 22 A. What he's wearing now?
- 23 Q. Yes, ma'am.
- 24 A. Look like a black shirt, collar shirt, button-down
- 25 shirt.

5-7-18 STATE V SANDERS

GARVIN - DX - LEGETTE

1 Q. A button-down, collared shirt?

2 A. Yes.

3 SOLICITOR LEGETTE: Let the record reflect that the
4 witness has identified Gregory Sanders, the defendant.

5 BY SOLICITOR LEGETTE:

6 Q. Now, Ms. Garvin, you said that you didn't know him,
7 but you knew of him. How did you know Greg Sanders?

8 A. Because he started coming to our apartment, talking
9 to my daughter and other people that been there. And
10 she started doing -- doing his hair, sort of like how he
11 has it now. Braiding -- platting his hair.

12 Q. So how often would he come to the apartment?

13 A. Not that often.

14 Q. But did you ever have a conversation with Mr.
15 Sanders?

16 A. No. But the night of --

17 Q. Well, before we get to the night of, okay --

18 A. Okay.

19 Q. Okay. So did you ever interact with Mr. Sanders?

20 A. No, ma'am.

21 Q. Okay. At some point, did Mr. Sanders come to the
22 house and eat?

23 A. Yes, we fed him.

24 Q. Okay. Who, specifically, fed him?

25 A. Myself and my daughter.

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GARVIN - DX - LEGETTE

1 Q. All right. So now, do you know Mr. Sanders by his
2 nickname?

3 A. Yes.

4 Q. And what was that nickname?

5 A. Hard.

6 Q. Okay. Did other people know him by the nickname,
7 too?

8 MR. PLEXICO: I object again, your Honor.

9 THE COURT: Okay. All right. Subject to your
10 prior objection, overruled. I don't think the next
11 question is relevant. I think go ahead and just keep
12 going.

13 BY SOLICITOR LEGETTE:

14 Q. Now, Ms. Garvin, let's talk about -- so you said
15 you knew Greg Sanders?

16 A. I not know him. I knew of him.

17 Q. You knew of him. Okay.

18 A. Right.

19 Q. You had seen him before?

20 A. Yes.

21 Q. Did he stay there before?

22 A. Yes.

23 Q. Okay. All right. He had been to your apartment --

24 A. Yes.

25 Q. -- with Tyhira?

5-7-18 STATE V SANDERS

GARVIN - DX - LEGETTE

1 A. Yes.

2 Q. Did you ever know of Mr. Sanders to have a
3 girlfriend?

4 A. Yes. It was a female that came the time that he
5 did come there, was a woman with him.

6 Q. And as far as you were concerned, what was her role
7 in his life?

8 A. Said that was his girlfriend. She was always with
9 him when he came there.

10 Q. Did you know her name?

11 A. No, ma'am.

12 Q. But you would know her on sight?

13 A. Yes.

14 Q. Now, when you said that you fed Mr. Sanders, did
15 you also feed anyone else with him?

16 A. His girlfriend.

17 Q. Now, do you know a man named Samson Williams?

18 A. Yes.

19 Q. And how do you know Samson Williams?

20 A. He's my fiancé, husband, whatever.

21 Q. Okay. Did he also know Tyhira?

22 A. Yes.

23 Q. Okay. What did you call Tyhira?

24 A. Ty.

25 Q. Now, was Mr. Williams your boyfriend when Tyhira

5-7-18 STATE V SANDERS

GARVIN - DX - LEGETTE

1 was alive?

2 A. Yes.

3 Q. I want to turn your attention now to May 7, 2016.

4 Do you remember May 7, 2016?

5 A. Oh, yes.

6 Q. Okay. Did anything unusual happen on that day?

7 A. Well, that day, no, but that night --

8 Q. At night? Okay.

9 A. -- we was walking. Me and Samson, we was walking
10 to the store, and we happened to see the defendant,
11 Hard, right here, and his girlfriend. They was sitting
12 on a abandoned house behind the police department. And
13 I guess he knows who I was, and I was walking, so he
14 just holler and say, you better get you a black dress,
15 because I'm going to kill your daughter, because she
16 took me to Allendale to try to get me set up, like that.
17 And then, he offer his girlfriend to come out in the
18 road there and fight with me. I said baby, you don't
19 want to fight me, like that. And that was that, and we
20 walked off. Came back the same old way, thinking we was
21 going to see them, but they was gone.

22 Q. Now, did you ever report that to the police?

23 A. No.

24 Q. What was your reaction to Mr. Sanders making that
25 comment to you?

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GARVIN - DX - LEGETTE

1 A. I was -- I was upset when he said that, because I
2 got on my phone and I texted my daughter, and I said,
3 you playing around with Hard say he going to kill you
4 for taking him to Allendale to try to get him set up.

5 Q. Did you ever talk to her about this?

6 A. Not that night.

7 Q. Now, did she have any response to what he said
8 about her?

9 A. She didn't -- she didn't say nothing else to me
10 about it. We didn't talk about it no more since then,
11 until this happened.

12 Q. Now, whenever this was said to you --

13 A. Go ahead. I'm here.

14 Q. Okay. Whenever this was -- whenever Mr. Sanders
15 made this -- this threat to you, who was with you?

16 A. Samson Williams.

17 Q. Did Samson hear it, also?

18 A. Yes, because he was like, Samson, Hard, why are you
19 saying this to my friend like this, saying you're gonna
20 kill her daughter? Those were his words.

21 Q. Did Mr. Sanders have any response after that?

22 A. He started -- he said -- he mumbled, he said
23 something because was say -- they were arguing back and
24 forth, all three of us, but later -- later -- his
25 girlfriend didn't say not one word. And just myself and

1 Samson and Hard saying words for words.

2 Q. Now, you indicated that you actually texting her,
3 your daughter?

4 A. Yes.

5 Q. And you texted her from -- from what device did you
6 text her from?

7 A. From my phone to her phone.

8 Q. Okay. I hand you now what's been previously marked
9 as State's Exhibit Number 24, for purposes of
10 identification. Take a moment and tell me if you
11 recognize State's Exhibit 24.

12 SOLICITOR LEGETTE: May I approach?

13 THE COURT: You may.

14 BY SOLICITOR LEGETTE:

15 A. Yes, ma'am.

16 Q. And what is State's Exhibit 24?

17 A. It say, *you sitting here playing with that --*

18 Q. No, no, no. Don't tell me what it says.

19 A. Oh.

20 Q. But what is it? What is State's Exhibit --

21 A. This is the text message that I sent to my daughter
22 from me texting.

23 Q. And is State's Exhibit 24 a fair and accurate
24 reflection of a copy of the text message you sent your
25 daughter that particular night?

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GARVIN - DX - LEGETTE

1 A. Yes.

2 Q. Has it been changed or altered in any way?

3 A. Oh, no.

4 Q. All right.

5 SOLICITOR LEGETTE: At this time, your Honor, I
6 would offer State's 24 for admission into evidence.

7 THE COURT: Okay.

8 MR. PLEXICO: Your Honor, I believe it's
9 bolstering, your Honor, and she can testify to it, but I
10 would object to it.

11 THE COURT: Okay. Overruled. She can testify to
12 it and it can come into evidence. Go ahead.

13 ITEM IDENTIFIED AS COPY OF
14 TEXT MESSAGE.

15 MARKED STATE'S EXHIBIT NUMBER 24

16 ADMITTED AS EVIDENCE.

17 SOLICITOR LEGETTE: Thank you, your Honor.

18 BY SOLICITOR LEGETTE:

19 Q. Now, Ms. Garvin, you testified earlier about this
20 being on May 7th. What did -- do you remember what day
21 you texted your daughter?

22 A. It was on May 7th.

23 Q. Same night?

24 A. Yes.

25 Q. I would direct your attention briefly to --

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GARVIN - DX - LEGETTE

1 momentarily, I guess. Are you able to see that board?
2 Maybe you can't, but. I'll just have you read whenever
3 it comes up.

4 A. Okay.

5 Q. State's Exhibit Number 24. Wait, just --

6 SOLICITOR LEGETTE: Begging the Court's indulgence.

7 BY SOLICITOR LEGETTE:

8 Q. Now, Ms. Garvin, if you don't mind, would you
9 please read the text message that you sent --

10 A. Yes.

11 Q. -- to your daughter?

12 A. I said:

13 *You sitting here playing with that*
14 *mother fucker Get Hard. He's talking about*
15 *killing you, about you took him to Allendale*
16 *to get him set up.*

17 Q. And what date that was on you sent it?

18 A. It was May 7th.

19 Q. And what's the time that you sent it?

20 A. It was 12:04 a.m.

21 Q. And did you also send her another text?

22 A. Yes.

23 Q. And what does that text say?

24 A. It's saying:

25 *I'm a ride or die motherfucker, he*

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GARVIN - DX - LEGETTE

1 *better recognize and all -- and all it takes*
2 *is a phone call. And I love you in spite of*
3 *all the bull shit that me and you had.*

4 Q. Now, Ms. Garvin, what did you mean when you told
5 her -- is this how you normally talk to Tyhira?

6 A. No, because I was upset with for him threatening my
7 daughter.

8 Q. And is the reference to his name in there?

9 A. Yeah.

10 Q. Is that what you called him all the time?

11 A. Hard.

12 Q. Okay. All right. And that's how you identified
13 him?

14 A. Yes, Hard.

15 Q. Yes, ma'am. All right. Now, and as far as the
16 text message, you were telling her -- what were you
17 trying to do in sending her this text message?

18 A. To warn her, to let her know that he was
19 threatening to kill her.

20 Q. Did you think it was important to warn her?

21 A. Yes. Of course.

22 Q. Now, the second text message that you sent, what do
23 you mean by what you said in that text message?

24 A. Well, I was saying to her that I would be behind
25 her regardless of what he was -- he was saying that she

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GARVIN - DX - LEGETTE

1 took her -- she took him to Allendale and had him set
2 up, and I was going to be behind her, on her side, if he
3 had come at her or something.

4 SOLICITOR LEGETTE: May I approach the witness,
5 your Honor?

6 THE COURT: You may.

7 BY SOLICITOR LEGETTE:

8 Q. Ms. Garvin, I'm going to get this back from you.
9 You need a moment?

10 A. No, go on.

11 Q. Now, Ms. Garvin, Ms. Garvin, did Tyhira respond
12 back to you after you sent her the text message?

13 A. No, she didn't.

14 Q. Did you see Tyhira after this text message was
15 made?

16 A. Yes.

17 Q. Okay. Now, did anything else -- okay. So let's go
18 back to the text message itself and to what Mr. Sanders
19 said to you. At some point, did you walk away from him
20 that night?

21 A. Yeah, when me and Samson continues on, we go on to
22 the store.

23 Q. Did you see him again that night?

24 A. No, ma'am.

25 Q. Now, let's talk about the next few days. Did

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GARVIN - DX - LEGETTE

1 anything unusual happen in the next few days with
2 Tyhira?

3 A. Well, he was in the apartment that night.

4 Q. Now, what night is this?

5 A. The night of May 10th.

6 Q. Okay.

7 A. We heard a knock on the door, and it was Mr.
8 Sanders. He came, and she let him in. And I said, Ty,
9 why you letting this man in your house and he just
10 threatened to kill you, like that. And she say -- she
11 said -- she say, this is my house, I let him in, cause
12 she was, you know, wanting to be his friend, wanting to
13 be his friend. And then, her, Ms. Bradley, and Daisy
14 and Alexander, which is Bama, they started asking him
15 why would he lie and say that Tyhira took him to
16 Allendale to be robbed. And then, he started -- he
17 responded. So I don't remember exactly what he said,
18 but he threw a bandana down on the floor and said you
19 put it all under whatever the gang names. He said a lot
20 of gang names, and he put it on that, and he put it on
21 there. And Bama, Mr. Alexander, asked him to pick up
22 his bandana off the floor. And he said, no, it's on
23 there on the five. Bama say, it's on the five, whatever
24 that mean. And that was that.

25 Q. Did he ever -- did anyone put him out of the house

1 that night?

2 A. No, ma'am. Nobody -- he walked out the house his
3 self.

4 Q. Now, in that particular night, were you in the
5 process of doing anything -- what were you doing that
6 particular night?

7 A. I was in the process of -- on May 10th, I was in
8 the process of moving out of my daughter apartment into
9 another apartment, which is -- it ain't but five minutes
10 apart where we lived at.

11 Q. And who was moving in with you?

12 A. It was myself, my granddaughter, and Samson.

13 Q. Now, at some point, did you leave the apartment
14 that night?

15 A. Yes.

16 Q. Who did you leave with?

17 A. It was myself. Well, my daughter, she moved me.

18 Q. Okay. And who else was with you?

19 A. Samson and Kywana, all of them helped me move that
20 night.

21 Q. All right. So you went to your apartment?

22 A. Yes.

23 Q. Okay. Did you see Tyhira again after you went to
24 your apartment?

25 A. No.

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GARVIN - DX - LEGETTE

1 Q. Okay. Did anything unusual happen while you were
2 at your apartment?

3 A. No, just what I said, that little altercation.
4 They was talking about why she took him to Allendale,
5 just trying to have him set up.

6 Q. Did anything else happen after you got to your
7 apartment? Did you get any other phone calls?

8 A. Oh. Yeah, I got a call from Johnny -- Johnny
9 McKnight saying -- calling and said that Hard and his
10 girlfriend was on the back of my daughter apartment
11 fiddling with the door. And then, I called her and I
12 told her. She just still --

13 MR. PLEXICO: That's hearsay, and I'd move to
14 strike, your Honor, and ask for a curative instruction.

15 SOLICITOR LEGETTE: We'll strike it, your Honor.

16 THE COURT: All right. Ladies and gentlemen, that
17 last comment is not appropriate. Someone cannot say
18 what someone else has said.

19 BY SOLICITOR LEGETTE:

20 Q. Ms. Garvin, did you also get a text message from
21 anyone?

22 A. Mr. Johnny McKnight. Johnny known as Johnny Blaze.

23 Q. Okay. And what -- did the text message come to
24 your phone?

25 A. It came to my phone.

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GARVIN - DX - LEGETTE

1 Q. Did you actually have Mr. McKnight programmed into
2 your phone?

3 A. Yes, under Johnny Blaze.

4 Q. Okay. And did you know his telephone number when
5 it came in?

6 A. Yes.

7 Q. I hand you momentarily what's previously been
8 marked as State's 25. Take a moment and tell me if you
9 recognize State's 25.

10 SOLICITOR LEGETTE: May I approach, your Honor?

11 THE COURT: You may.

12 BY SOLICITOR LEGETTE:

13 A. Yes.

14 Q. And what is State's 25?

15 A. Just -- just --

16 Q. Don't tell me what it says.

17 A. Okay.

18 Q. What is State's 25?

19 A. This is what I -- Johnny text my phone.

20 Q. And is that a text message from Johnny?

21 A. Yes.

22 Q. Now, is State's 25 a fair and accurate reflection
23 of the -- a copy of the text message you got from Johnny
24 McKnight the night of May 10, 2016.

25 A. Yes, it's the same text.

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GARVIN - DX - LEGETTE

- 1 Q. Has it been changed or altered in any way?
- 2 A. No, ma'am.
- 3 Q. And how are you able to recognize State's 25?
- 4 A. Because they programmed in my phone as Johnny
- 5 Blaze, and the same text is in my phone.
- 6 Q. Do you still have that phone?
- 7 A. Yes, ma'am.
- 8 Q. And is that text message still in that phone?
- 9 A. It's in the phone.
- 10 Q. In response to that text message, what did you do?
- 11 A. I called my daughter and told her that.
- 12 Q. You told her what? What Mr. McKnight said?
- 13 A. That what he -- Johnny said, that what he called
- 14 and told me that.
- 15 Q. Don't tell me what he said.
- 16 A. Okay.
- 17 Q. But you -- did you call Tyhira?
- 18 A. Yes, I did.
- 19 Q. Okay. Did she answer the phone?
- 20 A. Yes.
- 21 Q. And were you able to tell her?
- 22 A. Yes.
- 23 Q. Did she have any reaction?
- 24 A. No, she didn't. She hung up the phone.
- 25 SOLICITOR LEGETTE: At this time, your Honor, I

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GARVIN - DX - LEGETTE

1 would offer State's Exhibit 25 for admission into
2 evidence.

3 MR. PLEXICO: Your Honor, it's clearly hearsay.
4 The maker of that, we don't know who had the phone that
5 made the text and sent it. We just know the device that
6 it came from, maybe.

7 SOLICITOR LEGETTE: Your Honor, she knows that it
8 was her phone, and it -- the text message came to her
9 phone.

10 THE COURT: Okay.

11 MR. PLEXICO: Who created it? We don't know who
12 created it, and who sent it. Somebody else could have
13 been using the phone. It could be hearsay.

14 SOLICITOR LEGETTE: May we approach, your Honor?
15 We have a matter.

16 THE COURT: Come on up.

17 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
18 HEARING OF JURORS. PRESENT: THE COURT,
19 MS. LEGETTE, MR. PLEXICO.

20 END BENCH CONFERENCE.

21 BY SOLICITOR LEGETTE:

22 Q. Ms. Williams -- Ms. Garvin, I apologize.

23 SOLICITOR LEGETTE: Your Honor, I would offer
24 State's Exhibit 25 for admission into evidence at this
25 time.

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GARVIN - DX - LEGETTE

1 THE COURT: Okay. I'm going to allow it, subject
2 to Mr. Plexico's objection.

3 SOLICITOR LEGETTE: Thank you, your Honor.

4 ITEM IDENTIFIED AS PHOTOGRAPH OF
5 TEXT MESSAGE FROM JOHNNY MCKNIGHT
6 MARKED STATE'S EXHIBIT NUMBER 25
7 ADMITTED AS EVIDENCE.

8 BY SOLICITOR LEGETTE:

9 Q. And we will, momentarily, Ms. Garvin, we will have
10 you read the text message. And I direct your attention
11 to the screen for that.

12 A. *I just seen Hard.*

13 Q. One second, please.

14 All right. Now, Ms. Garvin, if you don't mind
15 reading the basis of the text message from May 10, 2000
16 -- well, begin at the beginning of the top of the text
17 message. What does it say?

18 A. *Johnny Blaze.*

19 Q. And who did you know Johnny Blaze to be?

20 A. *Johnny McKnight.*

21 Q. Now, can you read to us the message contained on
22 May 10th?

23 A. *Yeah. I just seen Hard girlfriend walking behind*
24 *apartment. He's probably behind her to trying*
25 *something.*

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GARVIN - DX - LEGETTE

1 Q. Okay. Now, Ms. Garvin, when you received this text
2 message, were you able to decipher what it meant? Or
3 what it meant to you?

4 A. What it mean that Hard was trying, him and his
5 girlfriend, trying to lure my baby out the house.

6 Q. And with regard -- with that in mind -- why -- and
7 why did you think that? Because of what happened
8 earlier?

9 A. Because of what happened in the apartment earlier
10 that night.

11 Q. Okay. And so, in response to getting this text
12 message from this person, what did you do in response?

13 A. I called her, and I said -- I said -- I said, Hard
14 and his girlfriend behind the apartment.

15 Q. And if you don't mind, can you refer to him as Mr.
16 Sanders?

17 A. Mr. Sanders.

18 Q. Okay.

19 A. Yes.

20 Q. So you said what, now, about Mr. Sanders?

21 A. I called and I said, Ty, Johnny just -- Johnny just
22 text me and said that Hard and his girlfriend -- Mr.
23 Sanders and his girlfriend was going back behind your
24 apartment. And then, she hung up the phone.

25 Q. Now, once you contacted Tyhira and told her this,

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GARVIN - CX - PLEXICO

1 did you hear from her again?

2 A. No, ma'am.

3 Q. What was your next memories?

4 A. The next thing I know -- and time passed by.

5 Q. Do you know how much time passed by?

6 A. Hours.

7 Q. Okay.

8 A. Because it was like, maybe 2:30 or 3:00 o'clock,
9 maybe before, the latest, I got a knock on the door,
10 which was my granddaughter auntie came and told me. She
11 said Ty just got shot. She said, get up, Ty just got
12 shot.

13 Q. Did you go down to the hospital?

14 A. Oh, yes.

15 SOLICITOR LEGETTE: Begging the Court's indulgence.

16 Ms. Garvin, I have no further questions. Please
17 answer any questions for Mr. Plexico.

18 May I get that back from you.

19 May I approach, your Honor?

20 THE COURT: You may.

21 MARILYN GARVIN

22 CROSS-EXAMINATION BY MR. PLEXICO:

23 Q. Okay. Let's go back to May 7th. May 7th was a
24 Saturday night, correct?

25 A. Yes.

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GARVIN - CX - PLEXICO

1 Q. All right. Now, what time -- you said that my
2 client was sitting on the porch?

3 A. Yes.

4 Q. You -- wouldn't -- isn't it dark over there?
5 Wouldn't it even be hard to see?

6 A. Yes, it was dark.

7 Q. Okay. All right. Now, what time did you all say,
8 7:00 or 8:00 o'clock, you were going to the store?

9 A. No, sir. Way after 7:00 o'clock.

10 Q. Okay. Well, the stores close -- the stores don't
11 stay open all night, now.

12 A. No, they still open. The Nickel Pump was still
13 open.

14 Q. Okay. What time were you headed to the Nickel
15 Pump?

16 A. It was after -- I would say after 12:00, something
17 like that.

18 Q. So it -- wouldn't it be shorter just to go down
19 toward Nickel Pump, as opposed to come around to where
20 the flower shop is?

21 A. We went that way because we was leaving our
22 apartment, and it was quicker to go through the dirt
23 road than walk the main road.

24 Q. Okay. All right. Now. So you all were going
25 there to get something else to drink?

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GARVIN - CX - PLEXICO

1 A. We didn't really get nothing to drink. We just
2 went and got sodas and some snacks.

3 Q. Who -- well, had you been drinking?

4 A. No.

5 Q. All right. Do you -- I mean, are -- is this the --
6 is this what you said, the words of a drunken person?

7 *I'm a ride/die motherfucker. He*
8 *better recognize all it takes is a phone*
9 *call. I love you in spite of all the bullshit?*

10 A. I said those exact words, but that is not the words
11 of a drunken person.

12 Q. This is the way you communicate with your own
13 daughter?

14 A. No. That's how I said it that night, because he
15 was threatening her.

16 Q. *You sitting there playing with that motherfucker*
17 *Get Hard and talking about killing you; about you took*
18 *him to Allendale to set him up?*

19 A. Yes, I said those exact words.

20 Q. Okay. All right. Did you start a he said/she said
21 that your daughter acted out on later on?

22 A. No, I didn't start no he said/she said. He -- we
23 was walking, Samson and myself, and he said, girl, I
24 done said you better get you a black dress, because I'm
25 going to kill your daughter because took me to Allendale

1 to try to have me set up. Those was his words.

2 Q. Do you regret stirring her up that night with your
3 text --

4 SOLICITOR LEGETTE: Objection.

5 BY MR. PLEXICO:

6 Q. -- and sending her out?

7 A. I didn't stir her up.

8 Q. Pardon?

9 A. I didn't stir her up.

10 THE COURT: Okay. What's your objection?

11 SOLICITOR LEGETTE: Argumentative.

12 THE COURT: He can ask the question. Go ahead.

13 BY MR. PLEXICO:

14 Q. Do you object -- do you feel bad about stirring her
15 up and send -- getting her to go out that night after my
16 client?

17 A. Go out after? What I'm saying, what you saying?

18 Q. Okay. Did she get in her car after getting your
19 text message?

20 A. No, she didn't. She moved me from one place to the
21 next place.

22 Q. Okay. All right. So you called her about Johnny
23 McKnight's text message. Let me ask it this way.

24 Correct? you called her that night about Johnny

25 McKnight's text message.

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GARVIN - CX - PLEXICO

1 A. Yes.

2 Q. Okay. So you were still stirring the fire, right?

3 A. No.

4 Q. And isn't it true, as a result of her phone call,
5 she and her boys and her girlfriend loaded up in that
6 car, and went out and hunted down my client?

7 A. Not to -- not to my knowledge, no.

8 Q. Okay.

9 A. She was home.

10 Q. She stayed home that night?

11 A. That's where I left her at. And after she moved
12 me, she was home.

13 Q. Okay. But you -- you talked to her later.

14 A. On the phone.

15 Q. And you kept stirring that problem, what you
16 perceived to be a problem, right? You -- that -- on the
17 phone you called her and said, oh, Mr. Sanders is --

18 SOLICITOR LEGETTE: Is Mr. Plexico going to ask a
19 question, or is he testifying?

20 MR. PLEXICO: I'm trying to --

21 THE COURT: He can ask the question.

22 BY MR. PLEXICO:

23 Q. You called her and said Mr. Sanders and his
24 girlfriend's around. Is that right?

25 A. Yes.

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GARVIN - CX - PLEXICO

- 1 Q. And your daughter is a gang member, too, isn't she?
- 2 A. No, she's not.
- 3 Q. Isn't that why you all moved out of Allendale?
- 4 A. No, it wasn't.
- 5 Q. Is Kywana Bradley from Allendale?
- 6 A. Yes, she is.
- 7 Q. All right. Yhantyse Priester from Allendale?
- 8 A. Who?
- 9 Q. Yhantyse Priester, Daisy?
- 10 A. Yes.
- 11 Q. Okay. So and they had been staying over, least
- 12 temporarily, over with Tyhira and yourself, right?
- 13 A. Yes, they spent the night.
- 14 Q. Okay. And that's what, a two-bedroom apartment?
- 15 A. Correct.
- 16 Q. Okay. And they had been spending a lot of time
- 17 over there?
- 18 A. Yeah, they spend there.
- 19 Q. So the Allendale crew had moved over into Estill.
- 20 Is that about the size of it?
- 21 A. I don't know what you mean by a crew, but I knew
- 22 they was her friends and they was spending the night.
- 23 Q. They ran together, were friends for years, right?
- 24 A. They was friends.
- 25 Q. Okay. She was a pretty -- Tyhira Harrington was a

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GARVIN - CX - PLEXICO

1 pretty fearless girl, wasn't she?

2 A. What that supposed to mean? I don't understand.

3 Q. I'm asking a question.

4 THE COURT: Okay. She can answer it or she doesn't
5 need to answer it. Go ahead.

6 BY MR. PLEXICO:

7 Q. She was a fearless girl, wasn't she?

8 A. What you mean fearless?

9 Q. She was a fearless girl?

10 A. I don't understand his questioning, your Honor.

11 Q. All right.

12 THE COURT: You can repeat it or rephrase it.

13 BY MR. PLEXICO:

14 Q. So you don't have any doubt that she went out
15 hunting up my client.

16 A. Oh, no, she didn't.

17 Q. In her car?

18 A. No.

19 Q. You have no doubt?

20 A. No, she didn't went out looking for him, no.

21 Q. Did you see your daughter and her buddies, Kywana
22 Bradley and Yhantyse Priester, who's known as Daisy, and
23 your daughter, after my client was invited in, attacked
24 in the apartment that night?

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

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GARVIN - RDX - LEGETTE

1 MR. PLEXICO: I don't have anything further.

2 THE COURT: Ms. Legette?

3 SOLICITOR LEGETTE: Thank you, your Honor.

4 MARILYN GARVIN

5 RE-DIRECT EXAMINATION BY SOLICITOR LEGETTE:

6 Q. Ms. Garvin, you were -- did you try to stir up your
7 daughter?

8 A. No, ma'am. I was only warning my child that
9 someone had said that they was going to kill her. That
10 was the only thing that I was doing, warning her.

11 Q. And Ms. Garvin, the night that Mr. Sanders was in
12 the apartment, did anyone strike him?

13 A. No, ma'am.

14 Q. Was there an, I guess, an argument going on?

15 A. Only thing that, like I said before, they said why
16 did Tyhira -- he asked me why did you take me to
17 Allendale to have me set up. That's the only thing that
18 was said, and then he threw his do -- blue bandana on
19 the floor and put it all in -- some kind of gang thing
20 or something. I don't know the gang thing, but that was
21 what Mr. Gregory Sanders did inside my daughter's
22 apartment.

23 SOLICITOR LEGETTE: Begging the Court's indulgence.
24 I have no further questions, Ms. Garvin. Thank you.

25 THE COURT: Mr. Plexico?

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GARVIN - RCX - PLEXICO

1 MARILYN GARVIN

2 RE-CROSS-EXAMINATION BY MR. PLEXICO:

3 Q. My client hadn't been charged. Couldn't your
4 daughter and her friends --

5 SOLICITOR LEGETTE: Objection.

6 THE COURT: Basis?

7 SOLICITOR LEGETTE: He's getting ready to
8 speculate, your Honor. He's getting ready to speculate.

9 THE COURT: Okay. Well, you need to ask the
10 question, but it can't be speculation, obviously.

11 BY MR. PLEXICO:

12 Q. People who commit assault and battery by a mob get
13 arrested and imprisoned eventually for lynching, don't
14 they?

15 A. Who -- who did assault and battery?

16 Q. All right.

17 A. Who was assaulting and battery?

18 Q. Do you believe your daughter was with her friends,
19 trying to lynch somebody else?

20 A. No. No, sir.

21 Q. Are you trying to protect her memory?

22 A. No, I'm not.

23 Q. And her friends?

24 A. No, I'm not.

25 THE COURT: Anything further?

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BY THE COURT

1 MR. PLEXICO: I don't have anything further.

2 MARILYN GARVIN

3 RE-RE-DIRECT EXAMINATION BY SOLICITOR LEGETTE:

4 Q. Why are you here, Ms. Garvin?

5 A. Justice for my daughter.

6 SOLICITOR LEGETTE: Thank you.

7 BY THE COURT:

8 THE COURT: Anything further, Mr. Plexico? All
9 right. Ms. Garvin, you may step down now.

10 OFF THE RECORD BENCH CONFERENCE, OUT

11 OF HEARING OF JURORS. PRESENT, THE COURT,

12 MS. LEGETTE, MR. PLEXICO.

13 END BENCH CONFERENCE.

14 THE COURT: Ladies and gentlemen of the jury, we
15 were just talking about scheduling. It's my
16 understanding you don't have any other witnesses to put
17 up this afternoon.

18 Mr. Foreperson, is starting at 9:30 a.m. okay with
19 everybody tomorrow? Is that acceptable? Is that okay?
20 We can start at 10:00 if you want to, but I really would
21 like to get things moving. I can tell you that if you
22 all are here at 9:30, we will start at 9:30.

23 I will tell you that, based on my schedule, as I
24 told you, my daughter has a playoff game, and she is the
25 star pitcher, so it's a big deal. So I have to leave

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1 phone, because I'm going to be looking for every one of
2 you. If I need to, I'm happy to send out a car to come
3 get you all if you need help here. So don't worry about
4 that, ladies and gentlemen. If anyone needs a ride, let
5 me know. Okay?

6 Is everyone all right? We are on schedule, and
7 we're doing fine as far as for finishing on Wednesday,
8 so I feel pretty good. I just want to make sure you all
9 are okay? Good? See you tomorrow morning at 9:30.

10 JURORS LEAVE COURTROOM 5:16 P.M.

11 THE COURT: All right. Before we break, so I need
12 Mr. Sanders here by about 9:20 tomorrow. Okay? I want
13 to start on the dot, at 9:30. No one be late. Okay?

14 I know we need to put something on the record, Mr.
15 Plexico, for you, in reference to the text message. So
16 let's go ahead and do that and anything else we need to
17 take up today if we can, because I intend on -- if this
18 jury is all here at 9:30, we will start at 9:30. Okay?

19 MR. PLEXICO: Yes, your Honor. The text message
20 that was admitted, I objected on the grounds that it
21 wasn't from Johnny McKnight. It was from somebody named
22 Blaze, Johnny Blaze. That she could not quote what he
23 said and bring that into the record and offered for the
24 truthfulness of the matter asserted, Judge, and that is,
25 my client and his girlfriend are around her apartment.

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1 I believe that just -- that just stokes the fire of fear
2 that my client is up to no good somewhere, and there's
3 -- there's no basis for me to be able to cross-examine
4 the truthfulness of that, Judge. And it is a violation
5 of 802. If she could not read a letter from him in
6 prior texting days, or she could not quote what he said,
7 I don't think she should be able to reprint it and read
8 it out of a text. I think that's a hearsay violation.
9 Thank you, Judge. Because she didn't create it.

10 THE COURT: Mr. Hollen?

11 MR. HOLLEN: Thank you, your Honor. I think what
12 the issue was, is, I think texts are clearly not
13 confrontational, so that's not a confrontation clause
14 violation. As far as hearsay, the rule says that if
15 they fall into their firmly-rooted hearsay exception, or
16 there is an adequate admission of the liability. She
17 knew Mr. McKnight; she had his phone number in her
18 phone; he sent the text; she still has that phone; and
19 she's able to look at it. And it is basically part of
20 the hearsay law, the main problem with hearsay that we
21 have is that it's not reliable. This is written down,
22 it can't be misconstrued, and can only be read the way
23 it is, which is exactly what she did. And that is the
24 State's position, your Honor.

25 THE COURT: Thank you.

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BY THE COURT

1 MR. PLEXICO: But we don't know who sent it. We
2 just don't know who was using that phone at that time,
3 nor do we know if it was a joke, but it's being offered
4 for the truth of it, though. And he's right, I can't
5 control it, Judge. He's denied that right.

6 MR. HOLLEN: Your Honor, if I may, just very
7 briefly. That's always the issue with text messages.
8 You can't say that a particular person had a phone any
9 particular time, but it doesn't go to the
10 authentication. It's a jury argument, as far as whether
11 or not Mr. McKnight sent that text.

12 THE COURT: Okay. All right. We're going to go
13 ahead and take a break, then, for the evening. I expect
14 the attorneys to be here no later than 9:15 tomorrow
15 morning. Mr. Sanders to be here at 9:20. Yes.

16 All right. My understanding is there is a juror
17 that needs to speak with me. You're going to be
18 bringing them out and just put it on the record. Okay?
19 Thank you.

20 JUROR NUMBER 159 ENTERS COURTROOM.

21 OFF-THE-RECORD BENCH CONFERENCE, OUT
22 OF HEARING OF JURORS. PRESENT: THE
23 COURT, MS. LEGETTE, MR. PLEXICO.
24 END BENCH CONFERENCE.

25 THE COURT: Okay. I'm going to ask you to step

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RANDY WHITE - DX - LEGETTE

1 call in between?

2 SOLICITOR LEGETTE: Randy White.

3 THE COURT: All right. Bring Mr. White out.

4 BAILIFF: Randy White.

5 THE COURT: Good morning, Mr. White. Come on up
6 here. You're going to have -- Pumpkin's right there.
7 Please swear him in for me. Thank you. There she is.

8 MADAM CLERK: Left hand on the *Bible*, and raise
9 your right hand. Do you swear or affirm to tell the
10 truth, the whole truth, and nothing but the truth, so
11 help you God?

12 RANDY WHITE: Yes, I do.

13 MADAM CLERK: Thank you. You may be seated.

14 THE COURT: All right. Mr. White, take a seat.
15 Pull this microphone down, sir. All right. You may
16 begin.

17 SOLICITOR LEGETTE: Thank you, your Honor.

18 RANDY WHITE

19 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

20 Q. Good morning, Mr. White.

21 A. Good morning.

22 Q. Mr. White, where are you from?

23 A. Estill, South Carolina.

24 Q. Okay. I'm going to need you to speak up, please.
25 Okay?

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RANDY WHITE - DX - LEGETTE

1 A. I'm from Estill, South Carolina.

2 Q. Thank you. What high school did you go to?

3 A. Estill High School.

4 Q. Okay. Do you know a guy named Marquis Alston?

5 A. Yes, I do.

6 Q. How do you know Marquis Alston?

7 A. He's a friend. We went to school together.

8 Q. Are you all related in any way?

9 A. No, ma'am.

10 Q. Now, do you know Greg Sanders?

11 A. Yes, I do.

12 Q. And how do you know Greg Sanders?

13 A. He's a friend. He's my -- well, he's my family,
14 and we used to know each other since we was little.

15 Q. Okay. So you all are family?

16 A. Yes. He's family.

17 Q. Okay. Now, is he present in court today?

18 A. Yes.

19 Q. Can you point him out, please. And what is he
20 wearing?

21 A. A white button-down shirt with a tie.

22 Q. Thank you.

23 SOLICITOR LEGETTE: Let the record reflect the
24 witness has identified Greg Sanders.

25 BY SOLICITOR LEGETTE:

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RANDY WHITE - DX - LEGETTE

- 1 Q. Now, Mr. White, where do you work?
- 2 A. I work at KBRS in Hardeeville.
- 3 Q. Have you had any other jobs in the past?
- 4 A. Yes, about three of them.
- 5 Q. Okay. All right. They were at McDonald's?
- 6 A. Yes.
- 7 Q. Okay. And when you worked at McDonald's, did you
- 8 and Greg ride together sometimes?
- 9 A. Yes. About one or two times.
- 10 Q. All right. Now, did you know a girl named Tyhira
- 11 Harrington?
- 12 A. Yes.
- 13 Q. How did you know Tyhira Harrington?
- 14 A. Me and her had started talking at a store, and we
- 15 started going together from there.
- 16 Q. And how long would you say you all dated?
- 17 A. For about two weeks.
- 18 Q. All right. Now, during the period of time that you
- 19 knew Tyhira, did you meet any of her friends?
- 20 A. Yes.
- 21 Q. Who all did you meet?
- 22 A. The -- I don't know their last names, but the first
- 23 name Yhan. The second one is -- I don't know her first
- 24 name, but I think her nickname is Daisy, and her sister
- 25 Kywana.

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RANDY WHITE - DX - LEGETTE

1 Q. Okay. And how often -- well, I guess how often
2 would you hang out with Tyhira and her friends?

3 A. Probably like -- it seem like every day, but with
4 Tyhira, not her friends, though.

5 Q. Now, when you were with Tyhira, did you ever know
6 her to carry any weapons?

7 A. No.

8 Q. Do you know whether or not she was in a gang?

9 A. Yes.

10 Q. And was she?

11 A. Yes, but I ain't ever see her get in no gang-
12 related stuff.

13 Q. Okay. And how did you know she was? What makes
14 you say she was? Did she tell you?

15 A. No. Find out from somebody.

16 Q. Okay.

17 A. From some people.

18 Q. All right. And what about Greg Sanders?

19 A. Yes.

20 Q. And how do you know he was in a gang?

21 A. From some people.

22 MR. PLEXICO: I object, your Honor. Move to
23 strike. Ask for curative instruction. That's an
24 improper foundation and hearsay.

25 THE COURT: Okay. That's hearsay, so.

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RANDY WHITE - DX - LEGETTE

1 BY SOLICITOR LEGETTE: /

2 Q. Mr. White, do you remember telling the Solicitor's
3 Office, when you met in our office, about Mr. Sanders
4 being in a gang?

5 A. Yes.

6 MR. PLEXICO: I'll object, your Honor. That's --
7 that's hearsay.

8 THE COURT: Okay. Well, no, he says he knows.

9 BY SOLICITOR LEGETTE:

10 Q. Do you remember telling us how you found that out
11 that he told you?

12 MR. PLEXICO: I object, that's leading.

13 THE COURT: It is leading.

14 A. He ain't --

15 THE COURT: Okay. Sir.

16 MR. PLEXICO: Move to strike and I ask for a
17 curative instruction.

18 SOLICITOR LEGETTE: Your Honor, I would move, under
19 613(b), it's a inconsistent statement.

20 THE COURT: Okay. I'm going to allow it.

21 BY SOLICITOR LEGETTE:

22 Q. Now, Mr. White, you don't remember telling our
23 office when you met with us that you -- that Mr. Sanders
24 told you he was in a gang?

25 A. I can't remember, but I -- I can't.

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RANDY WHITE - DX - LEGETTE

1 Q. That's fine. That's fine. Now, are you in a gang?

2 A. Me?

3 Q. Yes.

4 A. No, ma'am. I'm not in no gang.

5 Q. All right. And you're from Estill?

6 A. Yes, ma'am.

7 Q. Okay. Now, turning your attention to May 10, 2016,
8 do you recall May 10, 2016?

9 A. Yes, ma'am.

10 Q. Tell us about that day. Were you with Tyhira?

11 A. Yes, I was with Tyhira.

12 Q. Can you tell us what was happening.

13 A. Well, I was home -- well, I was home. She came to
14 my house, and --

15 Q. And where did you live?

16 A. [REDACTED] (phonetic spell) [REDACTED], behind the
17 motel. And she pick me up in the car. She got a phone
18 call when we was in the car saying that Gregory was
19 waiting at her door.

20 MR. PLEXICO: Your Honor, I object. That would be
21 hearsay. Move to strike and ask for a curative
22 instruction.

23 THE COURT: Okay. You need to rephrase the
24 question.

25 BY SOLICITOR LEGETTE:

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RANDY WHITE - DX - LEGETTE

1 Q. Mr. White, what were you doing with Tyhira on the
2 night of May 10, 2016? You were in the car with her?

3 A. Yes.

4 Q. Was anyone else in the car with her?

5 A. Yes..

6 Q. Who all was in the car?

7 A. Marquis and Daisy.

8 Q. Okay. And what were you all doing?

9 A. Just sitting in the car.

10 Q. Okay. And at some point, a phone call come in to
11 Tyhira?

12 A. Yes.

13 Q. What was her response to this phone call?

14 A. She got a phone call saying that Gregory --

15 MR. PLEXICO: Object, your Honor.

16 THE COURT: Okay. Again. Sustained.

17 SOLICITOR LEGETTE: Sorry about that, your Honor.

18 THE COURT: You can't say what someone else said,
19 because there's no way to cross-examine it. So there's
20 -- that's not appropriate. You just need to say what
21 happened in response to what -- what did she do in
22 response to the phone call?

23 BY SOLICITOR LEGETTE:

24 A. She hang the phone up and stomped the car. And she
25 rolled away to the projects.

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RANDY WHITE - DX - LEGETTE

- 1 Q. Are you saying she stomped the car?
- 2 A. Yeah. Like, she drive fast.
- 3 Q. Okay. And so, she went to the projects. Where are
- 4 these projects located?
- 5 A. I can't tell you the exact address. I mean, --
- 6 Q. Okay. You know the name of the apartment complex?
- 7 A. No.
- 8 Q. Okay.
- 9 A. I don't remember.
- 10 Q. Do you know what town they're located in?
- 11 A. Yeah, Estill.
- 12 Q. Okay. What county is that?
- 13 A. Hampton County.
- 14 Q. All right. So you went over to the projects. So
- 15 what happens when you get to the projects?
- 16 A. We seen Gregory and his girlfriend standing right
- 17 there.
- 18 Q. Standing right where?
- 19 A. Dryer/washer, right up in there.
- 20 Q. Laundromat?
- 21 A. Yeah, laundromat.
- 22 Q. Okay. So what happened -- did anything happen when
- 23 you all saw him?
- 24 A. We all pull up, we all got out of the car. She
- 25 went towards him.

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RANDY WHITE - DX - LEGETTE

- 1 Q. She as in?
- 2 A. Tyhira.
- 3 Q. Okay. And what happened when Tyhira towards Greg?
- 4 A. Greg start backing up, and next thing you know, he
- 5 pulled out a gun and shot her.
- 6 Q. Now, you know Greg?
- 7 A. Yes, I know Greg.
- 8 Q. And have you known him for years?
- 9 A. Yes.
- 10 Q. Okay. Why did you get out of the car?
- 11 A. Why did I get out of the car?
- 12 Q. Yes.
- 13 A. To stop Tyhira from getting too close to Greg.
- 14 Q. Did you get out of the car to fight Greg?
- 15 A. No.
- 16 Q. So who else got out of the car?
- 17 A. Marquis and Daisy.
- 18 Q. What did Marquis or Daisy do? Were you paying
- 19 attention to them?
- 20 A. Not really. I just was focused on Tyhira.
- 21 Q. Did you ever see anyone throw a lick at Greg?
- 22 A. No.
- 23 Q. Did you ever strike Greg?
- 24 A. No.
- 25 Q. Did anyone with you ever strike Greg?

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RANDY WHITE - DX - LEGETTE

1 A. No.

2 Q. Did anyone with you hit -- you said his girlfriend
3 that was with him? What's his girlfriend's name?

4 A. I don't know.

5 Q. Okay. How do you know she was his girlfriend?

6 A. Because of when I had -- when I had knew Greg, I
7 knew that that was his girl.

8 Q. Okay. And did anyone ever strike her that night?

9 A. No.

10 Q. Was there ever any fighting that night?

11 A. No.

12 Q. Did you get out of the car to fight Greg?

13 A. No..

14 Q. Now, you said Greg pulled out the gun and shot
15 Tyhira?

16 A. Yes.

17 Q. What happened after he shot Tyhira?

18 A. He walk off.

19 Q. Where did his girlfriend go?

20 A. Right with him.

21 Q. So you said she walked away?

22 A. Yes.

23 Q. What did you do?

24 A. Ran to her apartment.

25 Q. Did you ever go to the hospital that night?

1 A. No.

2 Q. Why didn't you go to the hospital?

3 A. I was scared.

4 Q. Did you want to be here today?

5 A. Not really.

6 Q. Are you scared today?

7 A. Yes.

8 Q. Now, when Greg pulled out the gun and shot Tyhira,
9 do you remember there being any conversation during that
10 period of time?

11 A. I can't remember what exactly was said.

12 Q. Do you remember telling the Solicitor's Office that
13 Gregory was saying something while you were talking --

14 MR. PLEXICO: Object, your Honor. That's leading,
15 your Honor. I object. That's leading.

16 THE COURT: Okay. Sustained. Do not lead him.

17 SOLICITOR LEGETTE: It's 613(b), your Honor.

18 THE COURT: I know. But you haven't -- you're not
19 at the point where he's a hostile witness, so.

20 SOLICITOR LEGETTE: That's not hostile. I'm not
21 arguing hostile, I'm arguing -- he can see the
22 statement, your Honor, under 613(b).

23 THE COURT: Okay. Was the previous statement
24 disclosed?

25 SOLICITOR LEGETTE: Yes, your Honor.

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RANDY WHITE - DX - LEGETTE

1 bring the jury back in, Mr. Plexico?

2 MR. PLEXICO: Yes, your Honor.

3 THE COURT: All right. Let's bring the jury back
4 in.

5 BAILIFF: Yes, ma'am.

6 JURORS ENTER COURTROOM 10:19 A.M.

7 THE COURT: All right. Welcome back, ladies and
8 gentlemen. I think we're ready to continue with his
9 testimony. Ms. Legette.

10 SOLICITOR LEGETTE: Thank you, your Honor.

11 BY SOLICITOR LEGETTE:

12 Q. All right. Mr. White, do you remember what Mr.
13 Sanders said that night?

14 A. Yes.

15 Q. What did he say?

16 A. He was telling me to go home; I didn't want to deal
17 with this.

18 Q. And what did you do in response?

19 A. I stayed with Tyhira.

20 Q. Why did you not walk away?

21 A. Because I didn't -- I didn't want to leave Tyhira
22 by herself. And plus, we was dating, so I didn't want
23 to do that.

24 Q. At any point did you ever try to strike Mr.
25 Sanders?

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1 A. No.

2 Q. Did you ever try to stop Mr. Sanders from walking
3 away?

4 A. No.

5 Q. Could he have easily just walked away?

6 A. After he shot her, yes.

7 Q. Before he shot her, could he have walked away, too?
8 Was anyone standing in his way?

9 A. Nobody was standing in his way.

10 Q. Were you standing in his way?

11 MR. PLEXICO: Your Honor, he didn't got a chance to
12 answer the question, your Honor.

13 BY SOLICITOR LEGETTE:

14 Q. Were you standing in his way?

15 A. No.

16 SOLICITOR LEGETTE: Begging the Court's indulgence.

17 Mr. White, I have no further questions. Please
18 answer any questions for Mr. Plexico.

19 THE COURT: Sir.

20 RANDY WHITE

21 CROSS-EXAMINATION BY MR. PLEXICO:

22 Q. Okay. Do you remember talking to Officer Alexander
23 Williams and Police Officer Thomas, with your mother?

24 A. Yes.

25 Q. You gave a video statement.

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RANDY WHITE - CX - PLEXICO

1 A. Yes.

2 Q. Okay. Do you remember using the term *full effect*
3 in reference to Tyhira Harrington? Did you say she went
4 into full effect? Do you remember telling --

5 A. That happened two years ago. It's kind of hard for
6 me to remember, but yes, I remember me saying that.

7 Q. And that was describing Tyhira Harrington, correct?

8 A. Yes.

9 Q. All right. Now, were you all -- so how long were
10 you all over at your place with Tyhira Harrington,
11 Marquis Alston, and Yhantyse Priestly?

12 A. I could say about twenty minutes.

13 Q. Okay. Were you all consuming alcohol?

14 A. No.

15 Q. Had Tyhira Harrington been drinking?

16 A. I can't remember. I can't remember.

17 Q. Okay. Were you all going to get something to
18 smoke?

19 A. No.

20 Q. Now, when she got the phone call and left, you said
21 she stomped the car.

22 A. Yes.

23 Q. Okay. All right. What did she say she was going
24 to go do?

25 A. She didn't say. She was just full of rage, and she

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RANDY WHITE - CX - PLEXICO

1 stomped the car a little bit.

2 Q. All right. So she was full of rage? Is that part
3 of what you mean by full effect?

4 A. Yes.

5 Q. Okay. All right. Now, when you all are driving
6 down the street, don't you all actually pass my client
7 and his girlfriend, and then back up and turn into the
8 street they're on?

9 A. I can't remember.

10 Q. She was driving fast and had to stop. And didn't
11 she drive past them and then back up, and turn into the
12 street they were on?

13 A. That sound correct. I can't remember, but that
14 sound correct.

15 Q. You believe that's correct?

16 A. Yes, I believe that's correct, but I can't remember
17 full.

18 Q. So my client was completely without fault in
19 bringing on that immediate confrontation --

20 SOLICITOR LEGETTE: Objection, your Honor.

21 THE COURT: Okay. He can ask the question.

22 BY MR. PLEXICO:

23 A. Say your question again.

24 Q. So my client was completely without fault in
25 bringing on that immediate confrontation that ended in

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RANDY WHITE - CX - PLEXICO

1 the shooting, correct?

2 A. I can't understand what you mean with that
3 question.

4 Q. Did he flag her down or do anything to start that
5 confrontation?

6 A. No, sir.

7 Q. So he was completely without fault in causing that
8 confrontation, correct?

9 A. Correct.

10 Q. Okay. All right. Now, you've had an opportunity
11 to review the statement, correct?

12 A. Yes.

13 Q. All right. And Tyhira actually told you herself
14 that she was in a gang called Folk Nation, correct?

15 A. She didn't tell me herself. I heard that from
16 somebody.

17 Q. Did you ever tell the Solicitor's Office that you
18 knew Tyhira was in a gang because she had previously
19 told him so? Would you like to review the statement?

20 A. No. I -- no. I know she was in a gang, but I
21 heard that from somebody, just like I said.

22 Q. All right.

23 MR. PLEXICO: May I approach the witness?

24 THE COURT: You may, to refresh his recollection,
25 if he needs to.

1 MR. PLEXICO: Right.

2 BY MR. PLEXICO:

3 Q. Could you read the top part of that. Not out loud.

4 THE COURT: Okay. Not to publish it; just to
5 himself.

6 BY MR. PLEXICO:

7 Q. Did you have an opportunity to read the first --
8 the top paragraph?

9 A. Yes, sir.

10 Q. Does it: *he knew Tyhira was in a gang because she*
11 *had previously told him so?*

12 A. Yes, sir, it says that.

13 Q. -- Okay. Then, you were being truthful, you think,
14 when you talked to the prosecutor, for the most part?

15 A. Yes.

16 Q. Okay. All right. So you all pull the car -- stop
17 the car, back up, pull up. And you all pull up in the
18 road, correct?

19 A. Correct.

20 Q. And you stop in front of my client and his
21 girlfriend, correct?

22 A. Correct.

23 Q. My client and his girlfriend back up at this point.
24 You all get out of the car, all four of you, right?

25 A. Right.

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RANDY WHITE - CX - PLEXICO

1 Q. Okay. Now, the girl who is in full effect, Tyhira
2 Harrington, okay, all right, she wanted to fight,
3 correct?

4 A. Correct.

5 Q. All right. Well, first, she wanted to fight Greg's
6 girlfriend.

7 A. Correct.

8 Q. Then, she wanted to fight Greg.

9 A. Correct.

10 Q. All right. My client, Mr. Sanders, is backing up,
11 correct?

12 A. Correct.

13 Q. All right. His girlfriend's behind him. Is that
14 correct?

15 A. Not correct. She was on the side.

16 Q. Okay. They were backing up?

17 A. Okay.

18 Q. Is that true?

19 A. That's true.

20 Q. Okay. All right. Tyhira's coming forward,
21 correct?

22 A. Correct.

23 Q. Okay. You're coming along with Tyhira.

24 A. Yes.

25 Q. All right. So you don't know where Marquis is?

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RANDY WHITE - CX - PLEXICO

- 1 A. No.
- 2 Q. So your focus is on Greg Sanders?
- 3 A. Correct.
- 4 Q. In your statement, you said Bradley was several
- 5 feet away from you. That was Tywana Bradley, correct?
- 6 A. Correct.
- 7 Q. And you all were moving up, and Sanders is moving
- 8 back with his girlfriend. That's correct?
- 9 A. Say that -- say that one more time, sir.
- 10 Q. Okay. You all are moving up.
- 11 A. Okay.
- 12 Q. Sanders and his girlfriend are moving back,
- 13 correct?
- 14 A. As we start moving up, they kept going back, going
- 15 back, going back.
- 16 Q. Okay. So they didn't have an opportu -- only way
- 17 Sanders could leave is to run off and leave his
- 18 girlfriend, correct?
- 19 A. Correct.
- 20 Q. Okay. With several people approaching her, was one
- 21 espousing acts of violence to beat you up, correct?
- 22 A. Correct.
- 23 Q. All right. Now, so, and he's saying go away? Is
- 24 that what he's telling you all?
- 25 A. No, he's telling me.

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RANDY WHITE - CX - PLEXICO

1 Q. Okay. You don't think everybody could hear that?

2 It was close quarters, the conversation, right?

3 A. Right, but he called my name.

4 Q. Okay. To go away.

5 A. Yes.

6 Q. All right. Now, so he realistically couldn't run
7 off or retreat, right? in that situation.

8 A. Right.

9 Q. Okay. All right. Now, so he repeatedly said go
10 away and stop this. Is that correct?

11 A. Say that again?

12 Q. Mr. Sanders repeatedly said go away and stop this,
13 correct?

14 A. He said stop this? I can't hear what you said.

15 Q. He repeatedly said to go away, stop, don't do this,
16 leave.

17 A. No. He said go away; you don't want to be no
18 witness.

19 Q. Okay. All right. Now, that didn't scare Tyhira or
20 anybody off, did it?

21 A. No.

22 Q. Okay. That shows a sign of aggression, doesn't it?

23 A. Yes. So the intent from Tyhira, who was in full
24 effect --

25 SOLICITOR LEGETTE: Objection, your Honor.

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RANDY WHITE - CX - PLEXICO

1 THE COURT: Basis?

2 SOLICITOR LEGETTE: He can't speak to her intent.

3 MR. PLEXICO: He can --

4 THE COURT: Sustained. You can't. You have no
5 idea what her intent is.

6 MR. PLEXICO: Okay.

7 BY MR. PLEXICO:

8 Q. What did you expect to happen based on her -- on
9 Tyhira Harrington being in what you call full effect and
10 her statements? What was going to happen to one or both
11 of those people, Greg Sanders or his girlfriend?

12 A. Going to get hurt, I guess.

13 Q. Okay. And you heard what his girlfriend was
14 saying.. In your statement to the Solicitor's Office,
15 you said she was saying she didn't want to fight
16 anybody.

17 A. Correct.

18 Q. Those words she said, that Greg Sanders' girlfriend
19 said, fell on deaf ears. Is that correct?

20 SOLICITOR LEGETTE: Objection, your Honor. Is he
21 testifying or is he asking a question?

22 MR. PLEXICO: That is a question.

23 THE COURT: He's asking a question. Go ahead.

24 BY MR. PLEXICO:

25 A. Say that again.

5-8-18 STATE V SANDERS

RANDY WHITE - CX - PLEXICO

1 Q. The words that Greg's girlfriend said, I don't want
2 to fight, fell on deaf ears?

3 SOLICITOR LEGETTE: That's hearsay, your Honor.
4 Objection.

5 THE COURT: No, it's not hearsay.

6 BY MR. PLEXICO:

7 Q. Is that correct?

8 A. I don't know what you mean by deaf ears.

9 Q. Nobody acted as if they heard that, correct?

10 A. Correct.

11 MR. PLEXICO: Court's indulgence.

12 BY MR. PLEXICO:

13 Q. So.

14 MR. PLEXICO: Court's indulgence.

15 BY MR. PLEXICO:

16 Q. Was his girlfriend ever behind him?

17 A. I can't remember.

18 Q. Maybe so?

19 A. Say that again?

20 Q. Maybe so? Maybe his girlfriend was behind him?

21 A. Yeah. Maybe so or maybe not. I can't remember.

22 Q. All right. So were you saying anything during this
23 incident?

24 A. No.

25 Q. You were just silent, correct?

5-8-18 STATE V SANDERS

RANDY WHITE - CX - PLEXICO

1 A. Silent.

2 Q. Okay. So my client and you were there. My client
3 is seeing angry people wanting to do violence moving
4 toward him. Is that correct?

5 SOLICITOR LEGETTE: Objection.

6 THE COURT: Okay. Speculation. You can't say what
7 your client saw. You have to say what he saw.

8 MR. PLEXICO: Right.

9 BY MR. PLEXICO:

10 Q. What was the presentation of the four of you there,
11 stopping in the middle of the road, offering acts of
12 violence? Did that appear to be that somebody's getting
13 beat up? And hurt? With people silently approaching in
14 the night?

15 SOLICITOR LEGETTE: Objection, your Honor. Is he
16 going to ask the questions? One question. Not compound
17 question. Not testify.

18 MR. PLEXICO: Your Honor, could I just --

19 COURT REPORTER: I'm sorry, one at a time, please.

20 THE COURT: He can ask the question.

21 BY MR. PLEXICO:

22 Q. You were silently approaching, correct?

23 A. Correct.

24 Q. My client couldn't know your intent, correct?

25 A. Correct.

5-8-18 STATE V SANDERS

RANDY WHITE - CX - PLEXICO

1 Q. Okay. He knew the intent of Tyhira Harrington was
2 to do violence, correct?

3 A. Correct.

4 SOLICITOR LEGETTE: Your Honor, is he speculating?

5 MR. PLEXICO: He's answering my question.

6 THE COURT: It is speculation, though.

7 SOLICITOR LEGETTE: I object, your Honor. And I
8 ask for curative instruction.

9 THE COURT: He can testify as to what he saw.
10 Unless he had a discussion with Ms. Harrington in this,
11 he can't guess as to what she thought, --

12 MR. PLEXICO: Okay.

13 THE COURT: -- and what she did, or your client
14 did.

15 MR. PLEXICO: Right.

16 THE COURT: He can say what he saw.

17 BY MR. PLEXICO:

18 Q. You heard her offering violent acts to those
19 people, Greg Sanders and his girlfriend, correct?

20 A. Correct.

21 Q. Okay. All right. Kywana Bradley is nearby,
22 correct?

23 SOLICITOR LEGETTE: Objection. He's not Kywana
24 Bradley.

25 MR. PLEXICO: She's there.

1 BY MR. PLEXICO:

2 A. Yeah, I was --

3 TALKING OVER.

4 Q. You didn't see Priestly?

5 COURT REPORTER: I'm sorry. One at a time.

6 THE COURT: Okay.

7 MR. PLEXICO: I'm sorry.

8 BY MR. PLEXICO:

9 Q. Yhantyse Priestly was nearby.

10 A. Yeah, she was.

11 Q. Correct?

12 A. Yes.

13 Q. All right. So she's moving up forward, you all are
14 moving forward.

15 A. She wasn't moving forward.

16 Q. Where was she?

17 A. She was still standing near the car.

18 Q. Okay. But she was right there?

19 A. Yeah, she was there, but she wasn't moving or none
20 of that.

21 Q. Okay. All right. You said she was a few feet
22 away.

23 A. Yes.

24 Q. Okay. All right. Now, and this is what, 12:30 or
25 something?

5-8-18 STATE V SANDERS

RANDY WHITE - CX - PLEXICO

1 A. I can't remember.

2 Q. 1:00 o'clock?

3 A. I can't remember.

4 Q. It was in the early morning hours?

5 A. Yes.

6 Q. Okay. All right. And did you go report this to
7 the police?

8 A. Yes, but not then.

9 Q. Okay. You and your mother --

10 A. Yes.

11 Q. -- were contacted about the police, correct?

12 A. Yes. Posters all around Estill.

13 Q. Posters?

14 A. Posters of me only all around Estill.

15 Q. Wanted posters?

16 A. Yes.

17 Q. Okay. All right. So that's why you contacted the
18 police.

19 A. Yes.

20 Q. Or the police finally contacted you? Is that it?

21 A. Yes, I didn't. I was scared to go up there to talk
22 to the police.

23 Q. Okay. Because it appeared that you were lynching
24 somebody. Is that what you were scared of?

25 A. No.

5-8-18 STATE V SANDERSRANDY WHITE - RDX - LEGETTE

1 Q. So you didn't do a thing to stop that situation or
2 say a word. Is that correct?

3 A. Correct.

4 MR. PLEXICO: I don't have anything further.

5 THE COURT: Ms. Legette.

6 SOLICITOR LEGETTE: Thank you, your Honor.

7 RANDY WHITE

8 RE-DIRECT EXAMINATION BY SOLICITOR LEGETTE:

9 Q. Mr. White, did you do a thing to assault Gregory
10 Sanders?

11 A. No.

12 Q. Did you go there that night and get out of that car
13 in lynch mob?

14 A. No.

15 Q. Why did you get out of the car?

16 A. To protect Tyhira.

17 Q. And you said basically her -- she was angry?

18 A. Yes.

19 Q. Okay. Did you know why she was angry?

20 MR. PLEXICO: I object, your Honor. It lacks the
21 proper foundation.

22 BY SOLICITOR LEGETTE:

23 A. Yes.

24 Q. Did you have any reason why -- know why she was so
25 angry?

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RANDY WHITE - RDX - LEGETTE

1 A. Yes.

2 Q. Okay. Who did she appear angry at?

3 A. Gregory.

4 Q. Okay. Did she ever hit him?

5 A. While they was out there?

6 Q. Yes.

7 A. No.

8 Q. Did you ever see her hit him?

9 A. No.

10 Q. Did you ever see her with a weapon that night?

11 A. No.

12 Q. You said you're backing up. Backing up. Do you
13 know where Tyhira got shot, where she was in the area
14 when she got shot?

15 A. I can't remember.

16 Q. Were you all in the street?

17 A. Yes.

18 Q. You all were in the street.

19 A. Yes.

20 Q. Okay. So, in the street, there's plenty of space
21 to move around?

22 A. Yes.

23 Q. Okay. Did you ever hit Greg that night?

24 A. No.

25 Q. Now, you testified to Mr. Plexico that Greg

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RANDY WHITE - RDX - LEGETTE

1 couldn't run off in that situation, but, you just told
2 this court that there was plenty of area in the street
3 for him to run.

4 A. Yeah. Yes.

5 Q. Okay. The girlfriend, you said that she -- how did
6 she leave?

7 A. She walk off with him.

8 Q. So she walked away with Greg?

9 A. Yes.

10 Q. Did you run after Greg and try to fight him at that
11 point?

12 A. No.

13 Q. How about his girlfriend? Did you run after her
14 and try to fight her that night?

15 A. No.

16 Q. What about Yhantyse, or Daisy?

17 A. None, no.

18 Q. How about Marquis?

19 A. No.

20 Q. Did anybody try to stop them as they were leaving?

21 A. No.

22 Q. Now, Mr. Plexico categorized it as a violent
23 situation. Was there ever any violence, aside from Mr.
24 Sanders shooting Tyhira?

25 A. No.

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RANDY WHITE - RDX - LEGETTE

- 1 Q. So what was it? An argument?
- 2 A. Yes.
- 3 Q. It was a argument?
- 4 A. Yes.
- 5 Q. Were you arguing?
- 6 A. No.
- 7 Q. How about Daisy?
- 8 A. No.
- 9 Q. How about Marquis?
- 10 A. No.
- 11 Q. What about the girlfriend?
- 12 A. Yes.
- 13 Q. She was arguing?
- 14 A. No. No. Well, --
- 15 Q. Okay.
- 16 A. Rephrase that again.
- 17 Q. Okay. I'll ask again. Who was arguing? So who
- 18 was actually arguing?
- 19 A. Tyhira and Gregory.
- 20 Q. So it was just the two of them?
- 21 A. Yes.
- 22 Q. So how would you say it -- was it like a one-on-one
- 23 fight? Or was it you all, all four of you all, lynching
- 24 him, or those two? What was it?
- 25 A. One-on-one.

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RANDY WHITE - RDX - LEGETTE

1 Q. One-on-one?

2 A. Yeah.

3 Q. Okay. Describe Tyhira. I mean, how was she built?

4 A. She was slim, skinny, tall.

5 Q. Okay. Was she slimmer than you?

6 A. Yeah.

7 Q. Okay. You've known Greg a long time.

8 A. Yeah.

9 Q. How about Greg? Describe him. You see him over
10 there.

11 A. Short, cocky.

12 Q. So he's cocky.

13 A. Yeah, he got a little -- a little muscle, a little
14 weight.

15 Q. A little muscle and a little weight?

16 A. Yeah.

17 Q. Okay. Did Tyhira have muscle and weight?

18 A. No.

19 Q. Did Tyhira have a weapon that night?

20 A. No.

21 Q. Thank you.

22 SOLICITOR LEGETTE: I have nothing further.

23 THE COURT: Mr. Plexico.

24 BY SOLICITOR LEGETTE:

25 Q. But it was one-on-one, right?

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RANDY WHITE - RCX - PLEXICO

1 A. One-on-one.

2 RANDY WHITE

3 RE-CROSS-EXAMINATION BY MR. PLEXICO:

4 Q. Okay. All right. Now, so Gregory and Tyhira were
5 arguing. Is that what you said?

6 A. Yes.

7 Q. Okay. So the girlfriend never said anything? Is
8 that correct?

9 A. The girlfriend -- Tyhira approached the girlfriend
10 first. Just like you said, the girl didn't want to
11 fight. Then, Tyhira approached Gregory, and then, them
12 two was arguing. Nobody else was arguing.

13 Q. So Tyhira just wanted to do violence to anybody,
14 correct?

15 A. Correct.

16 Q. All right. And then, you're moving right up with
17 her?

18 A. Correct.

19 Q. And your two buds, Marquis Alston and Yhantyse
20 Priester are right there, correct?

21 A. Not really.

22 Q. Well, the car is parked in the middle of the road.

23 A. Marquis -- Marquis was around us, and Daisy
24 Priester, I don't know how to pronounce her first name,
25 but Daisy was standing near the car. She was a few

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RANDY WHITE - RCX - PLEXICO

1 steps away, but she was near the car. She wasn't moving
2 forward, and she wasn't moving at all.

3 Q. Okay. A few steps away?

4 A. Yes.

5 Q. Okay. So it would have been two seconds for her to
6 be involved in a jumping over there?

7 A. Yes.

8 Q. On those people, correct?

9 A. Yes.

10 Q. All right. So she was close by. Okay. All right.
11 And nobody was saying there wasn't going to be any
12 violence, correct?

13 A. Correct.

14 Q. All right. And you appeared to all be there
15 together, and you had stopped the vehicle in front of my
16 client and his girlfriend.

17 A. Correct.

18 Q. Wasn't that a threatening act to do that?

19 SOLICITOR LEGETTE: Objection. Speculation.

20 MR. PLEXICO: He's in the car.

21 THE COURT: He can say does he think it was.

22 BY MR. PLEXICO:

23 Q. Do you think it was?

24 A. No.

25 Q. If I pull my car up right in front of you and stop

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RANDY WHITE - RCX - PLEXICO

1 and jump --

2 SOLICITOR LEGETTE: Objection.

3 BY MR. PLEXICO:

4 Q. -- out in the middle of the road, is that going to
5 threaten you?

6 THE COURT: He can answer.

7 SOLICITOR LEGETTE: Calls for an opinion, your
8 Honor.

9 BY MR. PLEXICO:

10 Q. Is that normal behavior?

11 A. No.

12 Q. Okay. Well, if it's not normal behavior, it would
13 abnormal behavior, correct?

14 A. Correct.

15 Q. Would it fall in the category of threatening
16 behavior?

17 A. No.

18 Q. So the words of violence and the way the car came
19 up and stopped in the middle of the road, those aren't
20 combined to be -- to increase the threat?

21 A. No.

22 Q. It lets those people know, that would be Gregory
23 Sanders and his girlfriend, that something serious is
24 about to go down, doesn't it?

25 A. Correct.

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RANDY WHITE - RRDYX - LEGETTE

1 MR. PLEXICO: I don't have anything further.

2 THE COURT: Anything further?

3 SOLICITOR LEGETTE: Begging the Court's indulgence.

4 RANDY WHITE, RE-RE-DIRECT

5 EXAMINATION BY SOLICITOR LEGETTE:

6 Q. Just briefly, Mr. White. What was Greg telling
7 you?

8 MR. PLEXICO: Asked and answered, your Honor.

9 SOLICITOR LEGETTE: No, he hasn't. What'd he say?

10 THE COURT: Go ahead.

11 BY SOLICITOR LEGETTE:

12 A. Leave, you don't want to be a witness.

13 Q. And looking back now, what would you be a witness
14 to?

15 A. A murder.

16 SOLICITOR LEGETTE: I have nothing further.

17 MR. PLEXICO: May I?

18 RANDY WHITE

19 RE-RE-CROSS EXAMINATION BY MR. PLEXICO:

20 Q. You could've been a witness to self-defense in that
21 situation. Now, you nodded your head in the
22 affirmative, yes. Isn't that correct?

23 A. Correct.

24 MR. PLEXICO: Okay.

25 RANDY WHITE, RE-RE-RE-DIRECT

5-8-18 STATE V SANDERS

RANDY WHITE - RRDY - LEGETTE

1 EXAMINATION BY SOLICITOR LEGETTE:

2 Q. But was it self-defense?

3 MR. PLEXICO: Your Honor, that's a legal question.

4 I --

5 THE COURT: Okay. Number one, we are getting way
6 into legal conclusions at this point. He has no idea
7 what self-defense is.

8 SOLICITOR LEGETTE: I would ask that the other
9 statement he made to Mr. Plexico be stricken from the
10 record.

11 THE COURT: I don't necessarily think that is a
12 legal conclusion. It's a common phrase used. So again,
13 I don't think it's of that. Anything further from this
14 witness?

15 SOLICITOR LEGETTE: No, your Honor. We ask that he
16 be excused.

17 THE COURT: Anything further?

18 MR. PLEXICO: Nothing.

19 THE COURT: You are excused, sir. Thank you. Call
20 your next witness.

21 SOLICITOR LEGETTE: Kywana Bradley.

22 MADAM CLERK: Left hand on the *Bible*, and raise
23 your right hand. Do you swear or affirm to tell the
24 truth, the whole truth, and nothing but the truth, so
25 help you God?

1 KYWANA BRADLEY: Yes.

2 MADAM CLERK: You may be seated.

3 THE COURT: Adjust the microphone. Okay?

4 SOLICITOR LEGETTE: Thank you, your Honor.

5 KYWANA BRADLEY

6 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

7 Q. Ms. Bradley, where are you from?

8 A. Allendale.

9 Q. Okay. I need you to speak up. Okay? So we can
10 all hear you. All right? Okay. So where are you from?

11 A. Allendale.

12 Q. Okay. And what high school did you go to?

13 A. Allendale/Fairfax High School.

14 Q. Do you know -- did you know Tyhira Harrington?

15 A. Yes, ma'am.

16 Q. How did you know Tyhira Harrington?

17 A. She's my best friend.

18 Q. How long have you known her?

19 A. About -- all my life.

20 Q. Can you describe her. I mean, her build.

21 A. As a person?

22 Q. As far as physically, describe her physically.

23 A. Tall; skinny; long, pretty hair; very pretty.

24 Q. Okay. All right. Did you ever know her -- you

25 said you know her a long time. Did you ever know her to

5-8-18 STATE V SANDERS

RANDY WHITE - RRDY - LEGETTE

1 have any weapons?

2 A. No, ma'am.

3 Q. Did you know a young lady named Yhantyse Priester?

4 A. Yes, ma'am.

5 Q. Did she have a nickname?

6 A. Daisy.

7 Q. Okay. How do you know Daisy?

8 A. She was there. She's a friend.

9 Q. Did she also know Tyhira?

10 A. Yes, ma'am.

11 Q. Now, prior to Tyhira's death, where were you
12 staying?

13 A. With her.

14 Q. And who else was staying with you?

15 A. Yhantyse.

16 Q. All right. It's Yhantyse? Yhantyse?

17 A. Yes, ma'am.

18 Q. Okay. All right. So she was staying there with
19 you. All right. Was anyone else staying with you all?

20 A. No, ma'am.

21 Q. Do you know a woman named Marilyn Garvin?

22 A. Yes, ma'am.

23 Q. And who is Marilyn Garvin?

24 A. Tyhira's mother.

25 Q. Okay. And how long had you known, I guess, well,

5-8-18 STATE V. SANDERSRANDY WHITE - RRDY - LEGETTE

1 Ms. Garvin?

2 A. My whole life.

3 Q. Do you know Greg Sanders?

4 A. - Yes.

5 Q. Okay. Is he present in court today?

6 A. Yes, ma'am.

7 Q. Can you point him out, please.

8 A. There.

9 Q. Can you describe what he's wearing.

10 A. A white, button-up, collar shirt.

11 SOLICITOR LEGETTE: Let the record reflect the
12 witness has indicated the defendant, Gregory Sanders.

13 BY SOLICITOR LEGETTE:

14 Q. Ms. Bradley, how long had you known Greg Sanders?

15 A. About two months.

16 Q. And when would you see Mr. Sanders?

17 A. At Tyhira's house.

18 Q. Can you describe, I guess, their relationship. Or
19 their behavior towards one another.

20 A. Friendly.

21 Q. Friendly? What kind of job did Tyhira have?

22 A. She worked on the Island, like washing dishes, I
23 believe, at a restaurant.

24 Q. Did she have any side jobs?

25 A. No, ma'am. She braid hair.

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RANDY WHITE - RRDY - LEGETTE

1 Q. All right.

2 COURT REPORTER: I'm sorry. No, ma'am, she what?

3 A. She braids hair.

4 Q. Did she ever braid your hair?

5 A. Yes, ma'am.

6 Q. Okay. Did she ever braid Mr. Sanders' hair?

7 A. Yes, ma'am.

8 Q. Okay. When you would see Mr. Sanders at Ms. -- at
9 Tyhira's house, would he be with anyone else?

10 A. His girlfriend.

11 Q. Did you know her name?

12 A. No, ma'am.

13 Q. How often would you see them over at Tyhira's
14 house?

15 A. Probably every day or every other day.

16 Q. And were they always -- how did they act towards
17 one another?

18 A. Like friends.

19 Q. Now, at some point, did their, I guess their
20 friendship, ever kind of change?

21 A. Yes, ma'am.

22 Q. When was that?

23 A. About a couple of days before she dead.

24 Q. Do you know why their friendship changed?

25 A. No, ma'am.

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RANDY WHITE - RRDY - LEGETTE

1 Q. Can you describe how it changed.

2 A. They went from being friends, to him saying he
3 didn't want to talk to her, so.

4 Q. All right. Now, let's talk about the week -- well,
5 do you remember the night Tyhira died?

6 A. Yes, ma'am.

7 Q. Do you remember the week prior to her dying?

8 A. Yes, ma'am.

9 Q. Okay. Can you tell us, during that week did you
10 see Mr. Sanders.

11 A. Yes, ma'am.

12 Q. Okay. Where did you see him at?

13 A. Tyhira's house.

14 Q. Can you describe -- well, never mind. Let's talk
15 about something else. So the night that Tyhira died,
16 can you tell us what was happening that night.

17 A. Me, Tyhira, and Yhantyes, we was at a club. And
18 her mother had called her and said that --

19 Q. Don't tell us what she said, but tell what happened
20 and what was the response.

21 A. We came to the house and came back.

22 Q. Okay. So Mom called Tyhira?

23 A. Yes, ma'am.

24 Q. Okay. What was Tyhira's reaction when she talked
25 to her mother?

5-8-18 STATE V SANDERS

RANDY WHITE - RRDY - LEGETTE

1 A. She wanted to go home and find out what was going
2 on.

3 Q. What did she -- I mean, did she want to talk to any
4 particular person in particular?

5 A. Yes, ma'am.

6 Q. Who did she want to talk to?

7 A. Him. Gregory.

8 Q. Okay. What was her demeanor at that time?

9 A. She just want to know why -- why he tell her mother
10 that.

11 Q. Did she seem upset?

12 A. Yes, ma'am.

13 Q. Okay. So you say you all were at a club. What
14 club were you -- what club and what county were you all
15 in?

16 A. It was called Ambition, but I'm -- I'm not sure.

17 Q. Okay. Do you remember telling the Solicitor's
18 Office it was Club Pluto, or?

19 A. Yes, ma'am. Yes, it was Pluto.

20 Q. Okay. So you came back to the house. Where was
21 Tyhira's house located?

22 A. She stayed in the apartments.

23 Q. And what town were they in?

24 A. Estill.

25 Q. Okay. Do you know what county that is?

5-8-18 STATE V SANDERS

RANDY WHITE - RRDY - LEGETTE

1 A. No.

2 Q. Okay.

3 COURT REPORTER: Was that yes or no? What county
4 is that, yes or no?

5 A. I think Estill.

6 Q. You didn't know the county, right?

7 A. No, ma'am.

8 Q. Okay. All right. But you came back home. Who was
9 driving?

10 A. Tyhira.

11 Q. What happened when you got home?

12 A. We got out the car. Mr. Gregory was standing
13 outside her apartment. He said he was wanting to come
14 in and clear his name.

15 Q. Was there a confrontation or an argument outside
16 the apartment?

17 A. No, ma'am.

18 Q. Okay. So he said he wanted to come in and clear
19 his name. What happened when he -- did you all go in
20 the apartment?

21 A. Yes, ma'am.

22 Q. And what happened when you went inside the
23 apartment?

24 A. Him and Tyhira was talking.

25 Q. Okay. What were they talking about? What was

5-8-18 STATE V SANDERS

RANDY WHITE - RRDY - LEGETTE

1 Gregory saying?

2 A. That he didn't say it.

3 Q. Okay. Did he say what he supposedly had said?

4 A. That Marilyn was going to wear her black dress.

5 Q. So he was denying saying it?

6 A. Yes, ma'am.

7 Q. What was Tyhira's reaction?

8 A. She kept asking him, like, why would you tell my
9 mama that.

10 Q. Was anyone else in the house or in the apartment
11 with you?

12 A. Yes, ma'am.

13 Q. Who else was in the apartment?

14 A. Yhantyse, her mother, mother's boyfriend, and Alex.

15 Q. Okay. And so, you said he never had any
16 conversation -- well, you said they were talking to each
17 other?

18 A. Yes, ma'am.

19 Q. Were they talking loud? How were they -- how were
20 they talking? Was it an argument, or was it just calm?

21 A. It was calm at first.

22 Q. Okay. You said at first. Did it ever change?

23 A. Yes, ma'am. They -- the -- somehow they got off
24 the topic, and it was talking about gangs and stuff.

25 Q. Okay. What did Gregory say?

5-8-18 STATE V SANDERS

RANDY WHITE - RRDY - LEGETTE

1 A. He -- he wasn't referring to her when he was
2 talking about the gangs. He was talking to Alex and No
3 Doubt.

4 Q. Okay. All right. And who was No Doubt.

5 A. Marilyn's boyfriend.

6 Q. Okay. Would that be Samson?

7 A. Yes, ma'am.

8 Q. Okay. All right. And so, at some point -- did
9 Gregory stay? How long did he stay around?

10 A. A little bit after that, Ms. Marilyn told Tyhira to
11 tell him to leave, and she told him to leave, and he
12 left.

13 Q. Tyhira told him to leave?

14 A. Yes, ma'am.

15 Q. Okay. While you were in the apartment that night,
16 did anyone ever get into a fight?

17 A. No, ma'am.

18 Q. Did anyone ever hit Gregory?

19 A. No, ma'am.

20 Q. Are you in a gang?

21 A. No, ma'am.

22 Q. Did you ever hit Gregory that night?

23 A. No, ma'am.

24 Q. Was there any fighting in the house that night at
25 all?

5-8-18 STATE V SANDERS

RANDY WHITE - RRDY - LEGETTE

1 A. No, ma'am.

2 Q. Did he hit Tyhira? Did she ever get into a
3 physical fight with Gregory that night?

4 A. No, ma'am.

5 Q. So you said that Ms. Marilyn told her to put him
6 out, and Tyhira put him out.

7 A. Yes, ma'am.

8 Q. Did he leave?

9 A. Yes, ma'am.

10 Q. Was he with anyone when he was in the house with
11 you?

12 A. No, ma'am.

13 Q. So once Gregory left, what happened next?

14 A. Tyhira and Yhantyse left to take Tyhira's mother
15 home.

16 Q. Okay. Did you stay around?

17 A. Yes, ma'am, I stayed to the house.

18 Q. Did anyone else stay with you?

19 A. Yes, ma'am.

20 Q. Who stayed with you?

21 A. Alex and Jonathon. Johnny.

22 Q. Okay. Now, who is Johnny?

23 A. He's a friend.

24 Q. Now, did anything unusual happen when you were
25 still at the house that night?

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RANDY WHITE - RRDY - LEGETTE

1 A. Yes, ma'am.

2 Q. What happened?

3 A. We was sitting on the chair, and someone was
4 playing with the doorknob.

5 Q. Which doorknob is this?

6 A. The front doorknob.

7 Q. What, if anything, did you do in response to
8 someone playing with the doorknob?

9 A. We called Tyhira.

10 Q. What did you think was happening when someone was
11 playing with the doorknob?

12 A. Thought that someone was trying to get in the
13 house.

14 Q. All right. So you called -- you called Tyhira.
15 What did you tell her?

16 A. Somebody's trying to get in her house, and to be
17 careful.

18 Q. Did you know who it was at that time?

19 A. No, ma'am.

20 Q. All right. So what was the next thing you
21 remembered?

22 A. Yhantyse knocking on the door saying Tyhira's been
23 shot.

24 Q. Okay. And what did you do when Yhantyse told you
25 this?

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RANDY WHITE - RRDx - LEGETTE

1 A. I ran outside.

2 Q. And what did you find? Do you remember where she
3 was lying?

4 A. Yes, ma'am.

5 Q. Who was around when you got to her?

6 A. Just her by herself.

7 Q. Now, once you saw her there by herself, did anyone
8 call 911? What was done?

9 A. Well, Mr. Johnny had pick her up and put her -- put
10 her in his car.

11 Q. And where was he taking her?

12 A. To the hospital.

13 Q. Did you ride with Mr. Johnny?

14 A. No, ma'am.

15 Q. Okay. Did you go with -- or did you go to the
16 hospital?

17 A. I followed behind him in her car.

18 Q. Was anyone with you?

19 A. Me and Yhantyse.

20 Q. At some point during the, I guess, the ride to the
21 hospital -- which hospital did you all go to?

22 A. To Hampton.

23 Q. At some point during the ride to the hospital, did
24 Mr. Johnny stop the car?

25 A. Yes, ma'am.

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BRADLEY - CX - PLEXICO

1 Q. Okay. What happened when he stopped the car?

2 A. He said that they told him to stop the car.

3 Q. Okay. And what did you do at that point?

4 A. Just holded her.

5 Q. Was she responsive at all?

6 A. Yes, ma'am.

7 Q. Now, did you all finally make it to the hospital?

8 A. Yes, ma'am.

9 Q. And what happened at the hospital? What did you
10 learn?

11 A. She was dead.

12 Q. Now, while you were at the hospital, did you talk
13 to anybody in law enforcement?

14 A. No, ma'am.

15 Q. Did you ever talk to anyone in law enforcement?

16 A. Yes, ma'am.

17 Q. Did you tell them what you remembered?

18 A. Yes, ma'am.

19 SOLICITOR LEGETTE: Beg the Court's indulgence.

20 Begging the Court's indulgence.

21 Thank you, Ms. Bradley. I have no further
22 questions. Please answer any questions for Mr. Plexico.

23 KYWANA BRADLEY

24 CROSS-EXAMINATION BY MR. PLEXICO:

25 Q. Were you with Tyhira Harrington the whole night?

5-8-18 STATE V SANDERS

BRADLEY - CX - PLEXICO

1 A. Yes, sir.

2 Q. Okay. And you all grew up together?

3 A. Yes, sir.

4 Q. Had you been living with her for an extended period
5 of time?

6 A. Yes, sir.

7 Q. And it was you; Tyhira; and Yhantyse, who is called
8 Daisy, that lived there?

9 A. Um-hmm.

10 Q. And Marilyn Garvin lived there, too? Is that
11 correct?

12 A. She was.

13 Q. All right.

14 A. Until she got her own place, and then she moved.

15 Q. And she was staying with Samson then?

16 A. Um-hmm.

17 THE COURT: That's a yes, for the record?

18 A. Yes, ma'am.

19 BY MR. PLEXICO:

20 Q. And the two children over there, right?

21 A. Sir?

22 Q. And the two children, right?

23 A. Yes, sir.

24 Q. And that's what, two-bedroom apartment?

25 A. Um-hmm.

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BRADLEY - CX - PLEXICO

1 Q. All right.

2 THE COURT: It's a yes, for the record?

3 A. Yes.

4 THE COURT: Thank you. That's okay.

5 BY MR. PLEXICO:

6 Q. So she jumped -- she'd doesn't do -- she wouldn't
7 do stuff unless you knew about it. Is that correct?
8 That would be Ms. Harrington, Tyhira.

9 A. Can you repeat that.

10 Q. You knew her -- since you lived with her day in and
11 day out, you knew everything about her, correct?

12 A. Pretty much.

13 Q. Okay. All right. And she was a member of the Folk
14 Gang Nation. Is that correct?

15 A. No, she wasn't.

16 Q. Okay. All right. So you knew her really well,
17 every day, right?

18 A. Yes.

19 Q. Okay. All right. And you've lost your friend,
20 right?

21 A. Yes.

22 Q. And you don't want to say anything bad about your
23 friend, correct?

24 A. It's nothing bad to say about her.

25 Q. Okay.

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BRADLEY - CX - PLEXICO

1 A. She was a good person.

2 Q. All right. Did she ever go in full effect with
3 you?

4 A. What -- what do you mean full effect?

5 Q. Did she ever lose her temper with you or lose
6 control?

7 A. No.

8 Q. She never went in full effect with you. Okay. All
9 right.

10 A. No.

11 Q. So you were with her the entire night?

12 A. Yes, the whole, entire night; day before; yes, I
13 was.

14 Q. Okay. So you all were at Club Pluto, right?

15 A. Correct.

16 Q. And that's a strip club that sells alcohol?

17 A. Correct.

18 Q. Okay. All right. So did you all have any alcohol
19 at Club Pluto?

20 A. No, we didn't even go in.

21 Q. Okay. Did you all drink anything on the way there?

22 A. No.

23 Q. Did she drink anything on the way back?

24 A. No.

25 Q. Do you have any idea how someone could have a blood

5-8-18 STATE V SANDERS

BRADLEY - CX - PLEXICO

1 alcohol concentration indicating drinking when they
2 haven't been drinking?

3 A. I don't know.

4 Q. Okay. But you were with her that whole day?

5 A. Unless she was drinking when she left me, I don't
6 know. I'm not sure. I hadn't seen her drink anything.

7 Q. Okay. But she does drink?

8 A. Um-hmm.

9 Q. Okay. All right. But you didn't see her --

10 A. Yes, she does drink.

11 Q. -- you didn't see her drink anything Monday night
12 or Tuesday morning?

13 A. I'm not sure.

14 Q. Okay. All right. So did you and Yhantyse and
15 Tyhira -- well, let me go back. Let me withdraw that.
16 So my client was over at the apartment that evening,
17 everything was peaceful, correct?

18 A. Yes.

19 Q. All right. On his way out, did you, Yhantyse, and
20 Tyhira attack my client?

21 A. No.

22 Q. So you all never laid a hand on him?

23 A. Never.

24 Q. Okay. All right.

25 MR. PLEXICO: Court's indulgence. I don't have

5-8-18 STATE V SANDERS

MARQUIS ALSTON - DX - LEGETTE

1 right. State ready?

2 SOLICITOR LEGETTE: Yes, your Honor.

3 THE COURT: Defense ready?

4 MR. PLEXICO: Yes, your Honor.

5 THE COURT: All right. Let's bring the jury out.

6 JURORS ENTER COURTROOM 11:24 A.M.

7 THE COURT: All right. Welcome back, ladies and
8 gentlemen. Is everybody okay? Very good. All right.
9 Solicitor will call the next witness.

10 SOLICITOR LEGETTE: Thank you, your Honor. State
11 calls Marquis Alston.

12 THE COURT: Okay.

13 BAILIFF: Marquis Alston.

14 THE COURT: Keep standing, sir, and place your left
15 hand on the *Bible*, and raise your right hand.

16 MADAM CLERK: Do you swear to tell the truth, the
17 whole truth, and nothing but the truth, so help you God?

18 MARQUIS ALSTON: Yes.

19 MADAM CLERK: You may be seated.

20 THE COURT: All right.

21 SOLICITOR LEGETTE: Thank you, your Honor.

22 MARQUIS ALSTON

23 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

24 Q. Good morning, Mr. Alston.

25 A. Good morning.

5-8-18 STATE V SANDERS

MARQUIS ALSTON - DX - LEGETTE

1 Q. Mr. Alston, I need you to speak up. Okay? All
2 right, Mr. Alston --

3 THE COURT: Is that a yes, for the record? You
4 just need to make sure you verbally say yes or no.
5 Okay?

6 MARQUIS ALSTON: Yes.

7 THE COURT: This court reporter's taking everything
8 down. Okay?

9 MARQUIS ALSTON: All right.

10 SOLICITOR LEGETTE: All right. Thank you.

11 BY SOLICITOR LEGETTE:

12 Q. Spell your last name, please.

13 A. A/l/s/t/o/n.

14 Q. All right. Thank you, Mr. Alston. Where are you
15 from?

16 A. Mecklenburg County, North Carolina.

17 Q. Okay. But so, you -- all right. So you don't have
18 to sit so close.

19 COURT REPORTER: Marlboro County?

20 A. Mecklenburg.

21 THE COURT: Pull back just a little bit from the
22 microphone. Sometimes it's too close, sir. He's pretty
23 good. He's pretty loud.

24 SOLICITOR LEGETTE: Okay.

25 BY SOLICITOR LEGETTE:

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MARQUIS ALSTON - DX - LEGETTE

1 Q. But you don't have to speak directly into it. Just
2 speak up so I can hear you, so they can all hear you.

3 So where are you from?

4 A. Mecklenburg County.

5 Q. And how long have you been in South Carolina?

6 A. I don't even know.

7 Q. You don't know? What high school did you go to?

8 A. Lexington Henry High School.

9 Q. All right. Do you know a man named Randy White?

10 A. I mean, yeah.

11 Q. So how long have you known Randy White?

12 A. Since we've been young.

13 COURT REPORTER: I'm sorry?

14 Q. How long?

15 A. Since we've been young.

16 Q. Since you've been young. Okay. How old are you
17 now?

18 A. Twenty-one.

19 Q. Twenty-one. So how young was that when you met
20 Randy White?

21 A. Little League for a while, probably around like
22 teenagers.

23 Q. Okay. Little League football. All right. How
24 would you describe your relationship with Randy White?

25 A. I mean, we were friends. You know what I'm saying.

1 He not -- he ain't up too much.

2 Q. Okay. You all were relatives?

3 COURT REPORTER: Yes, no?

4 Q. Is that yes or no?

5 A. No.

6 Q. Okay.

7 THE COURT: Thank you.

8 Q. All right. So you're friends with Randy White.

9 All right. Did you know a girl named Tyhira Harrington?

10 A. Yeah.

11 Q. How did you know her?

12 A. Through Randy.

13 Q. Okay. Did you know any of Tyhira Harrington's
14 friends?

15 A. I mean, through Randy, yeah.

16 Q. Who did you know?

17 A. Kywana, Daisy.

18 Q. Okay. And how did you know Daisy?

19 A. Through Randy.

20 Q. All right. Were you and Daisy particularly
21 specialized friends of any sort?

22 A. No.

23 Q. Okay. Do you remember telling us that Daisy was
24 your girlfriend or was a --

25 MR. PLEXICO: I object. That's leading, your

5-8-18 STATE V SANDERS

MARQUIS ALSTON - DX - LEGETTE

1 Honor.

2 BY SOLICITOR LEGETTE:

3 A. I don't recall.

4 Q. Okay. All right. Did you have a relationship with
5 Daisy?

6 A. No.

7 Q. Okay. Did you have a relationship with Randy?

8 A. I just told you, he was my friend.

9 Q. Okay. Now, do you know Greg Sanders?

10 A. No.

11 Q. Do you remember telling the Solicitor --

12 A. I mean, he was from Estill, but I don't know him,
13 really like, I don't know him. I know of him.

14 Q. All right. So do you see him in the courtroom
15 today?

16 A. Yeah.

17 Q. Could you point him out, please.

18 A. He's over there. I mean, --

19 Q. Now, Mr. Alston, do you want to be here today?

20 A. I mean, not really.

21 Q. Not really? Okay? Were you brought here by
22 subpoena?

23 A. Yes, ma'am.

24 Q. All right. So you don't want to be here. Now, do
25 you see Mr. Sanders in the courtroom?

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MARQUIS ALSTON - DX - LEGETTE

1 A. Yeah, I see him right there.

2 Q. Would you point him out, please. Would you state
3 what he is wearing.

4 A. A white shirt with a tie.

5 Q. Okay. Now, Mr. Alston, did you ever hang out with
6 Randy White and Tyhira Harrington?

7 A. I mean, yeah, some weekend, get together.

8 Q. Okay. Was anyone else present when you all were
9 hanging out?

10 A. Yeah, I mean -- yeah, Daisy was, but.

11 Q. Daisy was?

12 A. Yeah.

13 Q. Okay. Was anyone else present when you all hung
14 out?

15 A. No.

16 Q. All right. What did you all do when you got
17 together, just hang out?

18 A. Yeah, just smoke --

19 Q. Okay.

20 A. -- usually is all.

21 Q. All right. Now, I want to -- do you remember the
22 night Tyhira Harrington got killed?

23 A. No.

24 Q. You don't remember that night?

25 A. No.

5-8-18 STATE V SANDERS

MARQUIS ALSTON - DX - LEGETTE

1 Q. Do you not remember telling the Solicitor's Office
2 on about April 20, 2018 about what you saw that night?

3 A. What did I tell you?

4 Q. Do you remember?

5 A. No, I don't know. I don't remember, because I
6 didn't tell you all anything.

7 Q. Okay. So you don't remember telling us that you
8 were there right before Tyhira --

9 A. So what did I tell you I saw? What I told you I
10 saw?

11 Q. Mr. White [sic], I'm just trying to make sure --

12 A. My name Marquis Alston.

13 Q. I'm sorry.

14 A. See, that's the difference. You don't know my
15 name.

16 Q. Okay. I'm sorry.

17 A. So you telling me I'm saying something I didn't
18 say.

19 Q. My apologies, Mr. Alston. Mr. Alston, if you don't
20 mind, would you please tell us what you remember about
21 the night she was killed.

22 A. I don't remember much.

23 Q. Well, what much do you remember?

24 A. That I told you -- I even told you -- you ask --
25 you ask me cause I told you I didn't see anything. So

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MARQUIS ALSTON - DX - LEGETTE

1 that -- basically, I'm not understanding why I'm up
2 here.

3 Q. Well, Mr. Alston, can you tell us what you remember
4 about that night.

5 A. I don't remember -- I remember me and Randy and
6 Tyhira went to get some. That's all I remember.

7 Q. Okay.

8 A. I don't remember too much. I told you that when
9 you all first interviewed me.

10 Q. All right. So do you remember telling us that you
11 went next door after you got out of the vehicle?

12 A. Yeah, I was -- I was -- I told you that.

13 Q. Yes, sir. Well, tell me again. Tell all of us,
14 please. If you don't mind, would you please tell all of
15 us about hanging out with Tyhira and Randy and Daisy.

16 A. How you mean hang out?

17 Q. That particular night that Tyhira was killed.

18 A. Oh, we was just going to get some. Everybody got
19 -- we got in the project. We was sitting in the
20 projects. I left, right or wrong, I told you that.

21 Q. Okay. So but, you hadn't told this jury. Now,
22 would you mind telling all of us, the Judge and the jury
23 as well. So you were in the car?

24 A. Yeah.

25 Q. All right. Who was in the car, too?

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MARQUIS ALSTON - DX - LEGETTE

1 A. Daisy and Randy and Tyhira.

2 Q. Okay. So where did you all go?

3 A. To the projects.

4 Q. Okay. And is that in Estill?

5 A. Yes.

6 Q. All right. And did anything happen while you all
7 were in the projects?

8 A. No. Not -- I don't know.

9 Q. Did you all drive anywhere?

10 A. Yeah, we drive to the projects.

11 Q. Okay. Did you all drive through the projects?

12 A. No, it was not directly in the projects, but --

13 Q. Okay. All right. So did you all get to a place
14 called the laundromat?

15 A. Yeah, that -- that what I tell you, it not really
16 in the projects.

17 Q. I got you. All right. So what happened? Did you
18 ever get out of the car?

19 A. Yeah. Yeah.

20 Q. All right. So.

21 A. Everybody was chilling. Everybody was doing their
22 own thing.

23 Q. You left?

24 A. Yeah.

25 Q. Do you not remember telling the Solicitor's Office

5-8-18 STATE V SANDERSMARQUIS ALSTON - DX - LEGETTE

1 that everybody got out?

2 A. Everybody got out, and I left. You just said I
3 went next door, so I left, right?

4 Q. Okay. So you left. What happened when they got to
5 the laundromat?

6 A. I don't recall.

7 Q. Okay. Do you recall telling the Solicitor's Office
8 on April 20, 2018 about hearing shots?

9 A. No.

10 Q. Hearing a shot?

11 A. So I heard -- so I told you I heard shots?

12 Q. Do you not recall telling us you heard shots?

13 A. No. No, I don't.

14 Q. So what did you tell us?

15 COURT REPORTER: I'm sorry, one at a time, please.

16 A. I didn't tell you -- I don't recall, I don't
17 remember telling you I heard shots.

18 Q. Okay. So what do you remember, Mr. Alston?

19 A. I don't want to tell you that.

20 Q. Okay. I understand.

21 A. I told you I didn't see anything, I don't know
22 anything. That's what I told you.

23 Q. Okay. So, when did you go --

24 A. Therefore, I'm not understanding why I'm standing
25 up on this stand.

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MARQUIS ALSTON - DX - LEGETTE

1 Q. Mr. Alston, where did you go when you got out of
2 the car?

3 A. Next door.

4 Q. Okay. So who was next door?

5 A. To my friend house.

6 Q. All right. So who was your friend?

7 A. It's a female.. Her name is Rhonna.

8 Q. Now, Mr. Alston, do you not remember telling the
9 Solicitor's Office, on April 20, 2018 --

10 A. No, I don't.

11 THE COURT: All right. Mr. Alston.

12 A. I don't remember telling Solicitor Office nothing.

13 THE COURT: You need to answer the questions.
14 Don't talk over each other.

15 SOLICITOR LEGETTE: Permission to talk -- to, I
16 guess, declare him a hostile witness, your Honor.

17 THE COURT: Yes.

18 BY SOLICITOR LEGETTE:

19 Q. Now, Mr. Alston, don't you remember telling us, the
20 Solicitor's Office, on April 20, 2018 that you were
21 riding with Randy and Yhantyes, Daisy, and Tyhira? Do
22 you remember telling us that?

23 A. Yes.

24 Q. Do you also remember telling us that basically you
25 got to the laundromat, and everybody got out of the car?

1 A. Yes.

2 Q. Do you remember telling us that you did not get out
3 of the car and fight?

4 A. Yes. Ain't been no -- who -- who was fighting?
5 Ain't been no fighting going on.

6 Q. So you weren't there to fight, right?

7 A. Ain't been no fighting going on.

8 Q. No fighting going on.

9 A. I don't understand what you're saying.

10 Q. So you went next door?

11 A. You saying you know it.

12 COURT REPORTER: Okay.

13 THE COURT: Really, you need to answer the
14 question.

15 A. I'm answering her question.

16 THE COURT: You're not to ask any questions.
17 You're answering questions. It's not your position to
18 ask any.

19 BY SOLICITOR LEGETTE:

20 Q. Mr. Alston. All right. So, Mr. Alston, do you
21 remember getting out of the car?

22 A. Yes.

23 Q. All right. Do you remember going next door?

24 A. Yes.

25 Q. All right. Do you remember telling us that you

5-8-18 STATE V SANDERS

MARQUIS ALSTON - DX - LEGETTE

1 went to Kywana Bradley, and I believe it was Bama?

2 A. No, I didn't.

3 Q. You didn't tell us that?

4 A. I don't know what Bama said. He don't -- he don't
5 even have a house.

6 Q. Okay. But you went to Kywana Bradley, correct?

7 A. Yeah.

8 Q. All right. And you -- did you hear a shot?

9 A. Yeah.

10 Q. And when you heard the shot, didn't you come
11 running back to where the location you heard --

12 A. No.

13 Q. -- the shot from?

14 A. No.

15 Q. You didn't tell us --

16 A. No, I didn't.

17 Q. -- that you came back?

18 A. No, ma'am, I didn't.

19 Q. You didn't tell us that Tyhira was lying there?

20 A. Yes. But I didn't tell you I came running back.

21 Q. Well, did you walk back?

22 A. No, I didn't.

23 Q. Did you come back?

24 A. I didn't come back to this -- I didn't come nowhere
25 around here.

5-8-18 STATE V SANDERSMARQUIS ALSTON - DX - LEGETTE

1 Q. You didn't come anywhere near. Didn't you tell the
2 Solicitor's office on April 20th that you came back?

3 A. No, ma'am.

4 Q. Didn't you tell the Solicitor's Office that Tyhira
5 was lying there?

6 A. Yeah. I told you. I just told you.

7 Q. Didn't you tell us that Randy was upset?

8 A. Yes.

9 Q. Didn't you tell us that Daisy was upset?

10 A. No, I don't recall that.

11 Q. Didn't you tell us that Greg was standing there?

12 A. No.

13 Q. Didn't you tell us that Greg was standing there
14 holding a gun? Didn't you tell us that Greg was
15 standing there holding --

16 A. Excuse me. Can you please tell me -- can you show
17 me where I show you that -- told you that?

18 Q. Okay. No problem.

19 A. Can you please show me that.

20 SOLICITOR LEGETTE: May I approach the witness?

21 THE COURT: You may.

22 BY SOLICITOR LEGETTE:

23 A. So I had to type? What does this say about?

24 THE COURT: Sir, read it.

25 BY SOLICITOR LEGETTE:

5-8-18 STATE V SANDERS

MARQUIS ALSTON - DX - LEGETTE

1 A. You people are thinking about Randy.

2 COURT REPORTER: I'm sorry, what did you say?

3 Q. Oh, I'm sorry. Did I give you the wrong one?

4 A. Yeah, that's what I'm saying. You keep mixing me
5 up with somebody else.

6 Q. Did I give you the wrong one. Does it not say
7 Marquis Alston? Let me see it, Mr. Alston.

8 SOLICITOR LEGETTE: May I approach, your Honor?

9 THE COURT: You may.

10 BY SOLICITOR LEGETTE:

11 Q. It says Marquis Alston..

12 A. But it's talking about Randy. And basically what
13 you read to me, you basically saying I'm doing what
14 Randy's doing.

15 Q. Do you not remember telling us on April 20, 2018,
16 Mr. Alston, that you saw Greg Sanders standing there
17 with a gun?

18 A. No, I don't -- I don't recall saying that.

19 Q. Do you not recall telling us on April 20, 2018, Mr.
20 Alston, that Greg Sanders then calmly just walked away?

21 A. No, I don't recall that.

22 Q. You don't recall that?

23 A. No.

24 Q. Okay.

25 A. Not at all.

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MARQUIS ALSTON - DX - LEGETTE

1 Q. All right. Did you recall not speaking to law
2 enforcement, Mr. Alston?

3 A. When?

4 Q. When this happened.

5 A. So you saying 2016? No, not at all.

6 Q. So you didn't recall not speaking to them?

7 A. You didn't -- no, I didn't. But you ask me why I
8 didn't come to -- come to law enforcement with the
9 situation.

10 Q. Well, I was going to get around to that, Mr.
11 Alston. However, Mr. Alston, okay. So do you remember
12 not talking to law enforcement?

13 A. I didn't.

14 Q. You didn't?

15 A. No.

16 Q. Okay. Why didn't you talk to law enforcement?

17 A. Because I didn't see anything. I don't know
18 anything. So my -- my whole case was why should I come
19 here.

20 Q. Okay. All right.

21 SOLICITOR LEGETTE: Begging the Court's indulgence.

22 All right. Thank you, Mr. Alston. I have no
23 further questions. Thank you.

24 THE COURT: Mr. Plexico?

25 MR. PLEXICO: All right.

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MARQUIS ALSTON - CX - PLEXICO

1 MARQUIS ALSTON

2 CROSS-EXAMINATION BY MR. PLEXICO:

3 Q. All right. We'll start with something easy. So
4 earlier in the day, on the 10th, yourself, Randy White,
5 Tyhira Harrington, and Yhantyse Priester, who is known
6 as Daisy, were together, correct?

7 A. Yes, sir.

8 Q. And you all were smoking?

9 NO RESPONSE.

10 Q. Okay. Was --

11 COURT REPORTER: Answer? Yes, no?

12 A. Yes, sir. Yes, sir.

13 Q. And was Tyhira Harrington drinking any alcohol,
14 beer, wine, or anything like that?

15 A. I don't recall that. I don't remember that.

16 Q. Okay.

17 A. That's over two years ago. I don't remember.

18 Q. Were any of you all drinking any alcohol?

19 A. I don't drink.

20 Q. Okay. All right. And what were you all smoking?
21 Crack? I'm asking. I don't know.

22 A. No, sir.

23 Q. Were you all smoking marijuana?

24 A. Yeah, marijuana.

25 Q. Okay. So you all smoked the marijuana that you

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MARQUIS ALSTON - CX - PLEXICO

1 had. Is that correct?

2 A. No, we was going to get it.

3 Q. Okay. But you all had already smoked some
4 marijuana?

5 A. No, we was going to get it.

6 Q. Okay. So you all were out hunting up some
7 marijuana. Is that correct? All right.

8 NO RESPONSE.

9 COURT REPORTER: Is that yes or no?

10 A. Yes, sir. Yes, sir. I'm sorry.

11 Q. So everybody was chilling and feeling pretty good?

12 A. Yes, sir.

13 Q. So do you know what Tyhira Harrington had done
14 earlier in the day?

15 A. No, sir.

16 Q. Did you smell any alcohol on her or anything?

17 A. No, sir.

18 Q. Okay. Was she angry over anything that you could
19 tell?

20 A. I mean, I don't -- I don't know.

21 Q. Okay. You didn't know her that well?

22 A. I can't -- I can't read a person.

23 Q. Okay. So you didn't know her that well, correct?
24 Is that correct?

25 A. Yes, sir.

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1 Q. All right.

2 A. I used to be around her, but not saying I know her
3 know her, but I used to be around her.

4 Q. Okay. All right. But you weren't around her for
5 very long, because --

6 A. Yeah, but not to know her know her.

7 Q. Okay. All right. And you didn't say that Randy
8 walked over to the -- to her apartment?

9 A. Huh?

10 Q. You didn't say Randy walked over to her apartment
11 --

12 A. No, sir.

13 Q. -- when the car stopped? Okay. All right. Are
14 you in a gang?

15 A. No, sir.

16 Q. You're from Mecklenburg County, North Carolina? Is
17 that Charlotte?

18 A. Charlotte, yes, sir.

19 Q. Okay. So you spent most of your life in Charlotte?

20 A. No, I spent most of my life down here.

21 Q. Okay.

22 A. Well, the last couple. I spent the last couple --
23 most of my life down here. My school -- my school, I
24 spent most of my school time down here, but growing up,
25 I was in Mecklenburg.

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MARQUIS ALSTON - CX - PLEXICO

1 Q. Okay. So you went to school at Mecklenburg, too,
2 right? In Charlotte?

3 THE COURT: Is that a yes, for the record?

4 BY MR. PLEXICO:

5 A. Yes, sir.

6 Q. So you're a Charlotte native?

7 A. Yes, sir.

8 Q. You're from Charlotte?

9 A. Yes, sir.

10 Q. And you have friends and family still there in
11 Charlotte?

12 A. Yes, sir.

13 Q. Okay. All right. Do you go back and forth to
14 Charlotte sometimes?

15 A. No, sir. Not often. Not very often.

16 Q. Okay.

17 MR. PLEXICO: I don't have anything further.

18 THE COURT: Ms. LEGETTE?

19 SOLICITOR LEGETTE: Nothing further, your Honor.

20 THE COURT: All right. May this witness -- anyone
21 object to this witness being excused?

22 SOLICITOR LEGETTE: No, please excuse him, your
23 Honor.

24 THE COURT: You're excused, sir.

25 MR. PLEXICO: No, your Honor.

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PRIESTER - DX - LEGETTE

1 THE COURT: Call your next witness, Solicitor.

2 SOLICITOR LEGETTE: Oh. Okay, your Honor.

3 Yhantyse Priester.

4 MADAM CLERK: Put your left hand on the *Bible*, and
5 raise your right hand. Do you swear or affirm to tell
6 the truth, the whole truth, and nothing but the truth,
7 so help you God?

8 YHANTYSE PRIESTER: Yes, ma'am.

9 MADAM CLERK: You may be seated.

10 SOLICITOR LEGETTE: May it please the Court?

11 THE COURT: You may.

12 SOLICITOR LEGETTE: Thank you, your Honor.

13 YHANTYSE PRIESTER

14 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

15 Q. Good morning, ma'am.

16 A. Good morning.

17 Q. Would you please pronounce your first name and
18 spell it, and your last name.

19 A. Yhantyse. Y/h/a/n/t/y/s/e.

20 Q. And your last name is Priester?

21 A. Yes, ma'am.

22 Q. Do you have a nickname, Ms. Priester?

23 A. Yes.

24 Q. What's your nickname?

25 A. Daisy.

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1 Q. Daisy. Okay. All right. Now, Ms. Priester, where
2 are you from?

3 A. Allendale, South Carolina.

4 Q. Okay. And did you go to school in Allendale?

5 A. Yes, ma'am.

6 Q. What high school?

7 A. Allendale/Fairfax High School.

8 Q. And where do you currently live?

9 A. Allendale.

10 Q. Now, do you have a job?

11 A. Yes, ma'am.

12 Q. Where do you work?

13 A. Sew We (phonetic spell) in Bluffton.

14 Q. Did you know a woman named Kywana Bradley?

15 A. Yes.

16 Q. And how do you know Kywana Bradley?

17 A. We were roommates at the time. I was staying with
18 her.

19 Q. Okay. And where were you all staying?

20 A. In Kinley Apartment Housing.

21 Q. Okay. Did you ever stay anyplace else with Kywana
22 Bradley?

23 A. Yes.

24 Q. Where?

25 A. Tyhira Harrington's house.

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1 Q. And where is that located?

2 A. In Estill Apartments.

3 Q. Do you know what county that's in?

4 A. Estill County.

5 Q. Okay. All right. Estill city -- County?

6 A. Yes.

7 Q. Okay. All right. When was -- when were you
8 staying with Tywana Bradley and Tyhira Harrington? Do
9 you remember the time, or thereabouts?

10 A. No.

11 Q. Okay. All right. Was it before Tyhira died?

12 A. Yes, it was before.

13 Q. All right. Just before?

14 A. I was staying with her when she was living, also,
15 as well, too.

16 Q. Okay. All right. Thank you. How would you have
17 described your relationship with Tywana Bradley?

18 A. We had -- we were -- we were roommates, or friends
19 at the same time. She -- she was a good -- she was a
20 good friend.

21 Q. Are you talking about Tywana Bradley or Tyhira
22 Harrington?

23 A. Tywana.

24 Q. Okay. All right.

25 A. Um-hmm. Yes, ma'am. If I didn't have it, she --

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1 she had it for me. Just good friends.

2 Q. Okay. And can you describe your relationship with
3 Tyhira Harrington.

4 A. Well, I was getting ready -- well, not ready, I was
5 getting ready to get to know her, because of Kywana.
6 That was her -- her best friend. So, to me, I was
7 getting to love her. She was -- every day, she was a
8 fun person. It's like, if I didn't have it, they had it
9 for me thing, like. Yes, ma'am.

10 Q. So you were getting to know Tyhira?

11 A. Yes, ma'am. Getting to know her.

12 Q. All right. How long would you say that you stayed
13 in the apartment with Tyhira and Kywana?

14 A. No, ma'am, we didn't stay together.

15 Q. Okay.

16 A. We -- we just like, one get off from work, go stay
17 the night with her. Like every night -- every night or
18 every other night.

19 Q. Oh, okay.

20 A. Um-hmm.

21 Q. You lived someplace else?

22 A. Yes, ma'am.

23 Q. Okay. I understand. All right. Now, do you know
24 the defendant?

25 A. I know of him.

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1 Q. You know of him?

2 A. Um-hmm.

3 Q. All right. So does that mean -- what does that
4 mean when you say you know of him?

5 A. I don't know him. I've heard of him. I've seen
6 him around, you know, but I don't know him.

7 Q. So would you recognize him on sight?

8 A. Yes, I do.

9 Q. Okay. Would you have any problem recognizing him
10 on sight? As far as identifying who he is.

11 A. No, no.

12 Q. Okay. But you all didn't have a friendship?

13 A. No, ma'am.

14 Q. All right. Is he present in court today? Well,
15 I'm sorry. What did you know the defendant -- did you
16 know his name?

17 A. Hard. That's the only name.

18 Q. All right. Did you know -- well, did you ever
19 learn his real name?

20 A. Yes. Gregory. Gregory Sanders.

21 Q. Okay. Gregory Sanders. Is the man that you knew
22 by his nickname, and now Gregory Sanders, present in the
23 court today?

24 A. Yes.

25 Q. Can you point him out, please, and can you describe

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1 what he is wearing.

2 A. A white and a black -- and black tie.

3 Q. All right. Thank you.

4 SOLICITOR LEGETTE: Let the record reflect that the
5 witness has indicated the defendant, Gregory Sanders.

6 BY SOLICITOR LEGETTE:

7 Q. Can you just tell us how long you, I guess, knew of
8 or had seen Gregory Sanders.

9 A. Two -- two months. A month or two. Two months.

10 Q. Okay. And where did you ever see him when you did
11 see him?

12 A. In Estill Apartments.

13 Q. Estill Apartments. Okay. Did you ever see him
14 interact with Tyhira?

15 A. Talking-wise, yeah. Like, holding a conversation,
16 but not too, too long. Not too long.

17 Q. Okay. Did they seem friendly towards each other?

18 A. Yes, yes.

19 Q. Now, did you ever see him over at Tyhira's house?

20 A. Yes, ma'am.

21 Q. Let's talk about the night that Tyhira died.

22 A. Um-hmm.

23 Q. Do you recall that night?

24 A. Yes, ma'am.

25 Q. Okay. Can you tell us briefly, what were you doing

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1 that night? Who were you with?

2 A. I was with Tyhira. You want me to say, like, she
3 died or --

4 Q. Well, the night she died and just prior to her
5 death, and I guess the night before.

6 A. Okay. The night before, we were sitting at -- we
7 were sitting in the parking lot at Club Pluto. And --

8 Q. When you say we, who is we?

9 A. Me, Tyhira, and Kywana.

10 Q. Okay.

11 A. And we received a -- we received a call from her
12 mom saying that --

13 Q. Don't tell us what she said, but --

14 A. Oh. All right.

15 Q. So you got a call from her mother?

16 A. Um-hmm.

17 Q. Whose mother?

18 A. Tyhira.

19 Q. All right. And after the call -- did you actually
20 hear this conversation?

21 A. No, no.

22 Q. All right. So how long did the conversation last?

23 A. Ten to fifteen minutes.

24 Q. Okay. What was the -- well, was there a reaction
25 from Tyhira after the phone call?

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1 A. Yes, ma'am.

2 Q. What was her reaction?

3 A. She was -- she was very upset. She -- she want to
4 go back home to see what the problem was, whatever it
5 was about.

6 Q. Did you learn who the problem involved?

7 A. Yes.

8 Q. Who did the problem involve?

9 A. Gregory.

10 Q. And as a result of her wanting to go back home, who
11 was driving?

12 A. Tyhira.

13 Q. So she wanted to go back home. What did you all
14 do?

15 A. Drove back home.

16 Q. Did you all ever go into the club?

17 A. No.

18 Q. All right. So did you all get home?

19 A. Did we leave to go to Allendale?

20 Q. Yes. Yes, ma'am. I'm sorry. Go back home.

21 A. No, ma'am.

22 Q. All right. Did you all -- where did you all go?

23 A. We went back to her house.

24 Q. All right. So you went back to Tyhira's apartment?

25 A. Um-hmm.

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1 Q. And where was that, Estill?

2 A. Yes, ma'am.

3 Q. Okay. What happened when you got to her apartment?

4 A. Well, we got there. Marilyn was -- her mother was
5 like, Hard -- Hard --

6 Q. Well, don't tell us what she said.

7 MR. PLEXICO: Objection, your Honor. I object.

8 SOLICITOR LEGETTE: Don't tell us what --

9 MR. PLEXICO: Your Honor, I object.

10 THE COURT: Thank you.

11 BY SOLICITOR LEGETTE:

12 Q. Don't tell us what --

13 A. Well, we got there, and her mother was like, such-
14 and-such --

15 Q. Well, was her mother -- how was her mother -- what
16 was her mother's demeanor?

17 A. Yeah, she was hollering; she was angry.

18 Q. Okay. Did you learn why she was angry?

19 A. Yes. Because --

20 MR. PLEXICO: I object, your Honor. That would be
21 hearsay.

22 A. Sorry.

23 BY SOLICITOR LEGETTE:

24 Q. I'm not asking you to tell me what someone said,
25 but did you learn why she was angry?

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- 1 A. Yes.
- 2 Q. Why was she angry?
- 3 A. Because --
- 4 Q. Was anyone there?
- 5 A. With her?
- 6 Q. At the apartment?
- 7 A. Yes, ma'am.
- 8 Q. Who was there?
- 9 A. Her boyfriend moved out, and another guy named
- 10 Bama, I think.
- 11 Q. Bama. All right. Was anyone else present?
- 12 A. No, ma'am.
- 13 Q. Okay. So were -- you said that Marilyn was angry?
- 14 A. Um-hmm.
- 15 Q. What was Tyhira's response? How did she react to
- 16 her mother being angry?
- 17 A. She just want to get to the bottom of, like, what
- 18 -- what were we here for.
- 19 Q. Okay. Did Tyhira ever have a conversation with
- 20 anyone else that night?
- 21 A. Yes.
- 22 Q. Who else?
- 23 A. Gregory.
- 24 Q. And were you all in the apartment at this time?
- 25 A. Yes.

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1 Q. Okay. How did Gregory get into the apartment?

2 A. He said he was coming to clear his name.

3 Q. Okay. And did he come inside?

4 A. Yes.

5 Q. All right. And what happened when he got inside
6 the apartment?

7 A. He came in, and he was talking about some stripes
8 with Marilyn's Garvin boyfriend, about earning stripes.
9 That's what it was about.

10 Q. Did you know what that meant?

11 A. No.

12 Q. Okay. And who was he having a conversation with
13 during this period of time?

14 A. Marilyn Garvin's boyfriend, No Doubt.

15 Q. All right. Did he and Tyhira have --

16 COURT REPORTER: I'm sorry, whose boyfriend? Whose
17 boyfriend?

18 A. The mother's.

19 Q. Did he ever have a conversation with anyone else in
20 the apartment that night?

21 A. No one but No Doubt, the -- the boyfriend, the
22 mother's boyfriend.

23 Q. All right. And while you were in the apartment
24 with him, did anyone ever physically assault anyone
25 else?

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1 A. No, ma'am.

2 Q. Was there ever a fight in the apartment that night?

3 A. No, ma'am.

4 Q. Are you in a gang?

5 A. No, ma'am.

6 Q. Okay. So did you ever assault anybody that night
7 in the apartment?

8 A. No, ma'am.

9 Q. And while Mr. Sanders was present, was he ever
10 assaulted?

11 A. No, ma'am.

12 Q. How long did Mr. Sanders stay in the apartment that
13 night?

14 A. Five, six minutes.

15 Q. How did he end up leaving?

16 A. The mother told her it was -- it was time for him
17 to go.

18 Q. As a result of Mom telling her that, what happened?

19 A. She told him to leave, and he left.

20 Q. All right. Okay. So once Gregory Sanders left the
21 apartment, what did you do next?

22 A. Okay. We -- me and Tyhira left to take her mother
23 home. And we were going to get the other -- the other
24 two guys that were in the car with us. And --

25 Q. Who are those other two guys? Can you name them.

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PRIESTER - DX - LEGETTE

- 1 A. Randy and Ratchet.
- 2 Q. Okay.
- 3 A. Um-hmm.
- 4 Q. All right. Ratchet. You know what his real name
- 5 is?
- 6 A. Marquis.
- 7 Q. Okay. Last name Alston?
- 8 A. Yes.
- 9 Q. Okay. All right. So you went to get them?
- 10 A. Um-hmm. Yes, ma'am.
- 11 Q. All right. Yes, ma'am?
- 12 A. Um-hmm.
- 13 Q. You have to say yes or no.
- 14 THE COURT: Is that a yes?
- 15 BY SOLICITOR LEGETTE:
- 16 A. Yes, ma'am. Oh, I'm sorry, yes.
- 17 Q. I'm sorry. You have to say yes or no. Okay?
- 18 A. Okay.
- 19 Q. All right. So you went to get Randy and Ratchet,
- 20 you called him?
- 21 A. Um-hmm.
- 22 THE COURT: That's a yes?
- 23 A. Yes.
- 24 BY SOLICITOR LEGETTE:
- 25 Q. I'm sorry. Where did you find Randy and Marquis?

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1 A. At Randy's house. Randy's house.

2 Q. And who was driving?

3 A. Tyhira.

4 Q. So what happened when you and Tyhira went to get
5 Randy and Marquis?

6 A. Well, before we -- before we went and dropped
7 Marilyn off, and we received a call halfway when we
8 didn't even get to them at, and it was like someone was
9 at the back door trying to get in, shaking the back
10 door. So we -- we got there, and we came not halfway
11 there, we saw Hard. And she pulled back into the -- the
12 laundry -- the laundry thing, laundromat. And she got
13 out. She was asking what -- she was, like, she was
14 asking his girlfriend what's up with stripes. She
15 wanted to fight. And he was, like, she doesn't want to
16 fight, and da-day, da-day, day. And it just went left.

17 Q. All right. So, when you say it went left, you said
18 that he said da-day, da-day, day, what was Gregory
19 saying, aside from the stripes?

20 A. From the stripes, he was, like -- the last thing he
21 said to her, he was like, all these people out here; how
22 many people you think going to ride for you.

23 Q. Okay. So, before we get to the last thing he said
24 to her, can you describe for us -- take us there. What
25 is happening when you see Gregory Sanders? Tyhira

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1 stopped; she got out.

2 A. Um-hmm.

3 Q. All right. Do you know where Randy and Marquis
4 are?

5 A. Yes.

6 Q. Where are they?

7 A. When she gets out of the car, all of us gets out of
8 the car. I'm basically trying to calm her down, because
9 I don't know how to do it. So I seen the guys took over
10 to get Kywana from out the house. Time passes by, and,
11 you know, Kywana came out of the house.

12 Q. All right. So while time is passing by, what is
13 happening? What are you seeing?

14 A. What am I seeing? We ended up in the road, and
15 that's --

16 Q. When you say we, who is we?

17 A. Me and Tyhira and Hard and his girlfriend. His
18 girlfriend was standing behind him.

19 Q. Okay. Is anyone fighting?

20 A. No. No, ma'am.

21 Q. Why did you get out of the car?

22 A. I got out of the car because the anger. She was
23 drinking all day, and I want to, like, calm her down,
24 cause it wasn't -- it didn't need to go all -- all the
25 way out like that. But I know that I couldn't calm her

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1 down, but her friend, her other -- Kywana could. So
2 that's why I sent them to go get her from out the house,
3 but she said they never came and knocked on the door.

4 Q. All right. So while you're standing there, you
5 said that you all end up in the road. Were any licks
6 ever passed?

7 A. No, ma'am.

8 Q. Did you ever -- did you get out of the car and
9 fight?

10 A. No, ma'am.

11 Q. Did you ever try to fight with his girlfriend?

12 A. No, ma'am.

13 Q. Did you ever try to fight with Mr. Greg Sanders?

14 A. No, ma'am. I was scared -- I was -- I was scared
15 for my life.. No, ma'am.

16 Q. Did anyone -- did Tyhira ever hit anyone?

17 A. No. No, ma'am.

18 Q. Did she ever have -- did she have any weapon you
19 saw?

20 A. No, ma'am.

21 Q. Did she ever strike Mr. Sanders?

22 A. No, ma'am.

23 Q. Did she ever strike his girlfriend?

24 A. No, ma'am.

25 Q. When you said you all ended up in the road, can you

1 kind of tell us how you ended up in the road.

2 A. Okay. Okay, so we got out of the car, the
3 girlfriend was on the other side. So Tyhira was like,
4 you want your stripe, so you going to get your stripes.
5 So he was like, she doesn't want to fight, let it go.
6 She didn't -- basically she didn't say that. He was
7 saying that she didn't say it. But what -- what we got
8 was that she want her stripes off Tyhira, so. So
9 Tyhira's walking around the car. She's -- the girl is
10 walking off the sidewalk. That's how we ended up in the
11 road. That's how everybody ended up in the road.

12 Q. Okay.

13 A. Because she was actually trying to get around, get
14 to -- it wasn't really that serious. She really wasn't
15 trying -- really, really trying to get to her, but
16 that's how she really ended up -- ended up on the road
17 -- in the road.

18 Q. So you all ended up in the road?

19 A. Um-hmm.

20 Q. Is there anything hindering anyone from just
21 leaving, walking away?

22 A. Can you --

23 Q. I'm sorry, I said that wrong, in a bad way. So,
24 when you're standing there, you're all standing in the
25 road?

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1 A. Yes.

2 Q. Can you describe the road. Is the road clear?

3 A. Yes.

4 Q. So can you describe -- tell me how long this
5 lasted. Was there an argument between Tyhira and Mr.
6 Sanders? What was happening?

7 A. No. He just -- he asked her a question, and she
8 didn't get to respond.

9 Q. So okay. So describe for me, if you don't mind,
10 what was happening at the time when Mr. Sanders asked
11 Tyhira the question?

12 A. He was -- I -- I guess he moved -- I guess he moved
13 in the road to -- to get what angle he would really want
14 to shoot her at, to be honest.

15 Q. So he moved towards her?

16 A. No.

17 Q. Okay.

18 A. He, like, angle. Like, angle-wise. Like, we
19 standing right here, and I was behind her standing.
20 Somebody be standing in front of her, so he might be
21 walk up, or he walks to the side, or you just stand,
22 yes, ma'am.

23 Q. Was she in the process of arguing with him at that
24 time? Was she saying anything?

25 A. No, ma'am. She didn't say anything.

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1 Q. All right. So tell -- can you tell me how close
2 they were.

3 A. Gregory was, like, right here. She was --

4 Q. If I walk up to you --

5 SOLICITOR LEGETTE: May I approach, your Honor?

6 THE COURT: You may.

7 BY SOLICITOR LEGETTE:

8 Q. If I walk up to you -- can you step down. Can you
9 tell me approximately -- well, okay. All right. So --
10 so you said he walked away, he moved, to get an angle?

11 A. Um-hmm.

12 Q. Are you Gregory --

13 COURT REPORTER: Is that yes, no?

14 A. No. I mean, Tyhira.

15 Q. All right. So where am I supposed to move to?

16 A. To the side a little bit.

17 Q. To the side?

18 A. No, just like side, right here.

19 Q. Okay. All right. So he asked her a question.

20 A. Um-hmm.

21 Q. What does he ask?

22 A. All these people out here --

23 COURT REPORTER: I'm so sorry.

24 THE COURT: I need you to speak up. I can't hear
25 you.

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1 SOLICITOR LEGETTE: Come back on the stand. Come
2 back on the stand.

3 THE COURT: Okay. Go ahead..

4 BY SOLICITOR LEGETTE:

5 A. He asked her, all these people out here, and how
6 many people you think are gonna ride for you.

7 COURT REPORTER: What you?

8 A. Ride for you.

9 Q. You said ride for you?

10 A. Um-hmm.

11 Q. What did that mean to you when you heard that?

12 A. Like -- okay, everybody's standing up out here, and
13 if something happens, who's going to be able to say
14 something. That's how I took it.

15 Q. What was Tyhira's response?

16 A. She didn't say anything; she was just standing
17 there.

18 Q. So she was just standing there?

19 A. Yes.

20 Q. She didn't make any statements?

21 A. She didn't say anything.

22 Q. And once he said that, what was going through your
23 mind?

24 A. The wrong things might happen.

25 Q. Did Mr. Sanders appear to be in fear of his safety

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1 at this time?

2 A. No, ma'am.

3 Q. Do you remember where his girlfriend was at this
4 point?

5 A. She was standing behind him.

6 Q. And after Mr. Sanders said to her, all these people
7 out here, who do you think's going to ride for you, what
8 happened?

9 A. She -- he shot her, and she dropped to the ground.

10 Q. So he shot her, and she dropped to the ground?

11 A. Um-hmm.

12 Q. What did you do?

13 A. I stood there.

14 Q. Did you see Mr. Sanders --

15 A. Yes.

16 Q. -- with a gun in his hand?

17 A. Yes.

18 Q. What was he doing at that point?

19 A. He had a gun, too.

20 Q. What were you thinking at that time?

21 A. Thinking that I hope he won't shoot me.

22 Q. How long do you remember him holding a gun on you?

23 A. About three minutes. Three, four minutes.

24 Q. And then, what happened?

25 A. He took off. They took off running.

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PRIESTER - DX - LEGETTE

1 Q. Where was the girlfriend at this point?

2 A. She took off and ran, also.

3 Q. Did you ever try to stop Mr. Sanders from leaving?

4 A. No, ma'am.

5 Q. After he made the comment to Tyhira, did you ever
6 try to stop him from leaving, or stop him from going
7 away?

8 A. No, ma'am.

9 Q. Did Mr. Sanders have to shoot Tyhira to save his
10 own life?

11 A. No, ma'am.

12 Q. How about his girlfriend?

13 A. No, ma'am.

14 Q. So once he shot Tyhira and she dropped, what did
15 you do next? After he holds the gun on you --

16 A. Um-hmm.

17 Q. -- and he runs away, what do you do?

18 A. I run to the house and go beat on the door to get
19 Kywana.

20 Q. And what happens?

21 A. She comes outside, and we run outside, and by time
22 we got there, the other guy, what is his name? Keith?
23 Kendra? I don't remember.

24 Q. That's fine.

25 A. Yeah. Anyway, he was pulling up, and he picked her

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PRIESTER - DX - LEGETTE

1 up, and he put her in the car. And we was halfway
2 there, and it was -- and he got a call that said the
3 ambulance told him don't move, because it's only going
4 to get worser.

5 Q. So did he stop?

6 A. Yes.

7 Q. Did you all get out of the car when -- well, where
8 were you whenever this individual had her in his car?

9 A. The individual?

10 Q. Yes. Where were you?

11 A. Okay. You mean Kywana? Just me.

12 Q. Well, who was with you and where were you?

13 A. Me and Kywana was -- we was gotten there. We saw
14 him pick -- pick her up. We jumped in her car and we
15 drove, we drove behind him to the hospital.

16 Q. Okay. And you said he stopped at a point?

17 A. Yes.

18 Q. Did you all stop, too?

19 A. Yes, ma'am.

20 Q. And when you stopped, what happened?

21 A. We got out the car. Kywana went on one side, and
22 was touching her head and calling her name, and she said
23 *hmm*? She kept saying *hmm*, and she couldn't -- and she
24 was touching the bullet in -- in her head.

25 Q. And did you all ever drive to the hospital?

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PRIESTER - DX - LEGETTE

1 A. Yes, ma'am.

2 Q. And what happened when you got to the hospital?

3 A. When we got to the hospital, it was like they --
4 they can't tell us anything, cause we wasn't family-
5 wise. We had to wait for the mother. But when we got
6 there, we took her out the -- took her out the car, and
7 he placed her on the stretch board, and he took her in.

8 Q. And did you ever learn what happened to her?

9 A. She died.

10 Q. Okay. Now, that night at the hospital, or sometime
11 shortly after that, did you speak to law enforcement?

12 A. Yes, I did.

13 Q. And did you tell them what happened?

14 A. Yes.

15 Q. Did you ever see Tyhira with a weapon that night?

16 A. No, ma'am.

17 Q. Did you have any weapons?

18 A. No, ma'am.

19 SOLICITOR LEGETTE: Begging the Court's indulgence.

20 BY SOLICITOR LEGETTE:

21 Q. Ms. Bradley -- I'm sorry, not Ms. Bradley. Ms.
22 Priester.

23 A. Um-hmm.

24 Q. Do you remember anyone else riding in the car with
25 you having any weapons that night?

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PRIESTER - DX - LEGETTE

1 A. No, ma'am.

2 Q. Did any of you all who were in the car get out?

3 You said everybody got out of the car?

4 A. Yes, ma'am.

5 Q. Did anybody else get out of the car with the
6 intention of fighting?

7 A. No, ma'am.

8 Q. Did you ever go there with the intention of
9 lynching Mr. Sanders or his girlfriend?

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

11 Q. And when you talk about the -- Tyhira is
12 confronting Greg, was she the only person confronting
13 him?

14 A. Yes, ma'am.

15 Q. And was she also confronting his girlfriend?

16 A. No, ma'am.

17 Q. So it was just one-on-one?

18 A. It was just one-on-one. Are you talking about when
19 we were in the house?

20 Q. No, no. Whenever you all were outside the
21 laundromat.

22 A. No. She was confronting both of them.

23 Q. Okay. But it was just her?

24 A. Yes, ma'am.

25 Q. So nobody was helping Tyhira?

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PRIESTER - CX - PLEXICO

1 A. No, ma'am.

2 SOLICITOR LEGETTE: Thank you, Ms. Priester. I
3 don't have any other questions. Please answer any
4 questions for Mr. Plexico.

5 THE COURT: Mr. Plexico?

6 YHANTYSE PRIESTER

7 CROSS-EXAMINATION BY MR. PLEXICO:

8 Q. Okay. Were you all out looking for something to
9 smoke?

10 A. Ma'am? Sir?

11 Q. Had you all been out looking for something to
12 smoke?

13 A. No, sir.

14 Q. Okay. So you all had gone in Club Pluto, is it in
15 Jasper County?

16 A. Yes.

17 Q. Down past Ridgeland, outside Ridgeland?

18 A. Um-hmm.

19 Q. Okay. So that's -- that is the drinking, strip
20 club down there, right?

21 A. Um-hmm.

22 Q. Okay. Now, so you all have been drinking all day?

23 A. Yes. Yes, sir.

24 Q. Okay. All right. So and that's you, Kywana, and
25 Tyhira?

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PRIESTER - CX - PLEXICO

1 A. Tyhira.

2 Q. Okay. All right. Now, so you all didn't smoke
3 anything or weren't looking for anything to smoke?

4 A. No, sir.

5 Q. Okay. All right. So, when she left -- when Tyhira
6 Harrington, yourself, Marquis Alston, and Randy White
7 left Randy's place, was she stomping on the gas? Was
8 she driving fast?

9 A. No, sir.

10 Q. Okay. So she was driving just calmly?

11 A. Yes.

12 Q. Okay. All right. Now, when you all spotted Greg
13 Sanders and his girlfriend --

14 A. Um-hmm.

15 Q. -- if they're here, you all had driven past, and
16 then backed up.

17 A. Um-hmm.

18 Q. And turned around and stopped the car.

19 A. Um-hmm.

20 Q. Correct?

21 A. Um-hmm.

22 Q. And that car was in the middle of the road, right?

23 A. In the middle of the road at the laundromat?

24 Q. Right.

25 A. No, we came in and --

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PRIESTER - CX - PLEXICO

1 COURT REPORTER: One at a time.

2 A. -- and we slung in the laundromat.

3 Q. So you pulled in the laundromat and parked?

4 A. Yes. Yes.

5 Q. So you parked normally in the laundromat?

6 A. No, we didn't park normally. She just swung it in
7 there. She just took --

8 Q. Okay. So Tyhira Harrington immediately got out.

9 A. Um-hmm.

10 Q. And started confronting the girlfriend?

11 A. Um-hmm.

12 Q. All right.)

13 SOLICITOR LEGETTE: Your Honor, can she say yes or
14 no, for the court reporter.

15 THE COURT: Thank you.

16 BY MR. PLEXICO:

17 A. Yes.

18 Q. Okay. Was she calling her a bitch?

19 A. No, sir.

20 Q. Okay. All right. Was she -- she said she wanted
21 to earn her stripes on her?

22 A. No, sir. She was asking -- yeah, yeah. Yes, she
23 was. She was asking about her stripes.

24 Q. Okay. And that's because you know Tyhira is part
25 of a gang, correct?

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PRIESTER - CX - PLEXICO

1 A. No, sir.

2 Q. You don't know anything about that?

3 A. No, sir.

4 Q. So how well do you know her?

5 A. Like, I've known her about four months.

6 Q. Okay. You're from -- you're from Allendale?

7 A. Yes.

8 Q. And you went back to Allendale afterward?

9 A. Yes.

10 Q. Okay. All right. So everybody got out of the car?

11 A. Um-hmm.

12 Q. All right. Now.

13 SOLICITOR LEGETTE: Yes?

14 A. Yes.

15 BY MR. PLEXICO:

16 Q. Had there been a confrontation with Greg earlier in
17 the day?

18 A. No, sir.

19 Q. Was Greg over at Tyhira's? Had he been asked in
20 over at Tyhira Harrington's apartment when you were
21 there earlier in the day? You, Kywana, Tyhira, earlier
22 that day?

23 A. When we was --

24 Q. When Greg was over at the apartment.

25 A. Earlier that day?

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PRIESTER - CX - PLEXICO

1 Q. Yes.

2 A. Yes.

3 Q. Okay. All right. Now, did you, Kywana, and Tyhira
4 attack my client earlier that day?

5 A. No, sir.

6 Q. Did you all give him a black eye that day?

7 A. No, sir.

8 Q. Okay. All right. Now. Now, you said you knew
9 something bad was going to happen. Is that what you
10 thought?

11 A. Um-hmm.

12 Q. Okay. So.

13 THE COURT: Is that yes, for the record?

14 A. Yes, ma'am.

15 THE COURT: Thank you.

16 BY MR. PLEXICO:

17 Q. Tyhira Harrington is your friend?

18 A. Um-hmm. Yes.

19 Q. So.

20 A. Yes.

21 Q. You got out of the car, you stay up close with her,
22 trying to calm her down?

23 A. Yes.

24 Q. And she kept -- was she -- she was cursing? Is
25 that correct?

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PRIESTER - CX - PLEXICO

- 1 A. Yes.
- 2 Q. Okay. And she was cursing both the girlfriend and
- 3 at my client?
- 4 A. No, she was cursing at the girlfriend.
- 5 Q. Okay. All right. Was she moving toward my client
- 6 and the girlfriend?
- 7 A. No.
- 8 Q. Okay. But you stayed there with her, right beside
- 9 her, correct?
- 10 A. Um-hmm. Yes.
- 11 Q. Okay. Now, Randy White, you're saying, and Marquis
- 12 Alston, once the car stopped, okay? --
- 13 A. Yes.
- 14 Q. -- walked off?
- 15 A. Yes.
- 16 Q. Okay. So they're not present?
- 17 A. No, they're not present anymore.
- 18 Q. Okay. So it wasn't you up -- Randy up close to --
- 19 A. No, sir.
- 20 Q. -- Tyhira Harrington?
- 21 A. No, sir.
- 22 Q. And with you right beside her?
- 23 A. Yes, I was. I was right beside her.
- 24 Q. Okay. And you all weren't moving toward my client?
- 25 A. No, sir.

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PRIESTER - CX - PLEXICO

1 Q. Okay. All right. Okay. So this went on for four
2 or five minutes while the boys were out trying to get
3 help. Is that right?

4 A. Yes.

5 Q. Okay. And what were you saying during this time?

6 A. I wasn't saying anything. I told them to go get
7 Kywana out of the house, which she --

8 COURT REPORTER: But she what?

9 A. Can calm her down more than I can.

10 Q. But she was out of control. Is that correct?

11 A. Yes. She was -- she was arguing. She want to know
12 about stripes, receiving stripes.

13 Q. Okay. And that's gang-related, correct?

14 A. Yes, but, listen, she didn't know anything about
15 stripes. Hard -- Hard was -- basically, what was going
16 on was, he was talking to his girlfriend about stripes.
17 That's why she came off at her about stripes. She --

18 Q. So just -- did you hear this? You didn't hear any
19 of that, correct?

20 A. About stripes? Yes, I did.

21 Q. Okay.

22 A. Concerning --

23 Q. And -- please --

24 THE COURT: Don't interrupt her, Mr. Plexico. Let
25 her finish.

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PRIESTER - CX - PLEXICO

1 BY MR. PLEXICO:

2 A. Yes. In the house earlier, he was talking about
3 stripes.

4 Q. Okay. And that's with Samson Williams?

5 A. Um-hmm.

6 Q. Okay. But not with Tyhira, not with you?

7 A. Yes.

8 Q. Okay. All right. Now, and nothing happened at the
9 house, there was no assault on my client at the house?

10 A. No, sir.

11 Q. So he wasn't, like, invited over, suckered in, and
12 then jumped on?

13 A. Can you repeat?

14 Q. Was he invited over and jumped on?

15 A. No.

16 Q. Earlier that day? Okay. All right. So you said
17 that -- so you were saying it was just the two of you
18 there?

19 A. It's the two of us, yes, standing. All of us get
20 out of the car.

21 Q. You and -- you and -- all right. Okay. And you
22 all didn't stop the car in front of them? You did stop
23 the car in front of them?

24 A. Um-hmm.

25 Q. Okay. And her intent was to fight, correct?

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PRIESTER - CX - PLEXICO

1 A. Yes, to get her stripes.

2 Q. All right. And you -- there was no gun in the car
3 and no weapon?

4 A. No, sir.

5 Q. Did Tyhira make a reference to a --

6 A. No, sir.

7 Q. -- a gun? Were you closer to the car than her?

8 A. When we got out, yes. Yes, sir.

9 Q. Okay. And when you got out, you all moved away
10 from the car?

11 A. Yes.

12 Q. Okay. And that would be toward the front of the
13 car?

14 A. To the front? Yes.

15 Q. Okay. And you all kept advancing forward at the --
16 from the door --

17 A. No.

18 Q. -- to the front of the car? Isn't that advancing
19 forward?

20 A. No, sir.

21 Q. Okay. And you're sure Randy wasn't there?

22 A. I'm sure.

23 Q. You're positive?

24 A. He was --

25 Q. Randy was not --

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PRIESTER - RDX - LEGETTE

1 A. When we got out the car, he was -- you know, he
2 wasn't. He was to the door..

3 Q. Through the arguing and the shooting, Randy wasn't
4 there because he had gone to get help?

5 A. Yes. He wasn't there.

6 Q. And Marquis Alston wasn't there because he had gone
7 to get help?

8 A. That's right.

9 MR. PLEXICO: I don't have anything further for
10 this witness, your Honor.

11 THE COURT: Solicitor?

12 SOLICITOR LEGETTE: Thank you, your Honor.

13 YHANTYSE PRIESTER

14 RE-DIRECT EXAMINATION BY SOLICITOR LEGETTE:

15 Q. Ms. Priester, you talked about -- Mr. Plexico asked
16 you about a black eye. Did you -- had you seen Mr.
17 Sanders that week?

18 A. That week? Yes.

19 Q. Okay. Did you notice anything unusual about Mr.
20 Sanders that week?

21 A. Yes.

22 Q. What did you notice?

23 A. He had a black eye.

24 Q. Did you notice any other injuries to him?

25 A. No.

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PRIESTER - RDX - LEGETTE

- 1 Q. Okay. But this was before Tyhira --
- 2 A. Yes.
- 3 Q. -- before the night she was killed?
- 4 A. This is before, yes.
- 5 Q. Okay. Do you know how he got that black eye? No,
- 6 don't tell me what you heard. Did you see anything
- 7 happen to him?
- 8 A. No, I didn't see.
- 9 Q. But you had seen him previously with a black eye?
- 10 A. Yes.
- 11 Q. Okay. And did Tyhira cause the black eye?
- 12 A. No, sir. No, ma'am.
- 13 Q. That's fine. Now, Mr. Plexico asked you about the
- 14 stripes off the girlfriend?
- 15 A. Um-hmm.
- 16 Q. From Tyhira. You were saying that Mr. Sanders was
- 17 referencing that.
- 18 A. Um-hmm.
- 19 Q. In the house. You've got to say yes or no.
- 20 A. Yes. I'm sorry.
- 21 Q. Tell us about that conversation. What was Mr. --
- 22 what was Mr. Sanders saying?
- 23 A. About the stripes?
- 24 Q. Yes.
- 25 A. He was basically saying -- talking -- I really

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PRIESTER - RDX - LEGETTE

1 didn't know what the problem was between them. But I
2 guess he was talking for his girlfriend. Because we
3 even -- Tyhira even took -- took her even to a band, how
4 they drop them off to a band house and all. We even
5 tried to fix her up, look cute and everything. I -- I
6 don't understand.

7 Q. But as far as him talking that night in the
8 apartment about the stripes, what was he saying?

9 A. He was like, well, what's up with your stripes; how
10 many stripes are you trying -- trying to get; you know,
11 fighting-wise, basically.

12 Q. Was he talking to Tyhira?

13 A. No, No Doubt.

14 Q. Okay. All right. Was he talking about the
15 girlfriend?

16 A. No.

17 SOLICITOR LEGETTE: Okay. Thank you, Ms. Priester.
18 I have no further questions.

19 THE COURT: Mr. Plexico?

20 MR. PLEXICO: I have nothing further, Judge.

21 THE COURT: All right. Any objection to this
22 witness being excuse?

23 SOLICITOR LEGETTE: None, your Honor.

24 THE COURT: You are excused. Do you have a short
25 witness?

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DONALD HIPPI - DX - LEGETTE

1 SOLICITOR LEGETTE: I think I do have -- I think I
2 have one short witness, your Honor.

3 THE COURT: So you have one short witness?

4 SOLICITOR LEGETTE: I have one short witness, your
5 Honor.

6 SOLICITOR LEGETTE: State calls Donald Hipp.

7 THE COURT: Come on up, sir.

8 MADAM CLERK: Do you swear or affirm to tell the
9 truth, the whole truth, and nothing but the truth, so
10 help you God?

11 DONALD HIPPI: I do.

12 DONALD HIPPI

13 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

14 Q. Mr. Hipp, where do you work?

15 A. I'm employed with the Fourteenth Circuit
16 Solicitor's Office, as a Career Criminal Unit
17 Investigator.

18 Q. And where did you formerly work?

19 A. Jasper County Sheriff's Office.

20 Q. What was your rank at the Jasper County Sheriff's
21 Office?

22 A. I was the major.

23 Q. And how long were you there?

24 A. Twenty-six years.

25 Q. Okay. And how long have you been at the

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DONALD HIPPI - DX - LEGETTE

1 Solicitor's Office as an investigator?

2 A. It's been a year and six months. Roughly six
3 months.

4 Q. In April of this year, did you have occasion to
5 meet with a gentleman named Marquis Alston?

6 A. I did.

7 Q. Okay. Who was present when you met with Mr.
8 Alston?

9 A. Investigator Bruce Davis, along with yourself, and
10 Mr. Marquis Alston.

11 Q. And during that meeting, was that April 20, 2018?

12 A. It was.

13 Q. And where was that meeting at?

14 A. Estill Police Department court room.

15 Q. And what were you meeting with Mr. Alston
16 regarding?

17 A. Regarding the incident of Tyhira Harrington, which
18 took place on or about May 10, 2016.

19 Q. All right. And as far as his demeanor that day,
20 how was his demeanor?

21 A. He was calm, he was relaxed, forthcoming.

22 Q. All right. Did he appear to be under the influence
23 of any alcohol or drugs?

24 A. Not to my appearance.

25 Q. And you're familiar with individuals under the

1 influence of alcohol and drugs?

2 A. I do.

3 Q. And you said he was calm?

4 A. He was.

5 Q. Was his demeanor similar to how it was here today?

6 A. No, ma'am.

7 Q. In that meeting, did Mr. Alston make any reference
8 to the night in question, May 10, 2016?

9 A. He did.

10 Q. Did he say anything specifically about what Mr.
11 Gregory Sanders said? Or not said. What he did.

12 A. What he -- yes, he did.

13 Q. What did Mr. Alston say in that meeting that Mr.
14 Sanders did?

15 A. Mr. Alston indicated that Mr. Sanders shot Tyhira
16 Harrington, and him and his girlfriend walked off.

17 Q. And he said walked. How did he say he walked away?

18 A. He said he calmly walked away.

19 Q. Did he make any mention of seeing a gun?

20 A. No, he did not.

21 Q. I'm letting you read -- review your statement. I'm
22 sorry. Did you make a report in this case?

23 A. I did.

24 Q. Okay. I'll hand you now your previous statement --
25 I'm sorry, your --

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DONALD HIPPI - DX - LEGETTE

1 SOLICITOR LEGETTE: Begging the Court's indulgence.

2 BY SOLICITOR LEGETTE:

3 Q. I'm going to let you review your report in this
4 matter.

5 SOLICITOR LEGETTE: May I approach the witness,
6 your Honor?

7 THE COURT: You may.

8 SOLICITOR LEGETTE: For the record, I have handed
9 Investigator Hipp Court's Exhibit Number 9.

10 BY SOLICITOR LEGETTE:

11 Q. Have you reviewed Court's 9?

12 A. Yes, I have.

13 Q. And is that your investigative report for this
14 matter?

15 A. It is.

16 Q. And upon reviewing it, were you able to determine
17 whether or not Mr. Alston said he saw Mr. Sanders
18 standing there with a gun?

19 A. Yes, ma'am.

20 Q. Okay. Mr. Hipp, I thank you. I have no further
21 questions.

22 A. Thank you.

23 SOLICITOR LEGETTE: Please answer any questions
24 from Mr. Plexico.

25 DONALD HIPPI

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DONALD HIPPI - CX - PLEXICO

1 CROSS-EXAMINATION BY MR. PLEXICO:

2 Q. Did you get this statement confused with Randy's --
3 Randy White's statement?

4 A. No, sir.

5 Q. Okay. Does this say that he then heard a gunshot
6 and came back to the area where he left the others he
7 was riding with? That's what Marquis said?

8 A. Yes, sir.

9 Q. So you were wrong when you just testified that
10 Marquis said that he saw Greg Sanders shoot anybody,
11 correct?

12 A. He indicated he saw him. He was the only one
13 there.

14 Q. Okay. All right. So --

15 A. Not the only one there; meaning the one that
16 actually committed the crime.

17 Q. He didn't -- he heard a gunshot.

18 A. He heard a gunshot, that's correct.

19 Q. And then, he returned.

20 A. Yes, sir.

21 Q. So he didn't see it?

22 A. He -- he indicated he did.

23 Q. He indicated he didn't see it, because he said that
24 he heard a shot and returned.

25 A. He indicated he did.

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1 Q. He did return?

2 A. And he saw it.

3 Q. And he saw?

4 A. Randy with the gun.

5 Q. Okay. All right.

6 A. Gregory, I'm sorry. Gregory Sanders with the gun.

7 Q. All right. Now, so he's saying that Randy wasn't
8 even there, either, correct?

9 A. He said Ran -- when he came out, Randy was there,
10 crying over Tyhira.

11 Q. You said Randy walked over to an apartment near the
12 laundromat, where he remembers talking to Bama and
13 Kywana Bradley. Is that correct? Everyone got -- let
14 me rephrase this.

15 A. Randy walked over to the apartment near the
16 laundromat. Where he remembered talking to Bama. AKA
17 Alexander Bowman, and Kywana Bradley.

18 Q. Okay. He then heard the gunshot?

19 A. Correct.

20 Q. All right. So he's saying everyone got out of the
21 car. Randy then walked over to an apartment near the
22 laundromat, where he remembers talking to Bama. Is that
23 correct?

24 A. That's correct.

25 Q. And he also talked to Kywana.

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DONALD HIPPI - CX - PLEXICO

1 A. That's correct.

2 Q. Then, he, that's Marquis Alston, heard a shot?

3 A. That's correct.

4 Q. So he's saying that neither one of the boys were
5 there, correct?

6 A. You're asking me if --

7 Q. That's what he -- that's what your statement --

8 A. Marquis indicated that neither one of them was --

9 (TALKING OVER.)

10 A. -- he indicate they were there.

11 Q. Over at the apartment, talking to Bama?

12 A. In the vicinity of the incident.

13 Q. Okay. All right. So they were talking to Bama and
14 somebody --

15 A. He didn't say he was.

16 Q. Okay. Were they at the scene near the car, within
17 fifteen feet of --

18 A. I can't answer that.

19 (TALKING OVER.)

20 COURT REPORTER: I'm sorry. One at a time. You'll
21 have to answer that -- I mean, please ask that question
22 again. *Were they at the scene.*

23 Q. Were they at the scene within fifteen feet of the
24 car when the car -- when the shooting happened?

25 A. I apologize. I can't answer that. I have no

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DONALD HIPPI - RDX - LEGETTE

1 knowledge of that.

2 Q. But you did write down that he said Randy walked
3 over to an apartment.

4 A. I did.

5 Q. All right. All right. And Marquis was with him?

6 A. Marquis indicated this.

7 Q. Okay.

8 A. This is Marquis' statement.

9 Q. Your statement; that's what you're saying he said.

10 A. Yes, sir.

11 Q. So, and he wasn't under oath talking to you, was
12 he?

13 A. No, he was --

14 Q. Okay.

15 COURT REPORTER: No, he was what?

16 A. No, he was not.

17 Q. And he has pending charges, correct?

18 SOLICITOR LEGETTE: Objection.

19 BY MR. PLÉXICO:

20 A. I -- I have no knowledge of that.

21 Q. Okay.

22 MR. PLEXICO: I don't have anything further.

23 DONALD HIPPI

24 RE-DIRECT EXAMINATION BY SOLICITOR LEGETTE:

25 Q. Investigator Hipp, as it refers to your

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1 investigative report, as it relates to Marquis Alston,
2 is that a scrivener's error where you actually say in
3 there Randy White walked over to the laundromat?

4 A. It is.

5 Q. What did you mean?

6 A. I mean that Marquis walked over there to the
7 laundromat.

8 Q. Okay. And not Randy?

9 A. And not Randy.

10 Q. Okay. Because you also -- did you also meet with
11 Randy White?

12 A. I did, yes. He gave a statement as well.

13 Q. And did he indicate what you wrote in that
14 particular report?

15 A. Yes.

16 Q. No. Did he?

17 A. He didn't indicate what's written in this report.
18 He indicated in another report that I have, an
19 investigative report, that what transpired between the
20 interview regarding him.

21 Q. So the statement in that report regarding Marquis
22 -- regarding Randy walking away is a scrivener's error?

23 A. Correct.

24 Q. Meaning that it was Marquis who walked away.

25 A. Marquis who walked away.

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DONALD HIPPI - RCX - PLEXICO

1 Q. Okay. Thank you.

2 SOLICITOR LEGETTE: No further questions.

3 THE COURT: Anything further, Mr. Plexico?

4 DONALD HIPPI

5 RE-CROSS EXAMINATION BY MR. PLEXICO:

6 Q. And after twenty-six years of law enforcement and
7 the rank of major, you know the importance of making an
8 accurate summary of somebody's statement.

9 A. Yes, I do.

10 Q. And you did every effort you could that day, when
11 your memory was fresh, to make an accurate summary,
12 correct?

13 A. That's correct.

14 MR. PLEXICO: I don't have anything further.

15 ITEM IDENTIFIED AS INVESTIGATIVE

16 REPORT, DATED APRIL 25, 2018

17 MARKED COURT'S EXHIBIT NUMBER 9.

18 BY THE COURT:

19 THE COURT: You may step down, sir. Thank you.

20 Ladies and gentlemen, I understand our lunch is here.

21 Mr. Foreperson, when you all have completed your lunch
22 and are ready to come back in the jury -- or come back
23 in the courtroom and continue, please knock on the door
24 and let us know. Okay?

25 Again, ladies and gentlemen, do not discuss the

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CHIEF MARK COLLINS - DX - HOLLEN

1 MR. HOLLEN: Thank you, your Honor. We call Chief
2 Mark Collins.

3 MADAM CLERK: Left hand on the *Bible*, raise your
4 right hand. Do you swear or affirm to tell the truth,
5 the whole truth, and nothing but the truth, so help you
6 God?

7 CHIEF MARK COLLINS: I do.

8 MADAM CLERK: You may be seated.

9 THE COURT: Hi.

10 CHIEF MARK COLLINS

11 DIRECT EXAMINATION BY MR. HOLLEN:

12 Q. Chief Collins, how are you?

13 A. All right, sir. How are you?

14 Q. Doing well, thank you. We're referring to you as
15 Chief. Who do you work for?

16 A. I am Chief of Police of Estill Police Department.
17 That's in South Carolina.

18 Q. And how long have you been with the Estill Police
19 Department?

20 A. I have been there since October 2013.

21 Q. How long have you been the chief of the Estill
22 Police Department?

23 A. Since January 2016.

24 Q. All right. What about previous law enforcement
25 experience?

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CHIEF MARK COLLINS - DX - HOLLEN

1 A. I started my law enforcement career in 1996 in
2 Suffolk, and stayed there until 2013, until I left to
3 come to Estill as the Deputy Chief there.

4 Q. So you were the chief of the Estill Police
5 Department in May of 2016?

6 A. Yes.

7 Q. Do you remember an incident that occurred on May
8 10th of 2016?

9 A. Yes.

10 Q. What kind of call did you get on that day?

11 A. Early morning hour, Officer Bennett called me in
12 reference to a shooting in the town limits. Upon
13 arrival, he and Officer Griffin saw what appeared to be
14 a pool of blood in the middle of the street, with no
15 victim; as also, no bystanders standing around to get
16 any information. I told him to lock the scene down as
17 best he could; I was getting dressed; I was coming to
18 work; and to keep me filled in on anything else
19 happening.

20 As I did that, I called Lieutenant Thomas; told him
21 to be able to stand by. There was no victim, and I
22 wanted to make sure that we had realtime information
23 before I started sending people around. I can't really
24 say exactly where I was at, but between leaving the
25 residence and halfway getting to Estill, Officer Bennett

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CHIEF MARK COLLINS - DX - HOLLEN

1 called me and told me that he had advised Dispatch to
2 call all the surrounding hospitals if anybody came in
3 with any kind of shotgun wounds. By the time that I
4 arrived, he told me that Hampton Regional had called,
5 said they had a female that had a shotgun wound.

6 Upon me arriving, they had already photographed the
7 scene, collected what little forensic evidence was
8 around. I held his post, and I sent him to the
9 hospital.

10 Q. And who is that?

11 A. Officer Bennett.

12 Q. Okay.

13 A. I sent him to the hospital in reference to
14 witnesses and/or people that helped. I didn't want them
15 to get away, so they can get the information. By that
16 time, I called Lieutenant Thomas, sent him to the
17 hospital as well, and they got all the information, as
18 we -- me and Officer Griffin stayed and maintained the
19 area and maintained the scene.

20 Q. Okay. You said a couple of times shotgun wounds.
21 Was there any indication it was a shotgun?

22 A. Officer Bennett had found, I believe, one spent
23 shotgun casing.

24 Q. A shotgun casing?

25 A. I mean, excuse me. I mean, a bullet casing.

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CHIEF MARK COLLINS - DX - HOLLEN

1 Q. Okay.

2 A. A bullet casing, excuse me.

3 Q. I wanted to make sure.

4 A. Yeah. Excuse me.

5 Q. All right. So you basically dispatched Officer
6 Thomas to investigate this.

7 A. Yes.

8 Q. Sent Officer Bennett to the hospital.

9 A. Yes.

10 Q. And remained at the scene.

11 A. Yes.

12 Q. At some point, did you clear up the scene?

13 A. After they called me and told me that they had got
14 all the information that they had, and according to what
15 they told me, and me walking the grid of what we thought
16 the crime scene was, it was determined that there was
17 nothing else to process and get. So we released the
18 scene, and I went back to the office and waited for them
19 to come in and give me all the real-time information
20 that they had.

21 Q. Great. At some point, did you get some more --
22 personally get some more information about this case?

23 A. That morning, and again, I can't give you an exact
24 time, somewhere 8:00-ish 30-ish, almost 9:00-ish, maybe
25 somewhere in there, I was filling up my car with gas at

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CHIEF MARK COLLINS - DX - HOLLEN

1 the Shell gas station right across the street from the
2 Police Department. A young lady came up. I don't know
3 her name, but I know her by sight. She's always riding
4 a moped through town. She approached me and said, hey,
5 the guy that shot that girl last night is over there at
6 the tree.

7 MR. PLEXICO: That's hearsay, your Honor. I would
8 move to strike.

9 MR. HOLLEN: Okay. Let's back up.

10 THE COURT: Okay. You learned.

11 MR. HOLLEN: Right.

12 BY MR. HOLLEN:

13 Q. So you got some information.

14 A. Yes.

15 Q. You learned that a -- at this time, the next
16 morning, did you have a suspect?

17 A. Yes.

18 Q. Who was that suspect?

19 A. Gregory Sanders.

20 Q. Now, did you get some information about the
21 whereabouts of Mr. Sanders?

22 A. Yes.

23 Q. What did you do next?

24 A. After getting that information, myself, then-
25 Sergeant Williams and Sergeant Thomas, because I hadn't

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CHIEF MARK COLLINS - DX - HOLLEN

1 promoted him yet, we went towards that area, which was
2 the Keene, Third, and Second Avenue area. Williams was
3 in the lead. I came behind him. He went down and came
4 through the back way. We came around the Third Street
5 way. As we passed the area, which is a open lot with a
6 tree where people gather, and they cook and do all --
7 just -- just hang out, I guess a gathering spot, we
8 didn't see them. As we turned the corner on -- from
9 Keene onto Second, Williams saw Mr. Sanders standing on
10 the side of the house. I'm not sure if it was vacant at
11 the time or lived in, but he was on the side of the
12 house beside a green Herbie Curbie trash can, with his
13 leg in one leg of pants, and I'm not sure if he was
14 taking the pants off or putting them on.

15 Q. So, when you arrived, what are your observations?
16 You said Officer Williams gets there first?

17 A. Yes.

18 Q. And so, when you get there, what do you see?

19 A. Officer Williams was out the apex of his door. He
20 had Mr. Sanders at gunpoint, giving him directions to
21 get on the ground. As I got out of my car, I had my
22 weapon pulled, instructing him to do the same. He went
23 to the ground, he was handcuffed.

24 Q. Got it. So, at that point, is it safe to say that
25 Mr. Sanders was under arrest?

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CHIEF MARK COLLINS - DX - HOLLEN

1 A. Correct.

2 Q. Did you all attempt to elicit any statements from
3 him? Did you *Mirandize* him?

4 A. He was *Mirandized* by Officer Williams.

5 Q. Okay. Now, was anything found in the area where
6 Mr. Sanders was located?

7 A. It was a bundle of clothing. And then, wrapped up
8 in the bundle of clothing was a firearm.

9 Q. What did you do then?

10 A. Upon finding that, Thomas came over with the
11 camera. We photographed everything where it was at,
12 where it came from, and all that was turned over to him.

13 Q. All right. In just a second I'm going to hand you
14 items that have been marked for identification as
15 State's Exhibit 32, 33, 34, 36, 37, 38 and 39. For the
16 record, that's 32 through 39, with the exception of 35.
17 I'm asking you to take a look at these and tell me if
18 you recognize them. Okay?

19 A. Yes, sir.

20 MR. HOLLEN: Your Honor, may I approach the
21 witness?

22 THE COURT: You may.

23 MR. HOLLEN: Thank you.

24 BY MR. HOLLEN:

25 Q. So, if you'd just flip through those for me. Do

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CHIEF MARK COLLINS - DX - HOLLEN

1 you recognize them?

2 A. Yes, sir.

3 Q. And what are they?

4 A. These are the items that were found that were in
5 the little area of Mr. Sanders was apprehended.

6 Q. Are those photos a fair and accurate depiction of
7 the evidence that you found on that day?

8 A. Yes, sir, it is.

9 Q. Have they been changed or altered in any way?

10 A. No, sir.

11 MR. HOLLEN: Your Honor, at this time -- and I'll
12 show these to Defense Counsel -- I would ask to admit
13 32, 33, 34, 36, 37, 38, and 39.

14 THE COURT: Without objection?

15 MR. PLEXICO: I have no objection.

16 THE COURT: Without objection, they're in evidence.

17 MR. HOLLEN: Thank you. May I publish to the jury?

18 THE COURT: You may.

19 ITEMS IDENTIFIED AS PHOTOGRAPHS

20 MARKED STATE'S EXHIBIT NUMBERS 32,

21 33, 34, 36, 37, 38, AND 39

22 ADMITTED AS EVIDENCE.

23 BY MR. HOLLEN:

24 Q. Now, Chief, I don't know what the easiest way is
25 for you to do this. You can either grab the item in

1 front of you, or look at -- you've got a screen. But
2 I'm going to ask you, if you would, to describe those
3 pictures. Okay? First off, let's start, for the
4 record, with State's 32.

5 A. 32 we have a firearm, a towel, a pair of
6 binoculars, a blue and white polo shirt, and I don't
7 know, if that's the side of the pair of pants or not.

8 Q. That's okay. We'll move on. I think we have a
9 better shot of it. What about 33?

10 A. It's a pair of jeans.

11 Q. All right. What about 34?

12 A. Jeans and the binoculars.

13 Q. And we skipped 35, so 36?

14 A. We have a pair of jeans and blue pair of pants and
15 the binoculars.

16 Q. And 37?

17 A. Is the firearm and side view of the pair of jeans.

18 Q. 38?

19 A. We have the firearm with action open clip with
20 bullets in it, and one bullet that was left out. I
21 believe it came from the chamber.

22 Q. Okay. So you -- that was not the state the gun was
23 in when you found it?

24 A. No.

25 Q. So you emptied the chamber?

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CHIEF MARK COLLINS - DX - HOLLEN

1 A. Yes.

2 Q. Okay. Thank you. 39?

3 A. Polo shirt, belt with a white pair of jeans, and
4 the wheel of the Herbie Curbie trash can.

5 Q. Okay. So that was -- that's the lower right-hand
6 corner of that picture?

7 A. Um-hmm.

8 COURT REPORTER: Is that yes, no?

9 A. Yes, ma'am.

10 Q. Chief, you said earlier, I think, that Mr. Sanders
11 had one leg in some pants. Was it --

12 A. Yes.

13 Q. -- was it one of the pairs that we're seeing there,
14 or is it --

15 A. I can't remember exactly, but I remember when I
16 came out of the car, he was holding the pants, and he
17 was trying to either -- it looked like he was either
18 trying to take it off, or he was trying to put the pants
19 on.

20 Q. Okay. So you're not sure exactly?

21 A. I'm not sure which one.

22 Q. Okay. So, after those items are photographed, what
23 happens to them?

24 A. They were taken up by Thomas, they were bagged, and
25 they were taken back to the office to be inventoried on

1 the chain of custody.

2 Q. And at some point, were those submitted to be
3 tested?

4 A. Yes.

5 Q. Okay. Chief, I'm just going to hand you a few
6 items that have been marked for I.D. as State's 40, 41,
7 42, and 44. I'm going to ask, if you would, to take a
8 look at these and tell me if you recognize them. If I
9 can get them to you.

10 A. Black trousers.

11 Q. Well, just -- I tell you what. Take a look at each
12 one and tell me if you recognize it, and then we'll get
13 into what they are. Okay?

14 Chief, do you recognize each of those items?

15 A. Yes, sir.

16 Q. And what are those items?

17 A. We have here the gun that was boxed up. It has not
18 been altered by us. It was sent to SLED.

19 Q. What number is the gun, for the record? Sorry.

20 A. 44.

21 Q. Okay.

22 A. This is the black trousers. This is Number 40.

23 Q. Okay.

24 A. This is the black denim jeans. It's 41. And this
25 is the blue polo shirt with the light blue stripes.

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CHIEF MARK COLLINS - DX - HOLLEN

1 It'd be 42.

2 Q. All right. Thank you, Chief. And those are the
3 items that were collected in your presence on May 10,
4 2016?

5 A. Yes, sir.

6 Q. Did you change or alter those items in any way when
7 you had them?

8 A. No, sir.

9 Q. Do they appear to be in substantially the same
10 condition they were when they were collected in your
11 presence?

12 A. Yes, sir.

13 MR. HOLLEN: Your Honor, I would ask to admit
14 State's 40, 41, 42, and 44 at this time?

15 THE COURT: Without objection, Mr. Plexico?

16 MR. PLEXICO: Yes, your Honor.

17 THE COURT: Without objection, they're in evidence.

18 ITEM IDENTIFIED AS BLACK TROUSERS

19 MARKED STATE'S EXHIBIT NUMBER 40

20 ADMITTED AS EVIDENCE.

21 ITEM IDENTIFIED AS BLACK DENIM JEANS

22 MARKED STATE'S EXHIBIT NUMBER 41

23 ADMITTED AS EVIDENCE.

24 ITEM IDENTIFIED AS BLUE POLO SHIRT

25 WITH LIGHT BLUE STRIPES

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CHIEF MARK COLLINS - CX - PLEXICO

1 MARKED STATE'S EXHIBIT NUMBER 42

2 ADMITTED AS EVIDENCE.

3 ITEM IDENTIFIED AS GUN

4 MARKED STATE'S EXHIBIT NUMBER 44

5 ADMITTED AS EVIDENCE.

6 BY MR. HOLLEN:

7 Q. You've already described what those are. I don't
8 need you to pull them out, so.

9 MR. HOLLEN: Court's indulgence, your Honor.

10 THE COURT: That's fine.

11 SOLICITOR HOLLEN: All right, Chief, I don't have
12 anything further. Please answer any questions Mr.
13 Plexico has for you. Okay?

14 CHIEF MARK COLLINS

15 CROSS-EXAMINATION BY MR. PLEXICO:

16 Q. Thank you for being here today, sir. You did a --
17 made investigative over this? Is that correct?

18 A. I believe so, yes.

19 Q. All right. In this, you said that my client didn't
20 give any statements. Is that correct?

21 A. Correct.

22 Q. You said you all found one cartridge casing. Is
23 that correct?

24 A. I believe so, yes.

25 Q. Okay. All right. And you're sure you all only

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CHIEF MARK COLLINS - RDX - HOLLEN

1 found one cartridge casing?

2 A. I didn't process the scene, so I don't know for
3 certain, but I believe it was one.

4 Q. Okay. All right.

5 MR. PLEXICO: I don't have anything further.

6 THE COURT: Okay. Anything further, Ms. Legette?
7 I'm sorry, Mr. Hollen. I apologize, sir.

8 MR. HOLLEN: That's okay, your Honor. Very
9 briefly, if I may.

10 CHIEF MARK COLLINS

11 RE-DIRECT EXAMINATION BY MR. HOLLEN:

12 Q. Chief, just to refresh your recollection, I'm going
13 to hand you what's been marked for identification and
14 already entered into evidence as State's 23.

15 MR. HOLLEN: May I approach, your Honor?

16 BY MR. HOLLEN:

17 Q. Just to clarify. Can you see what's in there?

18 A. Looks like two spent shell casings.

19 Q. Okay. So two cartridges. All right. Thank you.

20 MR. HOLLEN: Nothing further, your Honor.

21 THE COURT: Anything?

22 CHIEF MARK COLLINS

23 RE-CROSS-EXAMINATION BY MR. PLEXICO:

24 Q. But you didn't find them?

25 A. No. No, I did not.

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1 Q. Sir?

2 A. No, I did not.

3 MR. PLEXICO: Okay. All right.

4 THE COURT: Anything further, Mr. Hollen?

5 MR. HOLLEN: No, your Honor.

6 THE COURT: All right. Any objection to Chief
7 Collins being excused from anyone?

8 MR. HOLLEN: Not from the State.

9 MR. PLEXICO: None, your Honor.

10 THE COURT: You're excused, sir. Thank you.

11 A. Thank you.

12 THE COURT: Call your next witness.

13 SOLICITOR LEGETTE: Thank you, your Honor. State
14 calls Captain Alexander Williams.

15 MADAM CLERK: Put your left hand on the *Bible*, and
16 raise your right hand. Do you swear or affirm to tell
17 the truth, the whole truth, and nothing but the truth,
18 so help you God?

19 CAPTAIN ALEXANDER WILLIAMS: I do.

20 CAPTAIN ALEXANDER WILLIAMS

21 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

22 Q. Good afternoon.

23 A. Good afternoon.

24 Q. How are you, sir?

25 A. I'm good.

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 Q. Good. Captain Williams, where do you work?

2 A. Estill Police Department.

3 Q. And what do you do at the Estill Police Department?

4 A. I'm operations commander.

5 Q. And so, what does that mean as operations
6 commander?

7 A. I'm in charge of the daily operations of the Estill
8 Police Department, ranging from scheduling and doing
9 reports and things of that nature.

10 Q. And how long have you worked with the Estill Police
11 Department?

12 A. Approximately two years.

13 Q. Do you have any other law enforcement experience?

14 A. Yes, I do.

15 Q. Where?

16 A. I started in the city of Sumter, South Carolina.
17 I've also worked for the Pageland Police Department in
18 Pageland, South Carolina.

19 Q. Were you working for the Estill Police Department
20 in May of 2016?

21 A. Yes, I was.

22 Q. Can you tell us in what capacity you were working.

23 A. I was the patrol supervisor at the time.

24 Q. I want to turn your attention now specifically to
25 May 10, 2016. Were you working at Estill Police

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1 Department then?

2 A. Yes, I was.

3 Q. Did you become involved in a case in the town of
4 Estill with regard to a murder?

5 A. Yes, I did.

6 Q. Can you tell us about your involvement,

7 A. Well, I was advised of the incident. At
8 approximately 9:00 o'clock that morning, we were advised
9 that the suspect in that incident was located at a area
10 of Keene Avenue and Third Street.

11 Q. And what town is this in?

12 A. The town of Estill.

13 Q. And what county?

14 A. Hampton County.

15 Q. So, upon being advised of this information about a
16 suspect being -- let me back up. So this suspect, what
17 was this suspect supposed to have done?

18 A. He was a suspect in a murder incident that occurred
19 earlier that morning.

20 Q. So, upon being advised about his whereabouts, what
21 did you do?

22 A. I was at the office, and I proceeded to that area.
23 I proceeded to -- down on Second Street, near Keene
24 Avenue.

25 Q. So you went to the area where he was supposed to

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 be?

2 A. Yes, ma'am.

3 Q. What did you find, if anything, in that area?

4 A. As I was -- he was actually loc -- he was -- we
5 were told he was on Keene Avenue and Third Street. I
6 was coming up the back side to that area. However, as I
7 passed the residence on Second Street at Keene Avenue, I
8 observed a black male behind a trash can at the back of
9 a residence.

10 Q. Now, had you already been apprised or given the
11 name of the suspect?

12 A. Yes, I had.

13 Q. What was that name?

14 A. Gregory Sanders.

15 Q. Okay. And so, were you familiar with Gregory
16 Sanders?

17 A. At that -- at that point in time, no, ma'am.

18 Q. Okay. So you're on, I believe you said, Second
19 Street?

20 A. Second Street, yes, ma'am.

21 Q. And you saw a black male?

22 A. Yes, ma'am.

23 Q. What did you do, if anything?

24 A. Well, I passed the house. I made a u-turn in the
25 roadway, and then I positioned my vehicle to exit in a

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1 manner of a felony. I exited in a manner with my
2 firearm drawn, because of the possibility of him being
3 the suspect and being involved in the murder incident.
4 Upon exiting my vehicle, I observed a black male. With
5 my gun drawn, I asked him to let him -- let me see his
6 hands, and which he did comply. But then, I asked what
7 was his name, and he stated his name was Gregory
8 Sanders, and I advised him to get on the ground at that
9 point in time.

10 Q. And did he comply with your command?

11 A. Yes, he did.

12 Q. Okay. So once you got him on the ground, what
13 happened next?

14 A. Chief Collins and Sergeant Thomas arrived in the
15 area to the -- well, to the scene, where I was, and Mr.
16 Sanders was taken into custody.

17 Q. Now, while he was taken into custody, was anything
18 located near him?

19 A. He was on the ground. There was nothing on him, on
20 his person. However, there was some items located in
21 that general area where I first observed him near the
22 trash can, behind -- well, behind the trash can.

23 Q. Now, in a moment, I'm going to hand you some
24 exhibits.

25 SOLICITOR LEGETTE: Begging the Court's indulgence.

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 BY SOLICITOR LEGETTE:

2 Q. All right. Captain Williams, I'm going to hand you
3 now what has been marked as State's 26, 27, 28, 29, 30,
4 and 31. Please take a moment and tell me if you
5 recognize these exhibits.

6 SOLICITOR LEGETTE: May I approach, your Honor?

7 THE COURT: You may.

8 BY SOLICITOR LEGETTE:

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

10 Q. And Captain Williams, what are State's 26 through
11 30?

12 A. That is the area -- that is the residence at which
13 I located Mr. Sanders on the morning of May 10th.

14 Q. Do you recall the address loca -- or the physical
15 address of that location?

16 A. [REDACTED].

17 Q. Now, are State's Exhibits 26 through 30 a fair and
18 accurate reflection of the area where you located Mr.
19 Sanders on the morning of May 10, 2016?

20 A. Yes, ma'am.

21 SOLICITOR LEGETTE: Your Honor, at this time I
22 would offer State's Exhibits 26 through 30 [sic] for
23 admission into evidence.

24 THE COURT: Any objection, Mr. Plexico?

25 MR. PLEXICO: Without objection, your Honor.

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1 THE COURT: They're in evidence, without objection.
2 ITEMS IDENTIFIED AS PHOTOGRAPHS.
3 MARKED STATE'S EXHIBIT NUMBERS 26,
4 27, 28, 29, 30, 31
5 ADMITTED AS EVIDENCE.

6 SOLICITOR LEGETTE: Thank you, your Honor.
7 Permission to publish?

8 THE COURT: You may.

9 BY SOLICITOR LEGETTE:

10 Q. I'm going to direct your attention -- you can look
11 at your pictures. We have it on the screen here, but
12 you can also look at the photographs before you.

13 A. Okay.

14 Q. So we're now looking at, I believe, this is State's
15 26. Is that correct? State's 26?

16 A. Yes, ma'am.

17 Q. Okay. So State's 26, please tell us what we're
18 seeing in State's 26.

19 A. That is the approximate location of my vehicle when
20 I turned around in the roadway and exited with my gun
21 drawn.

22 Q. Okay. And now going to State's 27. In State's 27,
23 what are we seeing?

24 A. That is the area in which Mr. Sanders -- the
25 officer behind the trash can, that's the area in which

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 Mr. Sanders was located.

2 Q. So, in this photograph, there's a person standing
3 behind that trash can?

4 A. Yes, it is.

5 Q. Is that approximately where you saw Mr. Sanders?

6 A. Yes, it is.

7 Q. Okay. And now, on State's 28. What are we seeing
8 in State's 28, Captain?

9 A. That's the same -- that's the same picture of the
10 approximate area in which Mr. Sanders was standing when
11 I passed him on that roadway.

12 Q. Okay. All right. Now, State's 29. Is that a
13 closer view of where Mr. Sanders was standing?

14 A. Yes.

15 Q. Now, State's 30.

16 A. Also the same approximate area which he was
17 standing.

18 Q. Do you have another picture there?

19 A. 31, yes, ma'am.

20 Q. 31.

21 SOLICITOR LEGETTE: If I haven't already, your
22 Honor, I would offer State's Exhibit 31 for admission
23 into evidence.

24 THE COURT: I think you did.

25 SOLICITOR LEGETTE: We did? Okay.

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1 BY SOLICITOR LEGETTE:

2 Q. All right. Now, State's 31. I apologize. State's
3 31, Captain?

4 A. Yes, ma'am. That's -- that's the location --
5 that's where Mr. Sanders was located.

6 Q. All right. Is that approximately where you told
7 him to get on the ground?

8 A. Well, at first, I advised him to let me see his
9 hands, because he was behind the trash can, and which he
10 did. And then, he stepped out and got on the ground in
11 that area.

12 Q. Okay. Thank you. Now, Captain Williams, after Mr.
13 Sanders was taken into custody, did you do anything?
14 Did you talk to him in any way?

15 A. I advised him of his *Miranda* rights.

16 Q. How did you advise him of his *Miranda* warnings?

17 A. I advised him verbally.

18 Q. Okay. Can you briefly describe how you advised
19 him.

20 A. Yes. I told him he had the right to remain silent;
21 anything he said can and would be used against him in a
22 court of law; he had the right to have an attorney, and
23 to have that attorney present before any questioning if
24 he wished; if he could not afford one, one would be
25 appointed to him at no cost, if he wished, before

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 answering any questions or making any statements.

2 Q. Did Mr. Sanders appear to understand his rights?

3 A. Yes, he did.

4 Q. Did he say anything at that time?

5 A. Only thing he said, it seemed, was don't Trayvon on
6 me. That was pretty much it.

7 COURT REPORTER: Don't what on me?

8 A. Trayvon on me.

9 BY SOLICITOR LEGETTE:

10 Q. So nothing else?

11 A. That's it.

12 Q. All right. And so, once you *Mirandized* Mr.
13 Sanders, what did you do next?

14 A. He was placed in my vehicle, and then he was
15 transported to the Estill Police Department.

16 Q. Now, at the Estill Police Department, was anything
17 -- was he talked to again? What did you do at that
18 time? Take him to the jail? What happened?

19 A. Well, we -- first, we provided him first aid,
20 because, as he was exiting the vehicle, he opened a
21 wound on his shoulder, and we provided first aid and
22 cleaned him up for that wound that was scabbed over. So
23 we -- once we did that, we -- he was given his *Miranda*
24 rights again, and then he was subsequently transported
25 to the Hampton County Detention Center.

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 Q. So you said that he was *Mirandized* again?

2 A. Yes, he was.

3 Q. Who *Mirandized* him at that time?

4 A. At that time, Sergeant Thomas.

5 Q. Did you witness him being *Mirandized* at that time?

6 A. Yes, I did.

7 Q. Can you briefly describe how -- I'm sorry. Was he
8 *Mirandized* similarly by Captain -- Sergeant Thomas, the
9 same way he was with you?

10 A. Yes, he was.

11 Q. At some point, did you sign a *Miranda* warning, or a
12 *Miranda* waiver of right form?

13 A. Yes, we did.

14 Q. When was that done?

15 A. Mine was done after we got to the office, while we
16 were at the police department.

17 Q. And did anyone witness yours?

18 A. Yes, Sergeant Thomas.

19 Q. And the one that you witnessed by Sergeant Thomas,
20 who signed that one?

21 A. Sergeant Thomas signed that one.

22 Q. And who witnessed it?

23 A. I did.

24 Q. Now, after the second *Miranda*, did Mr. Sanders make
25 any statements?

5-8-18 STATE V SANDERS

CAPTAIN A. WILLIAMS - DX - LEGETTE

1 A. Other than she must've been a nobody, when he was
2 advised of the incident.

3 Q. So you had already -- so tell us about you advising
4 him of the incident. Did you read him the warrant, or?

5 A. He was -- yes, he was read the warrant before we
6 went to the jail. And he said she must've been a
7 nobody.

8 Q. All right. I hand you now what's been previously
9 marked as State's Exhibit Number 45 and 46. Take a
10 moment and tell me if you recognize State's 45 and 46.

11 SOLICITOR LEGETTE: May I approach, your Honor?

12 THE COURT: You may.

13 BY SOLICITOR LEGETTE:

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

15 Q. And what are State's 45 and 46?

16 A. The *Miranda* rights form that was completed by
17 myself and Sergeant Thomas.

18 Q. And are State's 45 and 46, a fair and accurate
19 reflection of the *Miranda* warnings that you completed by
20 -- that were completed by yourself and Sergeant Thomas?

21 A. Yes, ma'am, they are.

22 Q. Have they been changed or altered in any way?

23 A. No, ma'am.

24 SOLICITOR LEGETTE: Your Honor, at this time, I
25 would offer State's Exhibit 45 for admission into

5-8-18 STATE V SANDERSCAPTAIN A. WILLIAMS - DX - LEGETTE

1 evidence.

2 MR. PLEXICO: Your Honor, I have no objection.

3 THE COURT: Okay. Without objection, it's in
4 evidence.

5 ITEM IDENTIFIED AS MIRANDA WARNING

6 MARKED AS STATE'S EXHIBIT NUMBER 45

7 ADMITTED AS EVIDENCE.

8 SOLICITOR LEGETTE: Thank you, your Honor.

9 BY SOLICITOR LEGETTE:

10 Q. Now, Captain Williams, after the second *Miranda* you
11 said you transported Mr. Sanders to the county jail?

12 A. Yes.

13 Q. All right. When you got to the county jail, did
14 anything -- was Mr. Sanders, did he make any other
15 statements?

16 A. He made a statement regarding his eye; that he got
17 caught cheating by his girlfriend.

18 Q. What seemed to be the condition of his eye?

19 A. It was bloodshot. It had a -- there was bloodshot
20 in it. It was a little swollen.

21 Q. And what did he say?

22 A. He got caught cheating by his girlfriend.

23 Q. Now, Captain Williams, did you ever try to force
24 Mr. Sanders to make any of these statements?

25 A. No, ma'am.

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 Q. Did you or anyone else with you try to force him to
2 make any statements?

3 A. No, ma'am.

4 Q. Did you ever promise him or threaten him to make
5 any statements?

6 A. No, ma'am.

7 Q. Did you try to coerce him to make a statement?

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

9 Q. Did anyone with you try to coerce him into making
10 any statement?

11 A. No, ma'am.

12 Q. How many statements made by Mr. -- and ones that he
13 did make, how were they made?

14 A. Voluntarily.

15 Q. Now, Captain Williams, did you have any other
16 involvement in this case?

17 A. No, ma'am. After that, no, ma'am.

18 Q. Did you talk to any witnesses?

19 A. His -- at the time, his girlfriend, and that was
20 it.

21 Q. Did you speak with anyone else during this case,
22 the investigation of?

23 A. I spoke with a Randy White, along with Sergeant
24 Thomas.

25 Q. And was Randy White, was that particular statement

1 audio and video?

2 A. Yes, it was.

3 Q. And when you met with Javasha -- I'm sorry, the
4 girlfriend of Mr. Sanders, did you ever learn her name?

5 A. Yes.

6 Q. What was her name?

7 A. Javasha Forrester.

8 Q. All right. You said you talked to her. Who was
9 present when you talked to Ms. Forrester?

10 A. Myself and Sergeant Thomas.

11 Q. Was anyone else present with her?

12 A. Her -- I believe her aunt may have been there on
13 one occasion.

14 Q. And how many times did you all talk to Ms.
15 Forrester?

16 A. I believe we spoke to her twice.

17 Q. And was anyone present, aside from yourself and
18 Sergeant Thomas, when you spoke to her the second time?

19 A. I don't recall right offhand, but I do believe her
20 aunt is the one that brought her to the office.

21 Q. Okay. All right. Did you collect any items in
22 this case as far as any clothing?

23 A. Yes.

24 Q. Okay. What type of clothing did you collect?

25 A. The sneakers. The black Converse sneakers and a

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 green tee-shirt.

2 Q. And how did you come to collect these items?

3 A. Ms. Forrester's aunt provided them to us.

4 Q. At some point, how did you come to know about these
5 items?

6 A. From Ms. Forrester.

7 Q. And that was from her interview?

8 A. Yes.

9 Q. And what was supposed to be the significance of any
10 of the items that you were collecting?

11 MR. PLEXICO: That's hearsay, your Honor. I
12 believe that would come from Ms. Forrester.

13 THE COURT: Say, is there any.

14 BY SOLICITOR LEGETTE:

15 Q. Is there any significance in these items that you
16 knew of?

17 A. We -- at the time, no, ma'am, we didn't. We just
18 -- we were looking for the clothing, any and all
19 clothing he may have been in possession of.

20 Q. Okay. To your knowledge, after you collected this
21 clothing -- his clothing, what happened to that
22 clothing?

23 A. It was submitted to -- it was submitted to the
24 State Law Enforcement Division's forensics lab.

25 Q. Captain Williams, I hand you now what has been

5-8-18 STATE V SANDERSCAPTAIN A. WILLIAMS - DX - LEGETTE

1 previously marked for identification at State's 56.

2 Please take a moment and tell me if you recognize

3 State's 56.

4 SOLICITOR LEGETTE: May I approach?

5 THE COURT: You may. Ladies and gentlemen of the

6 jury, while they're doing that, everyone stand up and

7 take a stretch. You can, too, if you want to, sir. You

8 need it. They've been here longer than you.

9 You all okay? Okay. All right. All right. Ms.

10 Legette, you can continue.

11 SOLICITOR LEGETTE: Thank you, your Honor.

12 BY SOLICITOR LEGETTE:

13 Q. Captain Williams, do you recognize State's 56?

14 A. Yes, ma'am.

15 Q. What is State's 56?

16 A. That's the green tee-shirt.

17 Q. And is that the green tee-shirt that was provided
18 to you?

19 A. Yes.

20 Q. And how did you come in contact with it?

21 A. From Ms. Forrester's aunt.

22 SOLICITOR LEGETTE: Your Honor, I offer State's
23 Exhibit -- I'm sorry.

24 BY SOLICITOR LEGETTE:

25 Q. Is State's Exhibit Number 56 in substantially the

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CAPTAIN A. WILLIAMS - DX - LEGETTE

1 same condition today as when you originally saw it?

2 A. Yes, ma'am.

3 Q. Does it appear to have been changed or altered in
4 any way?

5 A. No, ma'am.

6 SOLICITOR LEGETTE: Your Honor, at this time, I
7 would offer State's 56 for admission into evidence.

8 THE COURT: Without objection?

9 MR. PLEXICO: Without objection, your Honor.

10 THE COURT: It's in evidence, without objection.

11 ITEM IDENTIFIED AS GREEN TEE-SHIRT

12 MARKED STATE'S EXHIBIT NUMBER 56

13 ADMITTED AS EVIDENCE.

14 SOLICITOR LEGETTE: Thank you, your Honor.

15 BY SOLICITOR LEGETTE:

16 Q. Now, Captain Williams, at some point in this case,
17 did you become the case officer?

18 A. Following Sergeant Thomas' going to another job, I
19 was responsible for picking up and -- picking up all the
20 evidence from the State Law Enforcement Division for
21 him.

22 Q. Okay. And did you also come in contact with the
23 gun that was located in this case by Chief Collins?

24 A. Yes.. I picked it up from the lab, yes, ma'am.

25 Q. At some point, did you run an ATF trace?

5-8-18 STATE V SANDERSCAPTAIN A. WILLIAMS - DX - LEGETTE

1 A. Yes, I did.

2 Q. And what is an ATF trace?

3 A. ATF trace basically gives you the origin of the
4 gun, where it was first -- what's the first
5 manufacturer, or where the manufacturer was selling it
6 to, such as a gun store or whatever. And it kind of
7 follows it if it's -- if it's properly documented
8 through authorized dealers.

9 Q. And upon running that ATF trace, were you able to
10 determine who the purchaser was, original purchaser?

11 A. I believe I --

12 MR. PLEXICO: Your Honor, I object. None of this
13 is relevant, your Honor. It's absolutely not relevant.
14 I believe there's been a prior ruling. I think I have a
15 matter on this.

16 THE COURT: Okay.

17 SOLICITOR LEGETTE: May I approach, your Honor?

18 THE COURT: You may.

19 OFF-THE-RECORD BENCH CONFERENCE, OUT
20 OF HEARING OF JURORS. PRESENT: THE
21 COURT, MS. LEGETTE, MR. PLEXICO.
22 END BENCH CONFERENCE.

23 BY SOLICITOR LEGETTE:

24 Q. Captain Williams, were you able to -- did you find
25 out who actually owned the gun that was collected by

5-8-18 STATE V SANDERS

CAPTAIN A. WILLIAMS - CX - PLEXICO

1 Chief Collins?

2 A. Yes, ma'am.

3 Q. Who owned it?

4 A. I would have to look at --

5 Q. Who was the original purchaser? I should say.

6 A. I would have to look at the documentation I have.

7 SOLICITOR LEGETTE: May I approach, your Honor?

8 THE COURT: You may.

9 BY SOLICITOR LEGETTE:

10 Q. To refresh your memory, do you recognize your
11 report?

12 A. Yes, I do.

13 Q. Who was the original purchaser of the gun?

14 A. It would be Brian Thomas Blair of [REDACTED]

15 [REDACTED] in Clemson, South Carolina.

16 Q. Okay. Thank you.

17 SOLICITOR LEGETTE: Begging the Court's indulgence.

18 Captain Williams, I have no further questions. Please
19 answer any questions from the Defense.

20 CAPTAIN ALEXANDER WILLIAMS

21 CROSS-EXAMINATION BY MR. PLEXICO:

22 Q. So you arrested my client, took him to the Estill
23 Police Department, and served the warrant on him that
24 you had, correct?

25 A. Yes, sir.

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CAPTAIN A. WILLIAMS - CX - PLEXICO

1 Q. Okay. So you already had a murder warrant on him,
2 correct? To serve him?

3 A. Yes, sir.

4 Q. In order to serve it, you had to have it, right?

5 A. Yes, sir.

6 Q. So that's the first thing you did when you got
7 there, right?

8 A. Yes, sir.

9 Q. Okay. All right. And this firearms trace taking
10 this gun to Thomas Blair, do you know Mr. Blair?

11 A. No, I do not.

12 Q. Do you know how many times that he has bought and
13 sold that gun?

14 A. No, I do not.

15 Q. Since he bought it?

16 A. No, I do not.

17 Q. Do you know anything about the history of the gun,
18 this gun?

19 A. He was the original purchaser.

20 Q. Aside from that, do you know anything about anybody
21 who's bought and sold that gun over the years?

22 A. No, sir, I do not.

23 Q. Okay. Can you go to any gun show in America and
24 buy a gun, as long as you're of legal age?

25 A. I believe so.

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CAPTAIN A. WILLIAMS - CX - PLEXICO

1 Q. And you don't report those sales, do you? And you
2 don't report the purchases? Is that correct?

3 A. I wouldn't know. I'm not schooled in that subject
4 matter.

5 Q. Okay. So, if you go out and buy a gun from your
6 neighbor, do you have to call the government and say,
7 hey, I've got -- I bought this shotgun from my neighbor,
8 I'm going to go deer hunting?

9 A. No, sir.

10 Q. Okay. If you bought a pistol to shoot snakes with
11 that's climbing up the tree that you happen to be
12 sitting in that day, would you have to call the
13 government and say, hey, I bought this pistol?

14 A. No, sir.

15 Q. Okay. All right. Now, if you sold that gun to
16 your neighbor, who liked to turkey hunt, okay? so he was
17 sitting around and a rattlesnake rolled up on him, you
18 wouldn't have to call the government and report that
19 sale, either, would you?

20 A. No, sir.

21 Q. Okay. So you have no idea how many different hands
22 that gun has gone into since the original purchaser,
23 correct?

24 A. No, sir, I do not.

25 Q. I am correct?

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INV. M. THOMAS - DX - LEGETTE

1 A. Oh, yes, sir, you are.

2 MR. PLEXICO: Okay. Thank you.

3 THE COURT: Ms. Legette, anything further?

4 SOLICITOR LEGETTE: No, your Honor.

5 THE COURT: All right. Any objection to this
6 witness being excused?

7 SOLICITOR LEGETTE: None, your Honor.

8 MR. PLEXICO: None, your Honor.

9 THE COURT: All right. You're excused, sir. Thank
10 you.

11 A. Thank you.

12 THE COURT: Call your next witness.

13 SOLICITOR LEGETTE: State calls Michael J. Thomas.

14 MADAM CLERK: Put your left hand on the *Bible*,
15 raise your right hand. Do you swear or affirm to tell
16 the truth, the whole truth, and nothing but the truth,
17 so help you God?

18 INVESTIGATOR MICHAEL THOMAS: I do.

19 INVESTIGATOR MICHAEL THOMAS

20 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

21 Q. Good afternoon, sir.

22 A. Good afternoon.

23 Q. What -- I'm sorry. Where do you work?

24 A. Fairfax Police Department.

25 Q. And what is your rank at the Fairfax Police

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INV. M. THOMAS - DX - LEGETTE

1 Department?

2 A. Investigator.

3 Q. So, okay. So you're Investigator Thomas?

4 A. Yes, ma'am.

5 Q. All right. So, Investigator Thomas, how long have
6 you been working for the Fairfax Police Department?

7 A. Approximately seven months.

8 Q. And where did you work prior to working for the
9 Fairfax Police Department?

10 A. Estill Police Department.

11 Q. How long did you work for the Estill Police
12 Department?

13 A. About four years.

14 Q. Four years?

15 A. Yes, ma'am.

16 Q. And what were your duties at the Estill Police
17 Department, and your rank?

18 A. I was a lieutenant. I was the chief investigator.

19 Q. All right. And so, as an investigator, what are
20 you assigned to do?

21 A. Interviewing witnesses, victims, collect
22 information, such as statements.

23 Q. Were you working for the Estill Police Department
24 on or about May 10, 2016?

25 A. Yes, ma'am.

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INV. M. THOMAS - DX - LEGETTE

1 Q. And did you have an occasion to become involved in
2 a murder case in Estill?

3 A. Yes.

4 Q. Tell us the circumstances surrounding your
5 involvement.

6 A. I was the chief investigator on that case. I was
7 called out to make contact with any witnesses at the
8 hospital.

9 Q. And what hospital was that?

10 A. The Hampton County Hospital.

11 Q. And so, as a result of the contact -- being told to
12 make contact with witnesses, what did you do?

13 A. I verified that the individual was deceased, made
14 contact with who I believed to be witnesses, transported
15 those witnesses back to the police department, and began
16 my interviews.

17 Q. And where did you actually locate these witnesses
18 when you said you verified that they were witnesses?

19 A. At the emergency room.

20 Q. Okay. And who did you speak to specifically?

21 A. I spoke to Yhantyse Priester.

22 Q. Okay. All right. Did you actually speak with her
23 at the hospital, or did you take her back to the Estill
24 Police Department?

25 A. I made contact with her at the hospital, and I

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INV. M. THOMAS - DX - LEGETTE

1 transported her back to the police department. And as a
2 result of talking to her, did you learn the suspect's
3 name?

4 A. Yes, I did.

5 Q. What was the suspect's name?

6 A. Gregory Sanders.

7 Q. And as far as Ms. Priester was -- well, never mind.
8 Once you learned the suspect's name, what did you do?

9 A. I informed the Chief of Police.

10 Q. Okay. And upon informing the Chief of Police, what
11 was your next step in this matter?

12 A. I continued to get information from the officers,
13 looked at the initial reports, their supplemental
14 reports, and forwarded them to the Chief of Police.

15 Q. Now, at some point were you in the town of Estill
16 on or about May 10th?

17 A. Yes, ma'am.

18 Q. Tell us about did you have anything unusual happen
19 the morning of May 10th.

20 A. Yes. We apprehended Gregory Sanders.

21 Q. All right. So tell us about how you came in
22 contact with him originally.

23 Q. Chief Mark Collins, Chief of the Estill Police
24 Department, he gave me a phone call to meet him at the
25 Shell station in Estill. Once making contact with him,

1 he informed me that a concerned citizen gave him the
2 whereabouts of Mr. Sanders.

3 Q. And upon getting this information, were you able to
4 locate him?

5 A. Yes, ma'am.

6 Q. Once you located him, what happened, I guess,
7 during your location and arrest of Mr. Sanders?

8 A. Upon making contact with Sanders -- well, myself,
9 Chief Collins, and now-Captain Alex Williams, they
10 initially made physical contact. I came around the
11 rear, at which point in time, I noticed that Chief
12 Collins had Mr. Sanders at gunpoint, and now-Captain
13 Williams was placing him into handcuffs.

14 Q. All right. And so, after being placed in
15 handcuffs, did anyone *Mirandize* him?

16 A. Yes, ma'am.

17 Q. Who *Mirandized* him?

18 A. Captain Williams.

19 Q. Did you watch Captain Williams *Mirandize* him?

20 A. Yes, ma'am.

21 Q. And once he was *Mirandized*, did he make any
22 statements at that time?

23 A. No, ma'am.

24 Q. So you said that he was *Mirandized* and placed into
25 custody. What does that mean?

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INV. M. THOMAS - DX - LEGETTE

1 A. He was read his -- he was verbally read his rights.

2 Q. And did you also put him in a patrol car, or?

3 A. Alex Williams transported him, yes.

4 Q. All right. So now, while you're still at the
5 scene, do you locate, or does anyone locate, any items
6 of evidence?

7 A. Yes. A firearm, some clothing items, and a towel
8 were located at the scene.

9 Q. All right. And who located those items?

10 A. Chief Collins.

11 Q. And so, when Chief Collins located the items, did
12 he give you any directions?

13 A. Yes. To photo document them, as well as write them
14 down, and package them and bring them back to the police
15 department.

16 Q. And what did you do?

17 A. I photographed each item; I packaged each item by
18 wearing gloves; placed them in the trunk of my vehicle;
19 and placed them in our evidence locker.

20 Q. All right. At some point, were those items taken
21 after that to SLED for processing?

22 A. Yes, ma'am.

23 Q. All right. As far as you know, who actually took
24 them to SLED?

25 A. Now-Deputy Ira, with the Hampton County Sheriff's

1 Office.

2 Q. And was Deputy Ira working for you at the time, or
3 the Estill Police Department?

4 A. Yes, ma'am.

5 Q. Now, once the items were collected by you and
6 placed into your patrol car, where did you go next?

7 A. To the police department.

8 Q. And what happened at the police department, if
9 anything?

10 A. I -- I *Mirandized* Mr. Sanders.

11 Q. Okay. How do you *Mirandize* Mr. Sanders?

12 A. Verbally. We have a form that we have that we read
13 directly from.

14 Q. Briefly describe how you *Mirandized* him.

15 A. I read him his right to remain silent; I read him
16 his rights that he has a right to have an attorney; that
17 he didn't have to answer any of my questions; if he
18 chose to answer any questions, he could stop at any
19 time.

20 Q. And at that time, did he seem to understand his
21 rights to remain silent?

22 A. Yes, ma'am.

23 Q. And who was present with you when you *Mirandized*
24 him?

25 A. Now-Captain Alex Williams.

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INV. M. THOMAS - DX - LEGETTE

1 COURT REPORTER: I'm sorry?

2 A. Captain Alex Williams.

3 Q. And at that time, did he make any statements?

4 A. No, ma'am, he did not.

5 Q. I'm handing you in a moment what's been marked and
6 entered into evidence as State's 45, and what's been
7 marked for identification as State's 46. Please take a
8 moment and tell me if you recognize State's 45 and 46.

9 SOLICITOR LEGETTE: May I approach, your Honor?

10 THE COURT: You may.

11 BY SOLICITOR LEGETTE:

12 A. Yes, ma'am.

13 Q. You recognize 45 and 46?

14 A. Yes, ma'am.

15 Q. What are State's 45 and 46?

16 A. A statement of *Miranda* rights.

17 Q. And are State's Exhibits 45 and 46, they're
18 accurate reflections of the statement of *Miranda* rights
19 that you and Captain Alex Williams presented to Mr.
20 Sanders on May 10, 2016?

21 A. Yes.

22 Q. Have they been changed or altered in any way?

23 A. No, they have not.

24 SOLICITOR LEGETTE: At this time, your Honor, I
25 would offer State's 46 for admission into evidence.

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INV. M. THOMAS - DX - LEGETTE

1 THE COURT: Any objection?

2 MR. PLEXICO: No objections, your Honor.

3 THE COURT: All right. It's in evidence, without
4 objection.

5 SOLICITOR LEGETTE: Thank you, your Honor.

6 ITEM IDENTIFIED AS STATEMENT OF

7 MIRANDA RIGHTS

8 MARKED STATE'S EXHIBIT NUMBER 46

9 ADMITTED AS EVIDENCE.

10 BY SOLICITOR LEGETTE:

11 Q. Now, Investigator Thomas, once you met with Mr.

12 Sanders and advised him of his rights, did you take him
13 to the county jail?

14 A. Yes.

15 Q. All right. And so, what was your next step in the
16 investigation?

17 A. To take the items that were collected at the scene,
18 have them placed into our lab so that they could later
19 be taken to SLED for analysis.

20 Q. Okay. And you testified earlier about Deputy Ira
21 James?

22 A. Yes.

23 Q. Okay. Now, at some point, did you meet with any
24 other witnesses? You testified earlier about being with
25 Yhantyse Priester.

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INV. M. THOMAS - DX - LEGETTE

1 A. Yes.

2 Q. Did you meet with anyone else?

3 A. Yes, ma'am. I spoke with Mr. Randy White and Mr.
4 Alston.

5 Q. You met with Randy White. Who was present?

6 A. I believe it was his mother.

7 Q. Okay. All right. And did you also ever meet with
8 anyone -- well, Randy White. So tell us about the
9 circumstances regarding Randy White.

10 A. During my interview with Mr. White, I had
11 Lieutenant Williams as witness, and I had Mr. White's
12 mother there. I began asking Mr. White about his
13 whereabouts, about around the time of the incident. He
14 told me where he was at. I asked him if he could verify
15 who committed the assault, at which point in time he
16 told me yes. He gave me the name of Gregory Sanders.

17 MR. PLEXICO: I'll object, your Honor. All of this
18 is hearsay.

19 THE COURT: Okay. He can say what he learned in
20 his investigation, so.

21 BY SOLICITOR LEGETTE:

22 Q. Investigator -- I'm sorry -- Investigator Thomas,
23 let's go back a little bit. Okay?

24 A. Yes, ma'am.

25 Q. So you brought in Randy White?

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INV. M. THOMAS - DX - LEGETTE

1 A. Yes, ma'am.

2 Q. How long after the incident did you bring in Randy
3 White? Do you remember?

4 A. Not exactly the time.

5 Q. Did it take you some time to locate him?

6 A. Yes.

7 Q. Okay. How were you able to finally locate him?

8 A. I would have to look back. I didn't know him
9 personally.

10 Q. Were you able to put up wanted posters?

11 A. Yes.

12 Q. Okay. All right. And so, you said he came in with
13 him and his mother.

14 A. Yes.

15 Q. Okay. And how was the interview, how was it
16 conducted?

17 A. It was video recorded.

18 Q. Okay. Was it also audio recorded?

19 A. Yes.

20 Q. Okay. And who was present, along with his mother?

21 A. Captain Williams.

22 Q. Okay. All right. And so, as a result of meeting
23 with Randy White, who did you figure out was the
24 suspect?

25 A. Mr. Gregory Sanders.

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INV. M. THOMAS - DX - LEGETTE

1 Q. Okay. Now, during this meeting with Mr. White, did
2 you also present him with any photo lineups?

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

4 Q. Can you describe or demonstrate briefly how you
5 presented him with the photo lineup.

6 A. I went through State Law Enforcement Division to
7 create a -- what we call a SLED six-pack. Upon that
8 time, I asked the -- Mr. White, if he was shown a series
9 of photos, did he think that he could pick out the photo
10 of the individual. He stated yes. So, at that time, I
11 presented him with the six-photo lineup.

12 Q. Now, prior to presenting him with the photo lineup,
13 had he already told you who the suspect was?

14 A. Yes, ma'am.

15 Q. Okay. And what had he said?

16 A. Gregory Sanders.

17 Q. Okay. Now, during -- you said that you presented
18 him with the photo lineup. Was he able to make a
19 selection from the photo lineup?

20 A. Yes, ma'am.

21 Q. Who did he select in the photo lineup?

22 A. Mr. Gregory Sanders.

23 Q. What was his attention to -- well, how certain did
24 he appear to be?

25 A. Certain.

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INV. M. THOMAS - DX - LEGETTE

1 Q. Was there any hesitation in his selection?

2 A. No, ma'am.

3 Q. I'm handing you now what's been previously marked
4 for identification as State's 48. Please take a moment
5 and tell me if you recognize State's 48.

6 SOLICITOR LEGETTE: May I approach, your Honor?

7 THE COURT: You may.

8 BY SOLICITOR LEGETTE:

9 A. Yes, ma'am.

10 Q. And what is State's 48?

11 A. It is the SLED lineup I showed Mr. Randy White.

12 Q. And is State's 48 a fair and accurate reflection of
13 the photo lineup -- I'm sorry. What date is on that
14 photo lineup?

15 A. 5/22/2016.

16 Q. And is there any other markings on that photo
17 lineup?

18 A. No.

19 Q. Are there any initials on that photo lineup?

20 A. Yes, ma'am.

21 Q. Okay. Whose initials are on there?

22 A. R.W.

23 Q. Okay. And what does that stand for?

24 A. Randy White.

25 Q. Okay. Is that how he indicated his selection?

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INV. M. THOMAS - DX - LEGETTE

1 A. Yes, ma'am.

2 Q. Okay. And is State's 48 a fair and accurate
3 reflection of the photo lineup that you presented to
4 Randy White on or about May 22, 2016?

5 A. Yes, ma'am.

6 Q. Has it been changed or altered in any way?

7 A. No, it has not.

8 SOLICITOR LEGETTE: I would offer State's 48 for
9 admission into evidence at this time, your Honor.

10 THE COURT: Subject to Defense's prior objection,
11 it's in evidence.

12 SOLICITOR LEGETTE: Thank you, your Honor.

13 ITEM IDENTIFIED AS PHOTO LINEUP

14 MARKED STATE'S EXHIBIT NUMBER 48

15 ADMITTED AS EVIDENCE.

16 BY SOLICITOR LEGETTE:

17 Q. Now, who is depicted in State's 48?

18 A. Mr. Gregory Sanders.

19 Q. Now, Sergeant -- I'm sorry, Investigator --
20 Investigator Thomas, once you met with the witnesses in
21 this case, at some point, did you get any DNA from
22 anyone?

23 A. Yes. I collected DNA from Mr. Sanders.

24 Q. Mr. Sanders. Okay. And how is that DNA sample --
25 how did you accomplish the DNA sample?

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INV. M. THOMAS - DX - LEGETTE

1 A. A buccal swab.

2 Q. And what does that actually mean?

3 A. It's a long Q-tip that we take orally. We swab
4 between the individual's jaw and gums.

5 Q. And once you took Mr. Sanders' buccal swab, what
6 did you do with it?

7 A. I placed them in the SLED-issued packaging,
8 documented the chain of custody, and I transported it to
9 the police department, where it was placed into our
10 evidence locker.

11 Q. And at some point, did you actually transport it to
12 SLED?

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

14 Q. All right. And you transported it yourself?

15 A. Yes.

16 Q. Okay. Do you recall what day that was?

17 A. Not offhand.

18 Q. Okay. And when you got to SLED, what was the
19 condition of the packaging, or the buccal swab, when you
20 took it to SLED?

21 A. Sealed up.

22 Q. Had it been tampered with in any way?

23 A. No.

24 Q. Did it remain in your complete custody and control
25 while you had it, transporting it to SLED?

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INV. M. THOMAS - DX - LEGETTE

1 A. Absolutely.

2 Q. Investigator Thomas, I hand you now what's been
3 previously marked for identification as State's 51.
4 Please take a moment and tell me if you recognize
5 State's 51.

6 SOLICITOR LEGETTE: May I approach?

7 THE COURT: You may.

8 BY SOLICITOR LEGETTE:

9 A. Yes, I do.

10 Q. And what is State's 51?

11 A. It is the packaging containing the buccal swab that
12 I took.

13 Q. And is State's 51 in substantially the same
14 condition today as when you delivered it to SLED?

15 A. Yes, ma'am.

16 Q. On that packaging, can you tell me when it was
17 delivered to SLED.

18 A. 2/24/17.

19 Q. And is State's Exhibit Number 51 in substantially
20 the same condition today as when you delivered it to
21 SLED on 2/24/17?

22 A. Yes, ma'am.

23 Q. Has it been changed or altered in any appreciable
24 way?

25 A. No.

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INV. M. THOMAS - DX - LEGETTE

1 SOLICITOR LEGETTE: At this time, your Honor, I
2 would offer State's 51 for admission into evidence.

3 THE COURT: Any --

4 MR. PLEXICO: No objection, your Honor.

5 THE COURT: Without objection, it's in evidence.

6 SOLICITOR LEGETTE: Thank you, your Honor.

7 ITEM IDENTIFIED AS BUCCAL SWAP
8 OF GREGORY SANDERS
9 MARKED STATE'S EXHIBIT NUMBER 51
10 ADMITTED AS EVIDENCE.

11 BY SOLICITOR LEGETTE:

12 Q. Can you tell us who you turned it over to at SLED.

13 A. The packaging does not --

14 Q. Okay.

15 A. -- designate the individual.

16 Q. That's fine. But you had to turn it over to SLED,
17 the actual headquarters?

18 A. Yes, ma'am.

19 SOLICITOR LEGETTE: Begging the Court's indulgence.

20 Investigator Thomas, I have no further questions.
21 Please answer any questions from Mr. Plexico. Let me
22 get this from you. Thank you.

23 MR. PLEXICO: I actually don't have anything.

24 THE COURT: Oh, very good. You may be excused,
25 sir. Thank you.

5-8-18 STATE V SANDERS

PAUL GREER - DX - PAUL GREEN

1 came from Columbia?

2 SOLICITOR LEGETTE: He's a Columbia witness.

3 THE COURT: You can go ahead and put him up. Thank
4 you.

5 SOLICITOR LEGETTE: Yes, ma'am. Paul Greer.

6 THE COURT: Do you want to come talk with me about
7 scheduling a little bit later?

8 SOLICITOR LEGETTE: Yes, your Honor.

9 THE COURT: You can come, too, Mr. Plexico.

10 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

11 HEARING OF JURORS. PRESENT: THE COURT,

12 MS. LEGETTE, MR. PLEXICO.

13 END BENCH CONFERENCE.

14 MADAM CLERK: Left hand on the *Bible*, and raise your
15 right hand. Do you swear or affirm to tell the truth,
16 the whole truth, and nothing but the truth, so help you
17 God?

18 PAUL GREER: I do.

19 MADAM CLERK: Have a seat.

20 PAUL GREER

21 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

22 Q. Good afternoon.

23 A. Good afternoon.

24 Q. Sir, where do you work?

25 A. I work in the Firearms Department, Forensics

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PAUL GREER - DX - PAUL GREEN

1 Services Laboratory at SLED.

2 Q. And what do you do at SLED?

3 A. I'm a firearms examiner in the Forensic Services
4 Laboratory.

5 Q. Okay. And tell us about your educational
6 background and training as it applies to working in the
7 Firearms Department at SLED.

8 A. I received a bachelor's of science in biological
9 sciences from the University of South Carolina

10 A. Upon starting at SLED, I also completed the Class
11 III Law Enforcement Certification that's hosted by the
12 South Carolina Criminal Justice Academy. I've also
13 completed the SLED in-house course of instruction for
14 firearms identification. This is an extensive three-
15 year program, or apprenticeship-style program, where I
16 trained under the supervision of other court-qualified
17 examiners. During this time I completed many multiple
18 written and practical examinations, as well as many
19 microscopic examinations; assist the examiners prep
20 cases; toured things such as manufacturing facilities.

21 At the conclusion of my training, I successfully
22 completed a comprehensive multi-part exam that included
23 case work. I was then deemed competent to complete case
24 work. I've also attended conferences such as the AFTE
25 conference, which is the Association of Firearm Toolmark

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PAUL GREER - VOIR DIRE - PLEXICO

1 Examiners. I've completed courses such as the Glock
2 Amorer Certification Course, and the Highpoint
3 Familiarization Course.

4 Q. So, in your career, how many, I guess, trainings
5 would you say that you have completed?

6 A. Multiple. It's a three-year program where I take
7 tests, essay, terms test, and many practical
8 examinations throughout those three years.

9 Q. And have you ever been qualified to testify as an
10 expert in the area of firearms identification and/or
11 toolmarks?

12 A. No, ma'am, I have not, not in firearms
13 identification.

14 SOLICITOR LEGETTE: At this time, your Honor, I
15 would offer Mr. Greer as an expert in the area of
16 firearms identification.

17 THE COURT: Mr. Plexico, any voir dire?

18 MR. PLEXICO: Yes, briefly, your Honor.

19 PAUL GREER, VOIR DIRE

20 BY MR. PLEXICO:

21 Q. All right. On your -- I'm looking at your resume.

22 A. My statement of qualifications, or?

23 Q. Yes.

24 A. Yes, sir.

25 Q. Okay. All right. It says that you're -- it says

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1 Firearms and Toolmark Identification Course Instruction,
2 March 14, 2014 through the present?

3 A. Yes, sir.

4 Q. But you -- so you have not passed it?

5 A. I am still in training for toolmarking
6 identification. I successfully completed the firearms
7 identification portion of the training.

8 Q. Okay. All right. And to compare the toolmarks
9 that are on cartridges requires toolmark competence. Is
10 that correct? And certification?

11 A. Yes, sir. The toolmark course of instruction there
12 is just specifically referring more to the tools such as
13 a screwdriver or a crowbar, in that aspect.

14 Q. A firearm is a tool that strikes a cartridge that
15 ejects ammunition.

16 A. Yes, sir. The firearm will access the tool to mark
17 the ammunition.

18 Q. Do you not identify similarity in cartridges
19 through toolmarks?

20 A. Yes, sir, in the aspect. As the firearm working as
21 the tool, I do.

22 Q. And that is of critical importance in saying that
23 two different cartridges were fired from the same
24 firearm, correct?

25 A. I have successfully completed all of the practicals

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1 and examinations working with the firearm as the tool
2 for identification process.

3 Q. For firearm identification?

4 A. For firearms identification, yes, sir.

5 Q. Not for toolmarks, correct?

6 A. Not of the tool being something like a hammer that
7 we would associate as being a tool, or a crowbar to
8 break into a safe. I have not completed that portion of
9 the training.

10 Q. Okay. All right. So you -- you have not completed
11 your SLED training in -- all right. I'm talking about
12 items striking items. So the knowledge that you could
13 have about all items, you don't have because you're not
14 qualified yet, correct?

15 A. I have completed my training regarding the tool
16 being the firearm striking the cartridge case to -- to
17 make those marks. I have successfully completed that
18 portion of my training, yes.

19 Q. Okay. All right. And who certified you as
20 completing that -- do you have a certifi -- that
21 certification with you?

22 A. I was trained by court-qualified examiners within
23 our department.

24 Q. But you say that you're still receiving the
25 instruction, correct?

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PAUL GREER - VOIR DIRE - PLEXICO

1 A. Just for the toolmark portion.

2 Q. So you have Triple A driver improvement program on
3 your -- on your list of qualifications?

4 A. Yes, sir. That is a course that SLED requires all
5 of the employees and agents to complete as a part of
6 their employment process to work with SLED.

7 Q. So you have a tour of the South Carolina Military
8 Museum Firearms Collection in 2017 on your resume?

9 A. Yes, sir.

10 Q. You have another AAA driving training four-hour
11 class on your resume as a firearms expert?

12 A. Again, that's a requirement by SLED.

13 Q. You were trained how to give courtroom testimony in
14 2017? Is that on your resume? Courtroom testimony by
15 Marc Trahan at CSI Academy of Florida?

16 A. Yes, sir. That's a course I attended.

17 Q. You have Mental Illness and Officers Response in
18 2017?

19 A. Yes, sir. Another requirement by the South
20 Carolina Law Enforcement Division and the Criminal
21 Justice Academy.

22 MR. PLEXICO: I don't have anything further, Judge.

23 SOLICITOR LEGETTE: Your Honor, we're only offering
24 him as an expert in the area of firearms identification,
25 not toolmarks.

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PAUL GREER - VOIR DIRE - PLEXICO

1 THE COURT: Okay. And just so I'm clear, have you
2 ever been qualified in state or federal court before
3 today in firearms identification?

4 PAUL GREER: No, your Honor, I have not.

5 THE COURT: Okay. And how many times have you --
6 have you ever not been found qualified?

7 PAUL GREER: No, ma'am. This is my first time in
8 court.

9 THE COURT: This is your first time in court.
10 Okay.

11 PAUL GREER: Yes, ma'am.

12 THE COURT: All right. Well, Special Agent Greer,
13 I'm going to go ahead and qualify you as a expert in
14 this case in the area of firearms identification. That
15 allows you to give your opinion and the reasons for your
16 opinion, and as compared to other evidence, for the jury
17 to use, ladies and gentlemen. You can accept it or
18 reject it, again, like any other expert witness in this
19 case. Okay? Thank you.

20 SOLICITOR LEGETTE: Thank you, your Honor.

21 BY SOLICITOR LEGETTE:

22 Q. Briefly, Agent Greer.

23 A. Yes, ma'am.

24 Q. What is firearms identification?

25 A. Firearms identification is a discipline in forensic

1 science where our main objective is to try to examine
2 the fire ammunition components, whether that be the
3 cartridge case or a bullet, in order to link it back to
4 a specific firearm in which it may have been fired.

5 Q. And what makes the identifications possible?

6 A. The cartridge case or bullet, those firing
7 ammunition components are marked as they are being fired
8 in the gun, where they're traveling down the barrel of
9 that gun, or down the breach face. And we're looking at
10 those tiny little scratches that are left as they are --
11 are fired through that firearm.

12 Q. And did you receive any evidence in the case that's
13 before the Court today?

14 A. Yes, ma'am, I have.

15 Q. What items of evidence did you receive?

16 A. I received two fired .9 millimeter Luger-caliber
17 cartridge cases, one pistol with a magazine and unfired
18 cartridges, and one fired bullet.

19 Q. And from whom did you receive the evidence, and
20 what was its condition when you received it?

21 A. I received the evidence from Chad Smith, and they
22 were all in sealed containers.

23 Q. I hand you now what's been previously marked for
24 identification and entered into evidence as State's
25 Exhibit Number 23 and Number 44. Take a moment and tell

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PAUL GREER - VOIR DIRE - PLEXICO

1 me if you recognize these.

2 A. Okay.

3 SOLICITOR LEGETTE: May I approach, your Honor?

4 THE COURT: You may.

5 BY SOLICITOR LEGETTE:

6 A. I recognize these.

7 Q. And what are State's 44 and 23?

8 A. 44 is a pistol, and that is a Taurus -- Taurus PT
9 111 Millennium Probe pistol, with a magazine and unfired
10 cartridges. And I was -- State's Exhibit 23 is the two
11 fired .9 millimeter Luger-caliber cartridge cases.

12 Q. I hand you now what's been previously marked as
13 State's Exhibit Number 66, for purposes of
14 identification. Take a moment and tell me if you
15 recognize State's 66.

16 SOLICITOR LEGETTE: May I approach?

17 THE COURT: You may.

18 BY SOLICITOR LEGETTE:

19 A. I recognize this.

20 Q. And what is State's 66?

21 A. That's one fired bullet.

22 Q. And did you receive that item?

23 A. Yes, ma'am.

24 Q. Okay. Now, have any of those items been changed or
25 altered in any way?

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1 A. No, ma'am. They are still in the sealed containers
2 in which I returned them.

3 Q. Now, please tell us in detail what examinations you
4 made of State's Number 44 and 23 and 66.

5 A. Yes, ma'am. Upon receiving the evidence, I would
6 have documented what I received through photography. I
7 would have opened all the containers, making sure to
8 document all of the containers and packaging on
9 departmental worksheets. I would also have taken any
10 notes of the evidence, trying to pay attention to any
11 trace material that may be there, or anything that may
12 be of interest. After documenting the evidence, I would
13 have checked the firearm to make sure that it was safe
14 to test-fire. I'm looking for any kind of safety issues
15 that may be there, and just making sure it was just safe
16 for me to shoot test-firing it.

17 I test-fired the firearm in our bullet recovery
18 tank. That is a two-story vertical tank that we have in
19 our laboratory that is filled with water. I test-fired
20 into the tank and retrieved my bullets and my cartridge
21 cases. I then looked at those test specimens on a
22 comparison microscope. The comparison microscope is
23 just basically two microscopes that are joined together
24 through an ocular bridge. So it allows me to look at
25 two separate items at one time, so I can manipulate

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PAUL GREER - VOIR DIRE - PLEXICO

1 those on those stages and look at all the
2 characteristics of those two items that I -- I'm trying
3 to see.

4 After that, I would compare those test specimens to
5 the two cartridge cases that I have in the case, as well
6 as the bullet, to look for any similarities. Then I
7 would note my conclusions on those departmental
8 worksheets. An examiner would come in behind me after
9 I've come to those conclusions and microed those
10 results, and the report would have been sent through the
11 technical and administrative reviews at that point.

12 Q. And what were your conclusions with regard to
13 State's 44, 23, and 66?

14 A. My conclusions were, State's 23, the two fired
15 cartridge cases, were fired by the State's Exhibits 44
16 pistol; and the State's Exhibit 66 bullet was fired by
17 the State's Exhibit 44 pistol.

18 Q. So the shell casings were fired by the gun that you
19 have?

20 A. Yes, ma'am, that's correct.

21 Q. And the bullet from the autopsy was fired by the
22 gun that you have?

23 A. Yes, ma'am.

24 SOLICITOR LEGETTE: I have no further questions.

25 Thank you. Answer any questions Mr. Plexico has.

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PAUL GREER - CX - PLEXICO

1 PAUL GREER

2 CROSS-EXAMINATION BY MR. PLEXICO:

3 Q. Do you have your worksheets with you?

4 A. I do have a copy.

5 Q. Could I see your worksheets.

6 MR. PLEXICO: May I approach the witness?

7 THE COURT: You may.

8 BY MR. PLEXICO:

9 Q. What was the black piece of rubber you found inside
10 of Item 2?

11 A. That was just a piece of black rubber material that
12 was inside the cartridge case. It did not seem,
13 necessarily, to me -- or it was not vital to my
14 examination; and an investigator was contacted, and I
15 was informed that it should not be collected.

16 Q. You did not collect the rubber out of the
17 cartridge?

18 A. No, sir, I did not. I was informed by the
19 submitting agency that it did not need to be collected.

20 Q. Were there any marks on Item 2 that could explain
21 how a piece of rubber -- is rubber common in a bullet?

22 A. Not to find it in the cartridge case, but I don't
23 know what happened at the scene that the rubber could
24 have gotten there.

25 Q. Was the cartridge run over at any time?

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PAUL GREER - CX - PLEXICO

1 A. The cartridge was -- may I refer to my notes?

2 Q. Sure. Just a moment. There you go.

3 A. Item 2 was damaged. I don't know if it was run
4 over or not, but it was damaged as I received it.

5 Q. Did you see where it's much shorter than the other
6 one? It looks like it's something unusual that happened
7 to it? I don't know if you have it. Is it there beside
8 you?

9 A. Yes, sir.

10 MR. PLEXICO: May I approach and get that, Judge?

11 THE COURT: You can hand it to him, please.

12 MR. PLEXICO: Thank you.

13 BY MR. PLEXICO:

14 Q. That does appear to be misshapen and a piece
15 missing, correct?

16 A. Yes, sir.

17 Q. All right. And you didn't note that -- did you
18 note that in the little report that you sent out?

19 A. The damage was not noted, but it was noted on my
20 worksheet that there was some tearing of the casing out
21 to the cartridge.

22 Q. Did you, on these two pages that you sent out, did
23 you notice there was some kind of -- did you note there
24 was rubber in it, and inform the Solicitor's Office of
25 that?

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PAUL GREER - CX - PLEXICO

1 A. No, sir. I had contacted the submitting agency to
2 see if that should be collected, as it was not vital to
3 my examination in the firearms department.

4 Q. Okay. And I noticed in your notes that you said
5 that the actual bullet that you examined was misshapen.
6 Is that correct?

7 A. Yes, sir.

8 Q. Is the bullet actually fired into the two-story
9 tank mis-shapen when you get it out?

10 A. It depends.

11 Q. It's fired into water.

12 A. It's fired into water. That bullet could hit the
13 bottom of the tank. It could hit something at the
14 bottom, and -- and could be mis-shapen.

15 Q. Did you note that in your notes this time?

16 A. In my test specimens?

17 Q. Yes.

18 A. That is not documented.

19 Q. Okay. And these are made out of lead, correct?

20 A. I'm sorry, sir?

21 Q. These are made out of lead? Lead? Bullets made
22 out of lead?

23 A. Yes. Yes, sir, that could be part of the
24 construction.

25 Q. So, if they hit a bone or something, they're

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PAUL GREER - CX - PLEXICO

1 easily, grossly mis-shapen? Is that correct?

2 A. It depends. It just depends on how that bullet
3 travels through the body. These -- the bullet that I
4 received actually had a copper jacket, so it was not
5 just a lead bullet.

6 Q. Okay.

7 COURT REPORTER: It's not just a what bullet?
8 Lead?

9 A. A lead bullet. Yes, ma'am.

10 Q. All right. All right. So how many -- how many did
11 you -- do you have a -- you said you had a -- you looked
12 at it as -- at the -- at the double microscope where it
13 made it one picture?

14 A. Yes, sir. We're able to look at two different
15 items at one time on the comparison microscope.

16 Q. Did you click a picture of that?

17 A. I do document what I see through the microscope
18 sometimes through photography.

19 Q. Okay. Did you in this case?

20 A. I did.

21 Q. You did not?

22 A. I did document that.

23 Q. Okay. Do you have that?

24 A. I have just the thumbnails as part of my case file.

25 Q. Thumbnails?

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PAUL GREER - CX - PLEXICO

1 A. The smaller pictures, yes, sir.

2 Q. Could I see them?

3 MR. PLEXICO: May I approach?

4 THE COURT: You may.

5 BY MR. PLEXICO:

6 Q. These?

7 A. Yes, sir.

8 Q. Don't these look, actually, quite different?

9 A. Those are different areas on those cartridge cases.

10 Q. And don't these look quite different?

11 A. Yes.. Those are different areas on the cartridge
12 cases that I'm photographing.

13 Q. Okay.

14 A. As well as different items.

15 Q. Isn't it true they don't have any on here that look
16 the same?

17 A. Those are photographs of different areas that I was
18 comparing, that I was able to make the identification
19 on.

20 Q. Thank you. You don't have any there that look the
21 same. Is that correct? That was the question.

22 A. I have documented what I saw on the cartridge
23 cases, and those areas are different on each cartridge
24 case. The areas that I did find agreement are
25 documented.

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PAUL GREER - CX - PLEXICO

1 Q. So the pictures comparing the two are pointless,
2 because they don't match. Is that correct?

3 A. No, sir.

4 Q. You just -- you just said they didn't match. I've
5 asked you about the pictures of the two cartridges of
6 the cases side-by-side now, and you said they didn't
7 match.

8 A. Those are different areas that I documented.

9 Q. So you didn't document the stuff that was
10 important. Is that correct?

11 A. No, sir.

12 Q. That's wrong? That's correct, isn't it?

13 A. The areas that I documented on the cartridge cases,
14 I took those images of. When I took those pictures, I
15 would look for that same area on the other item. I also
16 would find other areas of similarities, so that's why
17 the pictures may appear different.

18 Q. So it's whole -- wholly on your opinion, correct?

19 A. It's my opinion.

20 Q. Your professional opinion, correct?

21 A. Yes, sir.

22 MR. PLEXICO: I don't have anything further.

23 SOLICITOR LEGETTE: Briefly, your Honor.

24 THE COURT: Yes.

25 PAUL GREER

5-8-18 STATE V SANDERS

PAUL GREER - RDX - LEGETTE

1 RE-DIRECT EXAMINATION BY SOLICITOR LEGETTE:

2 Q. Agent Greer?

3 A. Yes, ma'am.

4 Q. Does SLED have a peer review process?

5 A. Yes, ma'am. We have a one hundred percent micro
6 verification review process.

7 MR. PLEXICO: Your Honor, I object to any hearsay
8 about any -- any peer review. That would be what
9 somebody else says.

10 THE COURT: Overruled. You can ask it.

11 BY SOLICITOR LEGETTE:

12 Q. Do you have a peer review process, Agent Greer?

13 A. Yes, ma'am. We have a 100 percent micro-
14 verification process in which another examiner will
15 reach the conclusion and agree with my results, as well
16 as that process which carries on into the technical and
17 administrative review of the case.

18 Q. And is your peer review done by an agent who is
19 more seasoned?

20 A. Yes, ma'am. It's a court-qualified examiner.

21 Q. Who's already been qualified in court.

22 A. That has been qualified in court, and signed off
23 for firearm and toolmark examination.

24 Q. And before your report can be issued, must they
25 agree with your opinions?

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PAUL GREER - RCX - PLEXICO

1 A. Yes, ma'am, they must.

2 Q. If they don't agree, what happens?

3 A. If they don't agree with my opinions, then the
4 micro review process will be taken to the supervisor to
5 see what may be the disagreement, and it will be
6 situated and handled from there.

7 Q. And was there agreement in this particular case?

8 A. There was agreement.

9 Q. And you issued a report?

10 A. Yes, ma'am, I issued the report.

11 Q. Your findings were that the gun fired the bullet
12 and the shell casings?

13 A. That is correct.

14 SOLICITOR LEGETTE: Thank you. Nothing further.

15 THE COURT: Go ahead.

16 PAUL GREER

17 RE-CROSS-EXAMINATION BY MR. PLEXICO:

18 Q. And the vast majority of the time, you all -- you
19 all agree with each other, right?

20 A. No, sir, that's -- it -- it depends.

21 Q. Okay. All right. When you have your review
22 process, do you mean thirty percent of the time, your --
23 another person says that -- that you're incorrect, or
24 seventy percent of the time you're incorrect; or do you
25 -- do they usually say that you're correct?

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PAUL GREER - RCX - PLEXICO

1 A. They form their own opinions without -- without
2 reading my results, and they arrive at those conclusions
3 on their own.

4 Q. Do they -- in other words, they agree -- are you in
5 a -- are you all in agreement the vast majority of the
6 time?

7 A. If there's a --

8 Q. Conclusions in agreement the vast majority of the
9 time, so.

10 A. In this case, my reviewer did agree with my
11 conclusions. If there was a disagreement, it would have
12 gone to the supervisor to see what the issue may be with
13 the results and why there is a disagreement.

14 Q. Okay. All right. Now, would you answer my
15 question?

16 THE COURT: Okay. There is not a question in that.

17 MR. PLEXICO: Okay.

18 THE COURT: He did answer your question, Mr.
19 Plexico, if there is a question.

20 BY MR. PLEXICO:

21 Q. The vast majority of the time, are your conclusions
22 in agreement?

23 A. In my experience, I -- there has been agreement.

24 Q. But your experience is extremely limited, correct?

25 A. I have been employed and been trained for three

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BY THE COURT

1 years, and it was signed off recently. So I have looked
2 at many microscopic comparisons and examinations during
3 that time.

4 MR. PLEXICO: I don't have anything further.

5 BY THE COURT:

6 THE COURT: Anything further?

7 SOLICITOR LEGETTE: No, your Honor..

8 THE COURT: All right. All right. We're going to
9 break. If you don't mind, stay right where you are, and
10 let the jury go for the day.

11 A. Yes, ma'am.

12 THE COURT: Ladies and gentlemen of the jury, we
13 are going to finish up tomorrow. I'd like to start
14 again at 9:30. Is everybody okay with that? We are
15 going to bring in lunch. We anticipate wrapping up this
16 case. We're going hear the closing arguments from the
17 lawyers. I'm going to charge you on the law.

18 Most importantly, do not discuss this case with
19 anyone. Do not do any independent research on anything
20 you heard here. Go home, get a good night's sleep,
21 ladies and gentlemen. 9:30.

22 And whoever had car trouble today, if you're
23 working on the same car and you have issues, talk to the
24 bailiffs. I'll make sure you get picked up and taken
25 care of. Okay?

5-9-18 STATE V SANDERSAGENT ILA SIMMONS - DX - LEGETTE

1 SOLICITOR LEGETTE: Thank you, your Honor. The
2 State calls Ms. Ila Simmons.

3 THE COURT: Come on forward, Special Agent Simmons.

4 MADAM CLERK: Good morning. Left hand on the
5 Bible, raise your right hand. Do you swear or affirm to
6 tell the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 AGENT ILA SIMMONS: I do.

9 MADAM CLERK: Thank you. You may be seated.

10 AGENT ILA SIMMONS

11 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

12 Q. Good morning, ma'am.

13 A. Good morning.

14 Q. Could you please state your first name and last
15 name, and spell your first name, please.

16 A. My name is Ila Simmons, and my first name is
17 spelled I/l/a.

18 Q. Thank you. Now, Ms. Simmons, or Agent Simmons,
19 where do you work?

20 A. At the South Carolina Law Enforcement Division,
21 also known as SLED, in the Forensic Services Trace
22 Evidence Department.

23 Q. Okay. How long have you worked for SLED?

24 A. Fifteen years.

25 Q. And you said earlier you worked in the Trace

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AGENT ILA SIMMONS - DX - LEGETTE

1 Evidence Department. Can you tell us about the Trace
2 Evidence Department, what you do in the Trace Evidence
3 Department.

4 A. Trace Evidence encompasses several areas of
5 forensics. We analyze gunshot residue, gunpowder
6 residues, as well as comparing fibers, paints, glass,
7 and also analyzing post-blast explosives and arson.

8 Q. Now, please tell us about your educational
9 background and training as it relates to working in the
10 Trace Evidence Department at SLED.

11 A. I have a bachelor's of science degree in chemistry.
12 After completing that, I came to work at SLED, where I
13 went through a three-year intensive training program,
14 where I had to take written and practical examinations,
15 and pass them all with 100 percent efficiency, and then
16 I was deemed competent to analyze trace evidence cases.

17 Q. And after being deemed competent to analyze trace
18 evidence cases, have you ever been called by a court to
19 testify in the area of trace evidence?

20 A. Yes, ma'am, I have.

21 Q. And specifically, how many times?

22 A. Probably over 300 times.

23 Q. Have you ever been qualified to testify as an
24 expert in the area of gunpowder analysis?

25 A. Yes, ma'am.

5-9-18 STATE V SANDERS AGENT ILA SIMMONS - VOIR DIRE - PLEXICO

1 Q. How many times?

2 A. A hundred times, maybe.

3 Q. And what about the area of muzzle-to-distance --
4 I'm sorry -- muzzle-to-target distance? Have you ever
5 been qualified as an expert in that discipline?

6 A.. Yes, ma'am. Probably around the same time, a
7 hundred times.

8 Q. Okay. So you've been qualified as an expert
9 hundreds of times?

10 A. Yes, ma'am.

11 SOLICITOR LEGETTE: At this time, your Honor, I
12 would offer Ms. Ila Simmons as an expert in the area of
13 trace evidence, along with muzzle-to-target distance and
14 gunpowder analysis.

15 MR. PLEXICO: May I, briefly?

16 THE COURT: Of course.

17 ILA SIMMONS, VOIR DIRE

18 BY MR. PLEXICO:

19 Q. I see your resume says that you are -- you're --
20 2000 to 2013, you're listed as a forensic scientist at
21 SLED. Is that correct?

22 A. Yes, sir.

23 Q. And then, in 2016 to present, you're listed as a
24 Forensic Tech 3.

25 A. Yes, sir, I am a forensic technician, yes, sir.

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1 Q. Okay. Was that a promotion?

2 A. No, sir. I went away because I had some medical
3 treatment that I had. I had cancer. And when I came
4 back, I just took a temporary position as a technician,
5 rather than coming back full-time, because of my medical
6 condition.

7 Q. Okay. I don't see any muzzle-to-target distance
8 specific training in the list of training courses that
9 you have.

10 A. It's also called gunpowder analysis.

11 Q. Would that be the GSR Analysis Symposium in 2007?

12 A. Yes, sir. In fact, that was where we all went,
13 where the FBI invited people from around the world to
14 come and set the standards, the ASTM standards. I was
15 on that symposium for analyzing gunshot residue. I
16 would actually help develop the standards that are now
17 practiced in gunshot residue analysis.

18 Q. I don't see anything in the eleven-years since that
19 you had specific training in that field.

20 A. I have just been continuing on. I have to take the
21 proficiency tests every year, and that makes us
22 proficient and competent in gunshot residue.

23 Q. So you're teaching yourself?

24 A. No. I've already completed the training that's
25 required of it. I did that in my first three years at

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AGENT ILA SIMMONS - DX - LEGETTE

1 SLED.

2 Q. Are they testing you to see if you're maintaining
3 enough?

4 A. Yes, sir. They're testing us to ensure that we are
5 still proficient in the area of gunshot residue.

6 MR. PLEXICO: I do have an objection, your Honor.
7 I just don't think she's had training for the last
8 eleven years.

9 THE COURT: Okay. All right. Well, respectfully,
10 ladies and gentlemen, in this case Special Agent Simmons
11 is being qualified in -- as an expert witness in the
12 area of trace evidence and gunshot residue analysis.
13 That allows her to give her opinion and the reasons for
14 her opinion. Again, that's for you to use as you see
15 appropriate, and as compared to other evidence in the
16 case. Solicitor.

17 SOLICITOR LEGETTE: Thank you, your Honor.

18 CONTINUE DIRECT EXAMINATION

19 BY SOLICITOR LEGETTE:

20 Q. Now, Ms. Simmons, what is gunshot residue?

21 A. Gunshot residue is a mixture of chemicals that come
22 out of a gun when it's fired, and it can get on anything
23 in close proximity to the gun, including the skin of the
24 victim, or the hands of someone shooting the gun, or the
25 clothing of someone who is shooting a gun or sustains a

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AGENT ILA SIMMONS - DX - LEGETTE

1 gunshot wound.

2 Q. Now, how is gunshot residue collected?

3 A. It is collected on a piece of stick tape that has a
4 handle attached, and the sticky tape is dabbed over the
5 hands of the person or on the clothing of the person
6 that they suspect may have been in the presence of a gun
7 that was fired.

8 Q. What is the consistency of gunshot residue?

9 A. It has the consistency of flour.

10 Q. So like flour, can be easily removed. How easy is
11 it to remove gunshot residue?

12 A. It's very easy to remove gunshot residue. If you
13 wipe your hands, if you wash your hands, if someone were
14 to take a shower or begin sweating profusely, those
15 kinds of things can all remove gunshot residue.

16 Q. So now, given how easy it is to remove gunshot
17 residue, how long will gunshot residue remain on a
18 person who is alive, on their hands?

19 A. At the most, six hours.

20 Q. And what about a deceased person?

21 A. It will remain indefinitely on someone who's
22 deceased, because they're no longer making contact with
23 objects and no longer moving about, and their skin stops
24 absorbing materials, as well as they stop sweating.

25 Q. So how long will gunshot residue remain on an

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AGENT ILA SIMMONS - DX - LEGETTE

1 inanimate object, like a car?

2 A. Indefinitely, until it's acted upon by outside
3 source. If the car's driven around, it can blow away,
4 or if the car's washed, it would be washed away.

5 Q. What about clothing?

6 A. The same. Same situation.

7 Q. So now, would your agency -- does your agency have
8 policy about the time length for which they will analyze
9 gunshot residue kits?

10 A. Yes, ma'am.

11 Q. And what is that policy?

12 A. On a living individual, we will not analyze gunshot
13 residue kits that are collected beyond six hours after a
14 shooting.

15 Q. So, if a person is not apprehended for a shooting
16 until nine hours after the shooting occurred, what would
17 your agency do with that GSR kit?

18 A. We wouldn't analyze that kit.

19 Q. So, in other words, no reason to actually submit
20 it?

21 A. That's right.

22 Q. Are the agencies around the state advised of your
23 policy regarding gunshot residue kit?

24 A. Yes.

25 Q. I'm sorry. Gunshot residue kits?

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AGENT ILA SIMMONS - DX - LEGETTE

1 A. Yes, ma'am.

2 Q. Now, Ms. Simmons, did you receive evidence before
3 the Court today?

4 A. Yes, ma'am.

5 Q. What evidence did you receive?

6 A. I received several garments analyzed for the
7 presence of gunshot residue.

8 Q. Okay. In a moment, I'm going to hand you what has
9 been previously marked for identification and entered
10 into evidence as State's Number 42, State's Number 56,
11 State's Number 41, and State's Number 40. I want you to
12 take a moment and tell me if you recognize these
13 exhibits.

14 SOLICITOR LEGETTE: May I approach, your Honor?

15 THE COURT: You may.

16 BY SOLICITOR LEGETTE:

17 A. Yes, ma'am. I recognize all of these items.

18 Q. And what are State's 41, 40, 42, and 56?

19 A. I believe State's -- State -- State's Exhibit 40 is
20 a -- a pair of black Carter pants. State's Exhibit 41
21 is a blue shirt with white stripes, a polo-style shirt.
22 State's Exhibit 42 is a pair of black denim pants, like
23 jeans. And State's Exhibit 56 is a green tee-shirt.

24 Q. Okay. Thank you. And what was the condition of
25 State's 40, 41, 42, and 56 when you received them?

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1 A. They were all sealed in a container.

2 Q. Okay. Now, Agent Simmons, when you received
3 State's 40, 41, 42, and 56, did you make any analysis of
4 them? What did you do with them?

5 A. Yes, ma'am. I processed them for the presence of
6 gunshot residue.

7 Q. And I forgot to ask you, can you tell us from whom
8 you received State's 40, 41, 42, and 56?

9 A. I would have received them from our central login
10 person, probably Jackie Davis, I believe it may have
11 been, or one of the technicians that are in our login
12 department.

13 Q. And Agent Simmons, how are you able to recognize
14 State's 40, 41, 42, and 56?

15 A. They are each marked with our laboratory
16 identification number, my initials, the date that the
17 analysis was performed, and an identification number
18 that is specific to this case.

19 Q. And are State's Exhibits 40, 41, 42, and 56 in
20 substantially the same condition today as when you last
21 saw them?

22 A. Yes, ma'am.

23 Q. At this point, Agent Simmons, what did you do with
24 State's 40, 41, 42, and 56?

25 A. I processed them for the presence of gunshot

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AGENT ILA SIMMONS - DX - LEGETTE

1 residue.

2 Q. And how did you do that?

3 A. I took one of the double-sided tape that I was
4 telling you about earlier, and I dabbed it over the
5 areas of the garment.

6 Q. And after you dabbed it over the areas of the
7 garment, did you create any evidence from -- or create
8 any, I guess, kits from States 40, 41, 42, and 56?

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

10 Q. And did you come up with numbers or SLED item
11 numbers for those items?

12 A. Yes, I did.

13 Q. Now, in a moment, Agent Simmons, I will hand you
14 what has been previously marked for identification as
15 State's 57. Please take a moment and tell me if you
16 recognize State's 57.

17 SOLICITOR LEGETTE: May I approach?

18 THE COURT: You may.

19 BY SOLICITOR LEGETTE:

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

21 Q. And what is State's 57?

22 A. These are the double-sided sticky tape that I took
23 from each garment that was submitted in this case; and
24 it's also marked with my initials, a laboratory number,
25 and the item numbers, and the date of analysis.

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AGENT ILA SIMMONS - DX - LEGETTE

1 Q. Agent Simmons, is State's 57 in substantially the
2 same condition today as it when you previously saw it?

3 A. Yes, ma'am, it is.

4 Q. And how are you able to recognize it?

5 A. Because it has all of my -- it has a marking on it
6 with the laboratory number. It also has my initials,
7 the date, and it -- the item numbers of each.

8 Q. And you said it is in substantially the same
9 condition today as it is when you previously saw it,
10 correct?

11 A. Yes, ma'am.

12 Q. Has it been changed or altered in any way?

13 A. No, ma'am, not that I can see.

14 SOLICITOR LEGETTE: At this point, your Honor, I
15 would offer State's Exhibit 47 -- I'm sorry -- State's
16 Exhibit 57 for admission into evidence.

17 THE COURT: Any objection?

18 MR. PLEXICO: None, your Honor.

19 THE COURT: Without objection, it's in evidence.

20 SOLICITOR LEGETTE: Thank you.

21 ITEM IDENTIFIED AS SEVEN GSR KITS

22 MARKED STATE'S EXHIBIT NUMBER 57

23 ADMITTED AS EVIDENCE.

24 BY SOLICITOR LEGETTE:

25 Q. Agent Simmons, would you please tell us, after you

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AGENT ILA SIMMONS - DX - LEGETTE

1 took the particles from State's 40, 41, 42, and 56, and
2 created State's 57, were you able to do an analysis of
3 State's 57?

4 A. I was.

5 Q. Okay. What analysis -- what were your results?

6 A. I found one particle characteristic of gunshot
7 powder residue on each item, except for the item that
8 was the green tee-shirt that I mentioned, and then no
9 particles characteristic of gunshot residue were found.

10 Q. Now, to find a particle of GSR on an item, so
11 you're saying on State's 40, which I believe you
12 testified earlier, State's 40 is the black trousers, and
13 State's Number 41 are the black denim jeans, and State's
14 42, the blue polo shirt with light stripes. As it
15 relates to those items where you found GSR, what does
16 that mean?

17 A. It means that that item could have come in contact
18 with something that had gunshot residue on it, or could
19 have been near a gun when a gun was discharged.

20 Q. As part of this case, Agent Simmons, what else did
21 you do for your review of this case before the Court
22 today?

23 A. I have also reviewed the autopsy report, and then,
24 the autopsy photos.

25 Q. And what part of your expertise does that relate

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AGENT ILA SIMMONS - DX - LEGETTE

1 to?

2 A. To the gunpowder analysis.

3 Q. Can you tell us, from reviewing the autopsy report
4 in this case and the photo, what were you able to
5 determine from -- about the victim, if anything?

6 A. I looked at a photo of the victim's gunshot wound,
7 and around the wound are -- were small burns, and what
8 that is called is stippling. And what happens is, when
9 a gun is held close to the skin and is discharged, the
10 gunpowder comes out so fast and so hot that it actually
11 burns the skin, leaving small dots and small marks
12 called stippling.

13 Q. And as part of the stippling, what would you expect
14 to find -- if you find stippling on a victim, what would
15 that tell you about the rest of the gunpowder, if
16 anything?

17 A. That most of it would have gone into the wound, the
18 gunpowder, as well as most of the gunshot residue as
19 well, the gun primer part.

20 Q. And would that leave -- what would that mean about
21 anything else coming in contact with the actual gunshot
22 residue?

23 A. It would greatly reduce the possibility that
24 something else could have come in contact with gunshot
25 residue, because most of it would have been in the wound

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AGENT ILA SIMMONS - CX - PLEXICO

1 of the victim.

2 Q. Does it also tell you anything about distance?

3 A. It indicates that the gun was very close to the
4 skin of the victim.

5 SOLICITOR LEGETTE: Begging the Court's indulgence.

6 Thank you, Agent Simmons. I have no further
7 questions. Please answer any questions Mr. Plexico has.

8 AGENT ILA SIMMONS

9 CROSS-EXAMINATION BY MR. PLEXICO:

10 Q. Okay. All right. Now, you're not saying this was
11 a -- was a direct contact shot, correct?

12 A. No, sir.

13 Q. All right. So we're talking up to a number of feet
14 away, correct?

15 A. Probably within inches, just because the stippling
16 doesn't go much farther than inches away.

17 Q. What's -- what is -- well, it's about a four-inch
18 spread?

19 A. It's --

20 Q. Two on either side?

21 A. It's probably going to be within about two inches,
22 one to two inches, or closer to the skin, yes, sir.

23 Q. Okay. All right. So, but that could be up to a
24 foot or two feet?

25 A. No, sir. It's going to be within one or two

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AGENT ILA SIMMONS - CX - PLEXICO

1 inches, the muzzle of the gun, would have been within
2 one or two inches of the skin.

3 Q. So, in your professional opinion, if somebody said
4 they were standing three feet away, that wouldn't be
5 possible?

6 A. If the person was standing three feet away, it
7 would depend on how far they had the gun extended,
8 because my test would be from the end of the gun to the
9 skin of the victim. So, if someone's arms is this long,
10 you know, then you have to take into the account how
11 long their arm is. Their body would be three feet away,
12 but their arm could be very close. What I'm saying is
13 that the gun had to have been within about two inches of
14 the skin.

15 Q. Okay.

16 MR. PLEXICO: May I approach?

17 THE COURT: You may.

18 BY MR. PLEXICO:

19 Q. Let me give you a demonstration. If somebody's
20 standing here, okay, and the hand's out, and the victim
21 is standing here, could you expect the same results?

22 A. If some -- if --

23 Q. In your professional opinion?

24 A. If the muzzle of the gun was about right here?

25 Q. They're here.

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AGENT ILA SIMMONS - CX - PLEXICO

1 A. Um-hmm.

2 Q. Okay?

3 A. Yes, sir.

4 Q. All right.

5 A. No, sir, I would not expect the same physical
6 characteristics.

7 Q. And they were standing here?

8 A. Yes.

9 Q. That wouldn't be --

10 A. No, sir, that would not be consistent with that.

11 Q. So, but your science is not infallible, is it?

12 A. The science is infallible. Sometimes the
13 interpretations aren't.

14 Q. Okay. So you could be wrong?

15 A. From what I've seen in the experience of over a
16 hundred cases, probably 200 cases that I've analyzed,
17 it's within inches of when a gun is discharged and
18 stippling is present on the skin of the victim.

19 Q. It's clearly not in contact.

20 A. It doesn't appear to be, no, sir. Not a hard
21 contact. A hard contact one would be if the gun was
22 pressed directly into the skin as far as they could
23 press it in.

24 MR. PLEXICO: I don't have anything further, Judge.

25 THE COURT: Ms. Legette, anything further?

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ELLEN RIEMER - DX - LEGETTE

1 SOLICITOR LEGETTE: Nothing, your Honor.

2 THE COURT: Any objection to Special Agent Simmons
3 being excused?

4 SOLICITOR LEGETTE: No, your Honor. We ask that
5 she be excused.

6 THE COURT: You are excused. Thank you. Call your
7 next witness.

8 SOLICITOR LEGETTE: State calls Dr. Ellen Riemer.

9 MADAM CLERK: Left hand on the *Bible*, raise your
10 right hand. Do you solemnly swear or affirm to tell the
11 truth, the whole truth, and nothing but the truth, so
12 help you God?

13 ELLEN RIEMER, M.D.: I do.

14 MADAM CLERK: Please be seated.

15 ELLEN RIEMER, M.D.: Okay.

16 ELLEN RIEMER, M.D.

17 DIRECT EXAMINATION BY SOLICITOR LEGETTE:

18 Q. Good morning.

19 A. Good morning.

20 Q. Dr. Riemer, could you please say your first and
21 last name, and spell your last name.

22 A. Yes. My name is Dr. Ellen Riemer, R/i/e/m/e/r.

23 Q. Thank you, Dr. Riemer. Dr. Riemer, where do you
24 work?

25 A. I work at the Medical University of South Carolina,

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ELLEN RIEMER - DX - LEGETTE

1 where I'm a forensic pathologist.

2 Q. Now, what is a forensic pathologist?

3 A. A forensic pathologist is a physician, a medical
4 doctor, who specializes in determining cause and manner
5 of death by performing autopsies on deceased
6 individuals.

7 Q. And are you a licensed medical doctor in South
8 Carolina?

9 A. Yes.

10 Q. Now, how long have you been licensed in South
11 Carolina, or in general?

12 A. Yeah. Since February of 2009.

13 Q. And please tell us about your educational
14 background and experience as it relates to being a
15 forensic pathologist.

16 A. So I got my doctor of medicine, M.D. degree, in
17 1997. And then, I did a pathology, general pathology
18 residency, which is a training program, and I did that
19 at Columbia Presbyterian Medical Center in New York City
20 between 1997 and 2001. Following that, I did a sub-
21 specialty fellowship year of training in forensic
22 pathology at the Office of the Chief Medical Examiner of
23 the State of Maryland. That was in Baltimore. That was
24 from 2001 to 2002. And then, I did an additional year
25 of sub-specialty training in cardiovascular and

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1 pulmonary pathology at Johns Hopkins Hospital. And
2 then, I took a faculty position at Wake Forest School of
3 Medicine, where I was -- as a forensic pathologist. I
4 worked there for six years before moving to Charleston.

5 Q. So, Dr. Riemer, in all of your experience, how long
6 have you been a medical doctor?

7 A. It's been over twenty years.

8 Q. Okay. And I think I asked you earlier about the
9 duties of a forensic pathologist?

10 A. Yes. So the duties of a forensic pathologist are
11 to perform complete autopsies, and make sure to examine
12 a body in totality. That's any kind of injury or
13 natural disease, and any findings whatsoever. After
14 performing the autopsy, which is a specialized surgical-
15 type procedure, and then interpreting any results that
16 -- that I find, any findings, and to make a
17 determination, to the best of my ability, on the cause
18 and manner of death.

19 Q. And Dr. Riemer, what is pathology?

20 A. Yes.

21 Q. What does pathology involve?

22 A. Okay. So pathology is actually a specialty of the
23 field of medical practice. So it's -- pathology is kind
24 of a general -- it's a general -- it's a field sort of
25 like cardiology, pathology, surgery, all these different

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1 areas of medicine that's a -- that a physician can focus
2 on. No one person can do everything, so pathology is
3 focused on making diagnoses. So, you know, identifying
4 disease based on evaluation of tissue and fluids. And
5 forensic pathology is even a smaller sub-specialty of
6 pathology. So every forensic pathologist already is a
7 pathologist. And forensic pathology is -- is
8 specialized in examining injuries, not just disease. So
9 disease, plus injuries.

10 Q. Thank you. Dr. Riemer, are you a member of any
11 specialized boards?

12 A. Yeah. Well, I'm board-certified in -- by the
13 American Board of Pathology, which is the organization
14 that determines your qualifications to perform pathology
15 services at a very high level.

16 Q. And is that beyond of over basic -- a basic license
17 to practice medicine?

18 A. Yeah. So a license to practice medicine is
19 administered by the state, but board certification is
20 the pathology specialty board that has -- that, you
21 know, I have to take lots of exams to prove that I have
22 had a very high level of understanding of pathology.
23 So, you know, anytime you go to the doctor, you want to
24 find out, make sure they are board-certified in whatever
25 field that they -- they practice. Like, if you go to a

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1 dermatologist, you want to make sure that they're board-
2 certified in dermatology. So I'm board certified in
3 pathology and forensic pathology.

4 Q. Thank you. Dr. Riemer, in your career, how many
5 autopsies would you say you've performed?

6 A. Well, I haven't kept exact track. I'm over 4,000
7 by this point, so probably 4,100 or something.

8 Q. Thank you.

9 SOLICITOR LEGETTE: At this time, your Honor -- I'm
10 sorry.

11 BY SOLICITOR LEGETTE:

12 Q. And Dr. Riemer, have you ever had occasion in your
13 practice as a forensic pathologist to perform autopsies
14 on bodies where the cause of death was a gunshot wound
15 to the head?

16 A. Yes, unfortunately, many times.

17 SOLICITOR LEGETTE: At this time, your Honor, I
18 would offer Dr. Riemer as an expert in the field of
19 forensic pathology.

20 THE COURT: Okay. Any objection?

21 MR. PLEXICO: No objections, your Honor.

22 THE COURT: Ladies and gentlemen, in this case, Dr.
23 Riemer is being qualified in the area of forensic
24 pathology as an expert, and she is allowed to give her
25 opinion and the reasons for her opinion. And again,

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1 that's for you to use as you see appropriate as compared
2 to other evidence in the case.

3 SOLICITOR LEGETTE: Thank you, your Honor.

4 BY SOLICITOR LEGETTE:

5 Q. Dr. Riemer, can you please educate us. How many
6 manners of death are there?

7 A. Okay. Well, I'll tell you there's natural. Okay?
8 So, if somebody dies of cancer or a heart attack, that's
9 a natural cause of death. Okay. Then, there's
10 homicide, which is death at the hands of another person.
11 Okay. Then, there's suicide, which is death at your own
12 hands. Then, there's accident. So, if like, a brick
13 falls and it hits you in the head and you die, that
14 would be an accident. There's lots of different ways
15 you can die of an accident. There're an accidental drug
16 overdoes. An accidental drug overdose. All sorts of
17 things can, you know, sort of -- it's kind of logical.
18 An accident, motor vehicle crash. You know, some kind
19 of work injury that causes some kind of damage to your
20 body. And then that's -- so that's four.

21 And then, the final category is undetermined. So
22 there are some cases where, even after complete autopsy
23 and, you know, all sorts of investigations on what's in
24 the blood, and examining tissues under the microscope,
25 where a cause of death could not be determined, and

1 those are classified as undetermined.

2 Q. Thank you. Dr. Riemer, were you working for the
3 Medical University of South Carolina in May of 2016?

4 A. Yes.

5 Q. And during the month of May, did you perform one or
6 more autopsies?

7 A. Yes.

8 Q. And specifically, on or about May 10, did you
9 perform an autopsy on the body of Tyhira Harrington?

10 A. Yes.

11 SOLICITOR LEGETTE: Begging the Court's indulgence.

12 BY SOLICITOR LEGETTE:

13 Q. I show you now what has been previously marked as
14 State's Exhibit Number 58. Please take a moment and
15 tell me if you recognize State's 58.

16 SOLICITOR LEGETTE: May I approach, your Honor?

17 THE COURT: You may.

18 BY SOLICITOR LEGETTE:

19 A. Yes. That's a photograph that I took at the
20 autopsy of the gunshot wound to the head of Ms.
21 Harrington.

22 Q. And Dr. Riemer, is State's Number -- I think it's
23 Number 56? 58?

24 COURT REPORTER: 58.

25 Q. 58. Is State's 58 a fair and accurate reflection

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1 of the injury and person of Tyhira Harrington that you
2 took on or about May 10, 2016?

3 A. Yes.

4 SOLICITOR LEGETTE: At this point, your Honor, I
5 would offer State's 58 for admission into evidence.

6 THE COURT: Okay. Subject to prior objection, it's
7 in evidence.

8 SOLICITOR LEGETTE: Thank you, your Honor.

9 ITEM IDENTIFIED AS AUTOPSY PHOTOGRAPH

10 MARKED STATE'S EXHIBIT NUMBER 58

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR LEGETTE:

13 Q. Now, Dr. Riemer, when did you first see the person
14 of Ms. Harrington?

15 A. On the morning of -- I'm going to have to refer to
16 my notes.

17 Q. That's fine.

18 A. All right. May 10, I conducted the autopsy at
19 11:30 a.m.

20 Q. And approximately how long did the autopsy last, or
21 do they -- is there a time period for autopsy would
22 typically last, or?

23 A. Well, if there is -- depending on the complexity
24 and how many findings there are. She was a healthy
25 young woman, so there weren't a lot of, you know,

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1 findings, other than the gunshot wound to the head. But
2 during the course of autopsy, I get an Xray, so I have
3 to wait for the X-ray technician to come. I don't
4 remember exactly how long this autopsy took, but
5 probably in the range of three hours.

6 Q. And based on that particular autopsy, within the
7 bounds of reasonable medical certainty, were you able to
8 form an expert opinion as to the cause of death of Ms.
9 Harrington?

10 A. Yes.

11 Q. And what is that opinion?

12 A. Gunshot wound to head.

13 Q. And what is the manner of death?

14 A. Homicide.

15 Q. Dr. Riemer, did you also, along with taking
16 photographs and pictures, were you able to recover any
17 evidence from the body?

18 A. Yes. So an important part of an autopsy on a
19 gunshot wound victim is to make sure that I recover any
20 projectile that may remain in the body. So, in this
21 case, the entrance gunshot wound was on the left eye
22 area, the left eyebrow, eyelid. And after it went
23 through the -- kind of high left eye and through the
24 brain, and ended up in the right temporalis muscle. So
25 it didn't actually exit the head. And it was -- the

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1 right temporalis muscle is the -- when you chew, you can
2 sort of feel muscle, like on the -- on the side of the
3 head. And so, it was underneath the skin in that
4 muscle. So I recovered the bullet at the autopsy.

5 Q. And did you also recover any other items from the
6 victim's body, such as bodily fluids, or?

7 A. Yes. So on routine auto -- in routine examination,
8 any person who is shot, I recover fingernail clippings,
9 so I take fingernail clippings. I don't know if it's
10 going to be valuable or not, but it's just done
11 routinely. And also, I take blood and -- and put it on
12 a blood stock card, which is not something that I need
13 for my investigation, but it's -- it's helpful for, you
14 know, it's just done as a standard practice, really.

15 Q. Dr. Riemer, in a moment I will hand you what's been
16 previously marked for identification as State's 66,
17 along with what's been previously marked and entered
18 into evidence as State's 54 and State's 55. I want you
19 to take a moment and tell me if you recognize these
20 exhibits.

21 SOLICITOR LEGETTE: May I approach?

22 THE COURT: You may.

23 BY SOLICITOR LEGETTE:

24 A. Okay. So these are envelopes that I've labeled at
25 the autopsy. They have Tyhira Harrington's -- these are

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1 the autopsy labels. So, and have her autopsy number.
2 So everybody who comes to autopsy has a separate number,
3 so we don't -- because a lot of times people say names,
4 and we need to, you know, have some kind of, you know,
5 orderly way of identifying, you know, who the autopsy is
6 on.

7 Okay. So this is the projectile that I recovered
8 in the right temporalis muscle on the right side of the
9 head at the autopsy of Ms. Harrington, and it's labeled
10 as such. And then, this -- these two bags contained
11 fingernail clippings that I took at the autopsy. And
12 this is an envelope that contains the blood stock card
13 from the autopsy.

14 Q. And Dr. Riemer, are State's 66, 54, and 56 all in
15 fairly, substantially in the same condition today as
16 when you took them at the autopsy?

17 A. Yeah. The envelopes are exactly the same.

18 Q. And as for State's 66, has it been changed or
19 altered in any way?

20 A. Not that I can see.

21 SOLICITOR LEGETTE: At this time, your Honor, I
22 would offer State's 66 for admission into evidence.

23 THE COURT: Objections?

24 MR. PLEXICO: I have no objections, your Honor.

25 THE COURT: Without objection, it's in evidence.

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1 ITEM IDENTIFIED AS ONE SPENT BULLET
2 MARKED STATE'S EXHIBIT NUMBER 66
3 ADMITTED AS EVIDENCE.

4 BY SOLICITOR LEGETTE:

5 Q. Dr. Riemer, you also indicated that you documented
6 photographs of the victim, Ms. Tyhira Harrington, along
7 with Xrays.

8 A. Yes.

9 Q. Were you also able to do any diagrams?

10 A. Yes. So part of -- at the autopsy, it's useful for
11 me to make diagrams of the body. It's kind of a
12 standard practice of the autopsy of any body. So not
13 just taking photographs, but marking on body diagrams
14 where there may be abnormalities or, you know, trying to
15 depict. This is kind -- you know, before we had
16 photographs, or, you know, on the autopsies we've done a
17 long time ago, and everybody had to draw things. So
18 it's still helpful to have a diagram, and I make -- I
19 mark everything on the diagram.

20 Q. And Dr. Riemer, I'm going to hand you now what's
21 been previously marked for identification State's 61,
22 62, 64, 65, 70, and 71. Please take a moment and tell
23 if you recognize these exhibits.

24 SOLICITOR LEGETTE: May I approach?

25 THE COURT: You may.

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1 SOLICITOR LEGETTE: Thank you.

2 BY SOLICITOR LEGETTE:

3 A. So, after I recovered the projectile from the right
4 side of the head, I take a picture of it. So this --
5 this photograph --

6 Q. Don't hold it up yet. Let's just identify it
7 first.

8 A. Yes. It's a picture of the projectile that I
9 recovered at the autopsy.

10 Q. Okay. Yes, ma'am.

11 A. Okay. And this is a photograph -- so, in addition
12 to taking a picture of injuries and -- or bullets I
13 recover, I take overall photographs of the deceased, and
14 identification shots are just basically, you know, what
15 their body looks like before I start the autopsy. And
16 so, this photograph is Ms. Harrington's body lying on
17 the autopsy table, before any -- I've started, you know,
18 cutting anything.

19 And then, these are -- these two Xrays are done.
20 Usually, I take -- I saw, you know, there was a gunshot
21 wound to the head, so, and I didn't see an exit wound,
22 so I knew there was going to be a bullet in there. So,
23 in order to -- I locate the -- where the approximate
24 location of the bullet is. If I just did a plain front-
25 to-back Xray, you know, I can see that it would be on

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1 the right -- right side of the head, which is what this
2 is. But this isn't lateral, so we have an A.P. Xray and
3 a lateral Xray that shows me where I would be able to
4 find the bullet. And then, that's basically helpful.
5 It's basically kind of like a GPS of finding the bullet.
6 So it's not absolutely essential, but it's a helpful
7 guide to find the bullet in the body. Okay.

8 And then, these two pieces of paper are body --
9 this -- this is a body diagram that I do on every
10 autopsy that I've ever performed, where I mark things on
11 the body that I see. So I -- I included tattoos that I
12 saw, and then some scars that she had, and an
13 identification tag. I marked like, that was on the
14 right toe. So I know, you know, how -- how -- how --
15 things I saw on the body. And then, I can incorporate
16 those things into an autopsy report that I have to
17 produce.

18 And then, finally, because this was a -- I saw a
19 gunshot wound to the head, which was the most
20 significant finding in this case, there's all sorts of
21 extra diagrams at my disposal, and this is a diagram of
22 the head, where I was able to approximate the location
23 of the entrance wound and -- and put down around, you
24 know, the path that it went through.

25 Q. Thank you, Dr. Riemer. And Dr. Riemer, are State's

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1 Exhibits Number 64, 65, 70, 71 -- I may have missed one
2 -- are they all fair and accurate reflections of the
3 photographs that you took, and diagrams and Xrays that
4 you took on that morning of May 10, 2016?

5 A. Yes.

6 SOLICITOR LEGETTE: At this time, your Honor, I
7 would offer -- I'm sure I'm missing one -- State's 64,
8 65, 70, 71 -- may I approach?

9 THE COURT: You may.

10 SOLICITOR LEGETTE: Okay. So it's State's 70, 71,
11 65, 64, 62, and 61 for admission into evidence.

12 THE COURT: Any objection?

13 MR. PLEXICO: Subject to my prior.

14 THE COURT: Subject to your prior objections,
15 they're in evidence.

16 SOLICITOR LEGETTE: Thank you, your Honor.

17 ITEM IDENTIFIED AS PHOTOGRAPH

18 MARKED STATE'S EXHIBIT NUMBER 61

19 ADMITTED AS EVIDENCE.

20 ITEM IDENTIFIED AS PHOTOGRAPH

21 MARKED STATE'S EXHIBIT NUMBER 62

22 ADMITTED AS EVIDENCE.

23 ITEM IDENTIFIED AS PHOTOGRAPH

24 OF HEAD XRAY

25 MARKED STATE'S EXHIBIT NUMBER 64

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1 ADMITTED AS EVIDENCE.
2 ITEM IDENTIFIED AS PHOTOGRAPH
3 LATERAL XRAY
4 MARKED STATE'S EXHIBIT NUMBER 65
5 ADMITTED AS EVIDENCE.
6 ITEM IDENTIFIED AS AUTOPSY DIAGRAM
7 MARKED STATE'S EXHIBIT NUMBER 70
8 ADMITTED AS EVIDENCE.
9 ITEM IDENTIFIED AS AUTOPSY
10 DIAGRAM OF HEAD
11 MARKED STATE'S EXHIBIT NUMBER 71
12 ADMITTED AS EVIDENCE.
13 BY SOLICITOR LEGETTE:

14 Q. And Dr. Riemer, at this time I would like to have
15 you step down a bit, or come down.

16 SOLICITOR LEGETTE: Could I get a microphone,
17 please, Madam Clerk.

18 BY SOLICITOR LEGETTE:

19 Q. So you can look at the actual screen to our left --
20 to your left, and to go over your exhibits.

21 A. Okay. So that's the photograph that I took of the
22 entrance gunshot wound. And you can see it's on the
23 left side of the eyelid, below the left eyebrow.

24 Q. And Dr. Riemer, during your autopsy, were you able
25 to document beyond just the entrance wound on the face

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1 of Ms. Harrington? Were you able to document any other
2 injuries in this area?

3 A. Yeah, okay. So you can see, if you look closely,
4 there's -- it looks like there's a bunch of lead gaps or
5 scrapes, you know, flat-like scrapes surround -- that
6 are surrounding the actual entrance defect, and that's
7 called gunpowder stippling. So, when a bullet is fired
8 out of the barrel of a gun, there's gunpowder that's
9 ejected from the barrel of the gun, along with the
10 bullet. Now, the bullet has the potential to travel a
11 great distance, but the gunpowder can travel a short
12 distance. So, when -- and when gunpowder hits the skin,
13 it kind of causes these -- this stippling pattern. So I
14 can tell that this was not far away. It was fairly
15 close range.

16 Q. All right. And when you say fairly close range,
17 within how many -- within how many --

18 A. Yeah. Now, that's -- I can't tell exactly, because
19 every gun is a little bit different. But stippling like
20 this could be anywhere from, you know, three or four
21 inches away, to potentially a couple of feet away. But
22 you know, to -- it's somewhere in that range, but it's
23 -- we're not talking like four or five feet away.

24 Q. Thank you. And Dr. Riemer, now I want to turn your
25 attention to State's Number 61. What is State's 61?

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1 A. So that is the deformed jacketed projectile that I
2 recovered from the right temporalis muscle, which is the
3 muscle, you know, on the right side of the head.

4 Q. Now, State's Exhibit Number 62. What are we seeing
5 here?

6 A. Okay. So this is Ms. Harrington's body, you know,
7 as I'm commencing the autopsy. So I start with an
8 external exam, and take a photograph of the body before
9 I begin.

10 Q. And are you able to tell us how much she weighed?

11 A. Yes. She weighed a 106 pounds.

12 Q. Were you also able to determine how tall or how
13 long she was?

14 A. Yeah. I have it in my report.

15 Q. We'll talk about it later.

16 A. But, yeah, I don't recall.

17 Q. Okay. All right. Very good. And now, we move to
18 State's Number 64.

19 A. Okay. So this is an Xray of the head. I saw an
20 entrance gunshot wound, but I didn't have an exit wound.
21 So I would try -- and I would do the Xray anyway.
22 Sometimes a piece of bullet breaks off and is left
23 behind, even though there is an exit. But in this case,
24 this is an Xray of her head, and we can see the L. You
25 see there is an L there, so on the side of the black

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1 area. But that indicates that that's on the -- that is
2 the left side of the head, so there's the bullet on the
3 right side of the head. So that's what I can tell. And
4 I can see it's outside of the skull. And so, it's not
5 actually in the skull, but it's, you know, it's in soft
6 tissue, you know, but it's in -- on top of the -- on top
7 of the skull on the right side.

8 Q. And now, to State's Number 65.

9 A. Okay. So this is the lateral Xray. So, instead of
10 taking front to back, it's looking at -- the X-ray image
11 is from the side. And you can see it's kind of, you
12 know, right in the middle. The other -- the other image
13 showed it was on the right side, but it didn't tell me
14 where, whether it's closer to the front or the back of
15 the head. So, in this, I can see it's probably going to
16 be, you know, not far away from the middle of the right
17 side of the head.

18 Q. Dr. Riemer, you can take your seat. And we want to
19 talk about -- well, I actually want to -- one second.
20 Dr. Riemer, did the bullet actually go -- what was the
21 traveling of the bullet, or can you talk about it?

22 A. Oh, trajectory?

23 Q. Yes, ma'am.

24 A. Yes. Okay. So there's always a -- you know, we
25 talk about things going through space. It always has

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1 three dimensions. So, in this case, it was -- the
2 obvious direction is from left to right. Okay? So it
3 started at the left side, and it's always relative to
4 the person's body, not your looking at it. So you know,
5 it was from her left to her right. And then, also,
6 there was also it was slightly upward a little bit. So
7 where it's -- went -- went in on the left eyelid, it
8 terminated slightly above that location, and it was also
9 slightly front to back. So those are the three
10 directions that -- and it's the most prominent direction
11 in this case was left to right.

12 Q. So, in State's Number -- I believe this is on the
13 screen, this is State's Number 64 on the screen, on the
14 -- it looks like on the right-hand side you found the
15 bullet?

16 A. Yes. Yes.

17 Q. So that it traveled from left to right?

18 A. Left to right.

19 Q. Okay. Thank you, Dr. Riemer. Please have a seat
20 back on the witness stand.

21 Dr. Riemer, I asked you earlier regarding, I guess,
22 the height and weight of the victim. Are you able to
23 tell us how much she weighed, as well as her height?

24 A. Yes. So before the autopsy begins, we have a
25 scale. So weigh the body. And then, we take a -- a

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1 tape measure, and measure her from the base of her foot
2 to the top of her head. And I measured that she's --
3 well, she weighed 105 pounds, and she was sixty-six and
4 a half inches, so five-six and a half.

5 Q. All right. And Dr. Riemer, did you also do any
6 toxicology on the victim in this case?

7 A. Yes. That's always done. So on every autopsy, no
8 matter how somebody dies, or if it's natural or homicide
9 or suicide, anything, I take samples of blood from the
10 body at autopsy, and I send them to a toxicology lab
11 that performs toxicology testing.

12 Q. Dr. Riemer, I'm going to briefly -- I'm sorry, what
13 was --

14 A. Yeah.

15 Q. -- the result of the toxicology?

16 A. So, when I got the results back, and in this case
17 she had ethanol and a B.A., like a blood alcohol
18 concentration of 0.132. And she also had some nicotine
19 and codeine.

20 Q. Okay. And so, basically just alcohol was in her
21 system?

22 A. Alcohol. Yes, alcohol.

23 Q. Okay. All right. Dr. Riemer, we're now going to
24 -- you indicated earlier about your exhibits that you
25 actually -- the, I guess, diagrams that you created in

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1 this case. I want to direct your attention -- I'm going
2 to get the screen over here.

3 SOLICITOR LEGETTE: We just need the T.V., Madam
4 Clerk.

5 BY SOLICITOR LEGETTE:

6 A. Is there something there? I can't see it.

7 Q. It's coming up. Can you see it?

8 A. I'll have to step down.

9 Q. Yes, ma'am. All right, Dr. Riemer, here's your
10 microphone.

11 A. Okay.

12 Q. Please tell us what we're seeing in -- this is
13 State's Exhibit Number 70.

14 A. Okay.

15 Q. Do you see it?

16 A. Yes. So this is my body diagram, and you can see
17 that there's -- at the top of the diagram, there are
18 some numbers.

19 Q. Yes, ma'am.

20 A. Yeah, and you know, her eye color and her weight.
21 You see 105 pounds, sixty-six and a half; and then the
22 temperature, if she was warm or cold; her hair. And
23 then, I marked things on the body where I noticed them.
24 So I had a gunshot wound just actually -- it was -- you
25 can see there's a line to the left -- left eye. And

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1 then, I actually had another diagram that showed it
2 more, you know, in more detail.

3 Q. This is State's 71, are you referring to?

4 A. Yes.

5 Q. Okay.

6 A. Okay. So yeah. If you move that up, you can see.
7 Right. So I depicted the -- where the entrance wound
8 was on the left eyelid area, and I drew dots around it
9 to indicate that there was gunpowder stippling. And
10 also, I have -- you see those numbers, four and a half,
11 four and -- looks like four and an eighth, which on the
12 top of the head; and three and three-quarter inches to
13 the left -- to the right of mid-line. So that's the
14 actual location where I recovered the bullet, and I
15 wrote bullet under -- I didn't actually write skin, but
16 I wrote S.K. because -- I know that's small, my
17 shorthand.

18 Q. All right. Thank you, Dr. Riemer. You can take a
19 seat back on the witness stand, and I'll get this
20 microphone.

21 Now, Dr. Riemer, you indicated she had a gunshot
22 wound to the head. And how long would it have taken her
23 to, I guess, transpire or die?

24 A. To expire, you mean?

25 Q. Yes, ma'am, to expire.

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ELLEN RIEMER - DX - LEGETTE

1 A. Very quickly. This was a non-survivable gunshot
2 wound, and the injury to the brain was very severe, and
3 she would have died immediately.

4 Q. Dr. Riemer, are you able to demonstrate to the jury
5 how the bullet -- or the trajectory of the bullet as it
6 would have cut across the path of her brain?

7 A. Yes.

8 SOLICITOR LEGETTE: May I approach the witness,
9 your Honor?

10 THE COURT: You may.

11 BY SOLICITOR LEGETTE:

12 A. Okay. So every -- you know, the bullet, you know,
13 I have an entrance wound. And then, in this case, there
14 wasn't actually an exit wound, because the bullet
15 terminated below the skin. But along it's path, from
16 where it started to where it ended, it went through the
17 base of the skull, which is -- so we have our brain, and
18 then we have all our facial structures. And the base of
19 the skull is actually -- bones, the base, the bone that
20 holds up the brain. Okay. And so, if I was going to --
21 I don't know if I'm going to get this all the way
22 through. Yeah, that's about right. So it's kind of --
23 you can see it's -- it's really going from left to
24 right, and then the bullet was -- was underneath the
25 skin, in this location.

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ELLEN RIEMER - CX - PLEXICO

1 Q. Thank you. And Dr. Riemer, I know you've already
2 said it, but within a reasonable medical certainty, what
3 was the cause of death in this case?

4 A. Gunshot wound to head.

5 Q. And what was the manner of death?

6 A. Homicide.

7 SOLICITOR LEGETTE: Dr. Riemer, I have no further
8 questions. Please answer any questions from Mr.
9 Plexico. And I'll get this back from you.

10 THE COURT: Mr. Plexico?

11 ELLEN RIEMER, M.D.

12 CROSS-EXAMINATION BY MR. PLEXICO:

13 Q. So now, homicide is a medical term, correct?

14 A. Yes.

15 Q. Murder is a legal term, correct?

16 A. That's correct.

17 Q. All right. Now, so, if --

18 MR. PLEXICO: May I approach the witness, your
19 Honor?

20 THE COURT: You may.

21 BY MR. PLEXICO:

22 Q. So you have this type of wound, and forgive me, but
23 if a person sitting in that chair was pointing a weapon
24 at a person, say, standing here, correct?

25 A. Yes.

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ELLEN RIEMER - CX - PLEXICO

1 Q. All right. And this person turned their head,
2 could they get that type of wound from someone sitting
3 or standing at that position?

4 A. Yes.

5 Q. Okay. So they could just turn their head and not
6 their body.

7 A. That's correct.

8 Q. And get the same wound.

9 A. Yes.

10 Q. Okay.

11 MR. PLEXICO: I don't have anything further.

12 THE COURT: Solicitor?

13 SOLICITOR LEGETTE: Nothing further, your Honor.

14 THE COURT: All right. Any objection to Dr. Riemer
15 being excused from anyone?

16 SOLICITOR LEGETTE: No, your Honor.

17 MR. PLEXICO: No, your Honor. Thank you.

18 THE COURT: All right. Dr. Riemer, you're excused.
19 Thank you.

20 DOCTOR ELLEN RIEMER: Thank you.

21 THE COURT: All right. Solicitor, anything else?

22 SOLICITOR LEGETTE: Your Honor, at this time the
23 State rests.

24 (STATE RESTS:

25 MOTIONS AND RULING:

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MOTIONS AND RULING

1 MR. PLEXICO: I believe that since it is not
2 murder, it should not go to the jury as no more than
3 manslaughter now. If your Honor -- if I'm right, --

4 THE COURT: Okay. We'll talk about that, as far as
5 the jury charge is concerned, in just a minute. But I
6 can tell you, based on the evidence that I've heard in
7 the trial of this case, I do think it's a jury issue
8 whether or not this was murder, whether or not malice
9 exists, which I think is the real issue in this case,
10 potentially, and whether or not the State has disproved
11 self-defense as an affirmative defense in this case. So
12 I think, respectfully, it is a jury issue. This is very
13 much a fact-driven case, so I think it's appropriate to
14 send it to them.

15 Let's talk, Mr. Plexico, about any lesser-included
16 charge of voluntary manslaughter.

17 MR. PLEXICO: We didn't get the directed verdict.
18 We would oppose the charging of the jury of
19 manslaughter, Judge.

20 THE COURT: Okay. So you just want me to charge
21 murder and possession of a weapon, correct?

22 MR. PLEXICO: Yes.

23 THE COURT: Okay.

24 MR. PLEXICO: A charge is out of the question.

25 THE COURT: All right. I just want to make sure

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GREGORY SANDERS - DX - PLEXICO

1 DEFENDANT SANDERS: I do.

2 MADAM CLERK: Thank you. You may be seated.

3 DEFENDANT GREGORY SANDERS

4 DIRECT EXAMINATION BY MR. PLEXICO:

5 Q. Okay, sir. Do you recall -- do you recall May 10,
6 2016?

7 A. Yes, sir.

8 Q. What kind of a day was it? Slide up here.

9 THE COURT: I think we got it.

10 COURT REPORTER: Got it?

11 THE COURT: Yes.

12 BY MR. PLEXICO:

13 Q. The court reporter needs to hear you. So you
14 recall May 10, 2016?

15 A. Yes, sir.

16 Q. Okay. What kind of a day was it for you?

17 A. Bad.

18 Q. All right. Did anything of significance happen to
19 you earlier in the day?

20 A. I was --

21 Q. Okay.

22 COURT REPORTER: I'm sorry?

23 A. Lynched.

24 Q. Slide it over. There you go. Now, is there
25 anything of note relative to why we're here today about

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GREGORY SANDERS - DX - PLEXICO

1 the people who were involved in that, or any person
2 involved in that?

3 A. Yeah, they were the associates to Tyhira's baby's
4 father.

5 Q. Tyhira Harrington?

6 A. Baby father.

7 Q. They were?

8 A. Associates to them.

9 Q. Okay. They were their friends. All right.
10 Correct?

11 A. Yes, sir.

12 Q. Did that happen -- how many times did -- how many
13 times did the prior -- the fight happen earlier in the
14 day?

15 A. Twice.

16 Q. Okay. All right. Now, did you do anything to
17 Tyhira Harrington to upset her?

18 A. No, sir.

19 Q. Okay. All right. Did you say anything to Marilyn
20 Garvin about buying a black dress?

21 A. No, sir.

22 Q. Did you tell -- this is on May 7th. Did you say
23 anything like that to her?

24 A. No, sir.

25 Q. Did you say anything about killing her daughter on

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GREGORY SANDERS - DX - PLEXICO

1 May 7th?

2 A. No, sir.

3 Q. Did you say anything about buying a black dress --

4 SOLICITOR LEGETTE: Your Honor, I believe he's
5 leading the witness.

6 THE COURT: Okay. These are yes or no questions.
7 You can ask the question.

8 BY MR. PLEXICO:

9 Q. Did you say anything about injuring her, too, if
10 so, what? At any time.

11 A. No, sir.

12 Q. To Marilyn?

13 A. No, sir.

14 Q. All right. As a result of those fights, what was
15 -- those attacks on you, what happened to you
16 physically?

17 A. I had injuries, like, both my elbows, both my
18 knees, and my back.

19 Q. Okay. All right. Anywhere else?

20 A. No.

21 Q. All right. Now, did you hear from Tyhira
22 Harrington later in the day?

23 A. Yes, sir.

24 Q. All right. As a result of that, what did you do?

25 A. I was talking to her, explaining myself about

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GREGORY SANDERS - DX - PLEXICO

1 whatever rumor she was hearing, and about this incident
2 that happened earlier.

3 Q. Okay. All right. Where were you at talking to
4 her?

5 A. Her apartment.

6 Q. Okay. Did you go there? What was your purpose in
7 going there?

8 A. To clear my name.

9 Q. Okay. Because, had you done anything?

10 A. No.

11 Q. All right. And you were -- what were you -- were
12 trying to -- were you trying to stop these activities?

13 A. Yes, sir.

14 Q. Okay. All right. What happened while you were
15 over there? How did it start off?

16 A. I mean, we started off talking regular; and then
17 she asked me something else; then she punched me. Then,
18 that's when Daisy --

19 Q. Where did she punch you?

20 A. In my eye. Then Daisy, Yhantyse Priester, Daisy;
21 and Kywana Bradley and Tyhira Harrington jumped me
22 inside the apartment. Lynched me inside the apartment.

23 Q. What happened then?

24 A. Fought my way to the door and left.

25 Q. Okay. All right. So now, you were injured in

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GREGORY SANDERS - DX - PLEXICO

1 regard -- all right. What happened to your eye as a
2 result of them hitting you in the -- of Tyhira
3 Harrington hitting you in the eye?

4 A. It was swollen.

5 MR. PLEXICO: May I approach the witness?

6 THE COURT: You may.

7 BY MR. PLEXICO:

8 Q. Do you recognize these?

9 A. Yes, sir.

10 Q. And what significance are they?

11 A. Those are my injuries.

12 Q. All right.

13 MR. PLEXICO: I would move these in as a Defense
14 exhibit, your Honor.

15 THE COURT: Okay. That's 1?

16 ITEM IDENTIFIED AS PHOTOGRAPH

17 MARKED DEFENDANT'S EXHIBIT NUMBER 1

18 ADMITTED AS EVIDENCE.

19 BY MR. PLEXICO:

20 Q. All right. What did you do to instigate any of
21 these attacks?

22 A. Nothing.

23 Q. Okay. All right. Now, would Marilyn Garvin have
24 any reason to tell anybody that -- that -- that Tyhira
25 had taken you to Allendale to get set up? If so, what?

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GREGORY SANDERS - DX - PLEXICO

1 A. If there was a reason, I wouldn't know what it was.

2 Q. Did that ever happen?

3 A. No.

4 Q. Have you ever been to Allendale with Tyhira
5 Harrington?

6 A. No.

7 Q. When's the last time you were even in Allendale
8 County?

9 A. Over eight years.

10 Q. Do you have any idea what that was all about?

11 A. No, sir.

12 Q. Okay. Are you any kind of gang member?

13 A. No, sir.

14 Q. Now, do you know Javasha Forrester?

15 A. Yes, sir.

16 Q. How do you know her?

17 A. That's my girl.

18 Q. For how long?

19 A. Little over seven years.

20 Q. Okay. All right. Is there anything special about
21 her?

22 A. Like special education, like, he was in her
23 resource classes when she went to school.

24 Q. Okay. And how does that affect her -- her skills?
25 Self-expression skills.

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GREGORY SANDERS - DX - PLEXICO

1 A. I mean, she can understand to a certain extent, but
2 if you use, like, kind of like big words or whatever or
3 whatever, she not going to understand what you're trying
4 to say to her.

5 Q. All right. What about her emotional development?

6 A. As far as --

7 Q. Excited? Does she get excited, easily
8 impressionable?

9 A. Not really.

10 Q. Okay. Describe her physically.

11 A. She's short and skinny.

12 Q. Okay. And, all right. Now, did you meet Javasha
13 Forrester after the incident at Tyhira Harrington's
14 apartment?

15 A. Yes, sir.

16 Q. Okay. All right. Now, at some time later, did you
17 leave with Javasha Forrester?

18 A. Yes, sir.

19 Q. And what time was that?

20 A. Probably like around a little -- like a late 12:00,
21 early 1:00 o'clock, somewhere up in there, in the
22 morning.

23 Q. Okay. All right. So where were you all going?

24 A. We was going home.

25 Q. All right. What was your mode of transportation?

5-9-18 STATE V SANDERSGREGORY SANDERS - DX - PLEXICO

1 A. We was walking.

2 Q. Okay. Were you all doing anything, if so, what, to
3 bring notice to yourselves?

4 A. No, sir.

5 Q. Were you loud or anything?

6 A. No, sir.

7 Q. Okay. All right. So you were walking down the
8 street, is what you're saying.

9 A. Yes, sir.

10 Q. All right. Did you see a car that came to your
11 attention?

12 A. Yes, sir.

13 Q. And what did that car do?

14 A. It drove past us, slammed on the brakes, backed up,
15 put it on the road that we was on, and pulled up, pulled
16 near right here, like the apartment where we was at, in
17 the area where we was at. And he'd slammed on brakes,
18 and all four doors came open, and all four of them got
19 out.

20 Q. Okay. So they pulled how close up to you?

21 A. Like, the front of the hood of the car where the
22 corners taper at.

23 Q. Could you touch it?

24 A. Yeah, I could've touched it from a distance.

25 Q. What kind of emotional effect, how did that make

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GREGORY SANDERS - DX - PLEXICO

1 you feel to have somebody pull a car that close to you?

2 A. I was scared.

3 Q. Okay. All right. So they drove by on another
4 street?

5 A. On another street.

6 Q. You just testified to.

7 A. Yeah. The road's like this. Me and my girlfriend
8 on this road. They on this road.

9 Q. While walking down that way?

10 A. Yeah, we going this way; they going that way. And
11 he drive past, he slammed -- must have spotted us. He
12 slam on the brakes, back up, put up on our road, and
13 swerved over in front of us.

14 Q. Okay. So how many people got out of the car?

15 A. Four.

16 Q. Did they -- how did they -- did they get out one at
17 a time, or what?

18 A. They all four got out at the same time.

19 Q. They just piled out when the car stopped. Okay.

20 All right. What was said to you, by whom?

21 A. Well, Tyhira, when she come out the driver's side.
22 Like I say, they all got out at the same time.

23 Q. So who's driving?

24 A. Tyhira's driving.

25 Q. Okay. All right.

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GREGORY SANDERS - DX - PLEXICO

1 A. When they -- when they -- she was the first one to
2 say anything, and she like, we about to fuck you all up.

3 Q. Excuse me? What did she say?

4 A. She said we about -- she said we about to fuck you
5 all up.

6 Q. You all, both of you?

7 A. Yeah.

8 Q. All right. And that was directed to who?

9 A. Both of us, me and my girlfriend.

10 Q. All right. And that would be Javasha.

11 A. Javasha Forrester.

12 Q. Okay. All right. What were the other -- all
13 right. What was your response to that?

14 A. I was backing up, and I put my girlfriend behind
15 me.

16 Q. Okay. So what was your purpose in putting her
17 behind you?

18 A. To protect her from whatever they was about to do.

19 Q. Okay. All right. Now, what happens when somebody
20 fucks you up? Forgive the language, but what happens
21 when somebody does that?

22 A. You going be injured, you going be hurt.

23 Q. Okay. And what was your fear?

24 A. Of me or her, especially her, being injured or
25 hurt.

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GREGORY SANDERS - DX - PLEXICO

1 Q. Okay. And what do you think their intent was?

2 A. What they said they was going to do.

3 Q. Okay. All right. Where was Randy White in regards
4 to this?

5 A. Randy was right beside Tyhira.

6 Q. All right. Tyhira was moving in what direction in
7 relation to you?

8 A. Towards me and my girl.

9 Q. Did she say anything else that made you -- that put
10 fear in you?

11 A. Yeah. Like, she kept saying how she had wanted to
12 fight my girl -- girl, because she didn't want to fight,
13 but she said she want to fight me. Then, for some
14 reason, she was like, I ain't worried about nothing, I
15 got my iron in the seat.

16 Q. Okay. What did that indicate to you?

17 A. I think she's talking about a gun.

18 Q. All right. And where's Randy at?

19 A. Right beside her.

20 Q. And when she moved up towards you, what did Randy
21 do?

22 A. When she moved up, he moved up along with her.

23 Q. What were the -- was Marquis Alston there?

24 A. Yeah, he was like -- Marquis was right here, Randy
25 right here, Tyhira right here, and Daisy was like right

1 here, like this.

2 Q. All right. What were your -- what were your
3 avenues of retreat?

4 A. There really wasn't none, because you got Marquis
5 on this -- right here on this corner; you got Randy
6 right here; you got Tyhira right here; you got Daisy
7 right there, and a building behind us.

8 Q. And what's in front of you that's big and --

9 A. The car.

10 Q. Okay. All right. So you didn't -- you didn't have
11 a way to go?

12 A. No, sir.

13 Q. And if you -- if you left, who would you have to
14 leave?

15 A. My girlfriend.

16 Q. Okay. And what were you fearing would happen to
17 her?

18 A. She was going to be injured or hurt.

19 Q. Okay. And how bad do you think that was going to
20 be?

21 A. Real bad. You got two dudes and two females. You
22 all saw the size of Daisy compared to her, and the
23 height of Tyhira compared to her; the size of Randy and
24 Marquis compared to her. So it was a no-win situation
25 with her.

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GREGORY SANDERS - DX - PLEXICO

1 Q. And what was going to happen to her?

2 A. She was going to get hurt.

3 Q. Okay. And how badly did you think she could be
4 hurt with those four people attacking her?

5 A. Seriously.

6 Q. Okay. And were you -- were you prepared to stop
7 that serious injury?

8 A. Yes, sir.

9 Q. Okay. All right. Now, what were you telling them
10 to do?

11 A. I been telling all of them to go home, leave us
12 alone and go home.

13 Q. Did you do anything to provoke this?

14 A. No, sir.

15 Q. Okay. All right. Now, what was their response to
16 you and Javasha as you backed up and said go home?

17 A. She was -- Tyhira was still running off at the
18 mouth. Randy was -- every time she moved up, Randy was
19 right beside her, moving up, also. And Marquis was
20 still at the corner of the car, but like kind of coming
21 up a little bit. Daisy was standing like, on the other
22 side of Tyhira, but just standing there. Then, like my
23 girlfriend, she was behind me. Tyhira kept walking back
24 over like this. So I'm like moving her out of -- out of
25 her way or whatever. And when I look up, Daisy came up

1 a little bit more. And then, from there --

2 Q. So she keeps coming up. Marquis is by the car,
3 which has what in it, do you believe?

4 A. A gun.

5 Q. Okay. So how are you going to win this situation?
6 Did that look possible? How'd you feel?

7 A. I mean, I was scared.

8 COURT REPORTER: He did not answer your question,
9 *did that look possible.* You shook your head.

10 Q. Did that look like a situation there was any kind
11 of win in it?

12 A. No, sir.

13 Q. Okay. So was it a bad situation?

14 A. Yes, sir.

15 Q. Okay. And you were fearing serious injury?

16 A. Yes, sir.

17 Q. To yourself?

18 A. And my girlfriend.

19 Q. Okay. And how many of them is it on you?

20 A. There's four of them. There's two of us.

21 Q. Okay. All right. Is she any kind of little girl
22 to fight -- any kind of girl to fight in her physical
23 shape?

24 A. No. She's short and skinny, real skinny.

25 Q. Is that her nature? Javasha?

5-9-18 STATE V SANDERSGREGORY SANDERS - DX - PLEXICO

1 A. What?

2 Q. Javasha's nature, a fighter?

3 A. No.

4 Q. Has she ever hit you in the eye?

5 A. No.

6 Q. Okay. All right.

7 A. She never hit me, period.

8 Q. Okay. All right. You all have a good
9 relationship?

10 A. Yes, sir.

11 Q. You love her?

12 A. Yes, sir.

13 Q. You wanted to protect her?

14 A. Yes, sir.

15 Q. And when they moved up and they got closer, and
16 they got about this distance, what happened?

17 A. I fired.

18 Q. And why did you fire?

19 A. So we going to be able to get away.

20 Q. What was their response? I know that -- that
21 Tyhira fell over. What was the response of the other
22 three at that time?

23 A. Daisy stood there. Randy ran. Marquis ducked down
24 behind the car.

25 Q. What did that give you and Javasha an opportunity

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GREGORY SANDERS - DX - PLEXICO

1 to do?

2 A. Run.

3 Q. As a result of that -- of using the gun, were you
4 all able to get to safety?

5 A. Yes, sir.

6 Q. But they were -- they were all moving in on you?

7 A. Yes, sir.

8 SOLICITOR LEGETTE: Objection. That's leading,
9 your Honor.

10 THE COURT: Okay.

11 BY MR. PLEXICO:

12 Q. All right. Marquis Alston, did he walk off?

13 A. He ducked down behind the car.

14 Q. Okay. At any time during this, --

15 A. What you talking about? During -- before anything
16 happened or?

17 Q. Okay. All right. Now. So you're walking along,
18 that's your testimony.

19 A. Yes, sir.

20 Q. Minding your own business.

21 A. Yes, sir.

22 Q. And they come up --

23 SOLICITOR LEGETTE: Objection. Leading.

24 MR. PLEXICO: This is what he's testified to.

25 THE COURT: Don't lead him.

5-9-18 STATE V SANDERS

GREGORY SANDERS - DX - PLEXICO

1 BY MR. PLEXICO:

2 Q. All right. So do you know the reputation of Tyhira
3 Harrington and Kywana Bradley for violence?

4 A. Yeah, I -- I saw them drunk over here at a party
5 recent like, week -- week or two before the incident.

6 Q. Okay. All right. So is this gun and this shirt --
7 I don't see everything here -- the gun and the shirt
8 that's been talked about in the courthouse, is that --
9 in this case, is these things yours?

10 A. Yes, sir.

11 Q. Okay. All right. And there should be gunshot
12 residue on the clothing because you wrapped the gun in
13 the clothes, correct?

14 A. Yes, sir.

15 Q. And you fired the gun, correct?

16 A. Yes, sir.

17 Q. All right. Do you remember how many times you
18 fired the gun?

19 A. You mean that's one way -- two -- or looks like
20 probably one.

21 Q. Okay. What was your state of mind? What was going
22 through your mind?

23 A. To get away.

24 Q. Okay. How did you feel emotionally?

25 A. Emotionally, I was like, I -- I was scared.

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GREGORY SANDERS - DX - PLEXICO

1 Q. Okay. Do you think there was any other way to
2 avoid a serious injury?

3 A. No, sir.

4 Q. Okay. You spent the night where?

5 A. At a house on Johnson Street.

6 Q. Okay. And the next morning, what did the police
7 have for you?

8 A. Arrest warrant.

9 Q. For?

10 A. Murder.

11 Q. They already had it when they saw you?

12 NO RESPONSE.

13 Q. And what I mean --

14 COURT REPORTER: Sorry. Yes, no?

15 A. Yes.

16 Q. What does that mean to you?

17 A. I was going to jail.

18 Q. And you repeatedly told them what? What did you
19 tell them?

20 A. Tell them to go home and leave us alone.

21 Q. Did they?

22 A. No.

23 Q. They continued to what?

24 A. To come towards us and keep on with whatever they
25 was trying -- trying to do.

5-9-18 STATE V SANDERS

GREGORY SANDERS - CX - LEGETTE

1 Q. You sure about they said about F you all?

2 A. Yes, sir.

3 Q. No doubt in your mind?

4 A. No doubt.

5 MR. PLEXICO: Answer any questions the Solicitor
6 has.

7 SOLICITOR LEGETTE: Thank you, your Honor.

8 DEFENDANT GREGORY SANDERS

9 CROSS-EXAMINATION BY SOLICITOR LEGETTE:

10 Q. Mr. Sanders.

11 A. Uh-huh.

12 Q. You said it was a bad day.

13 A. Yes, ma'am.

14 Q. What does it mean to be lynched?

15 A. To be assaulted by more than two or three people.

16 Q. Did you read that in a law book?

17 A. No, but I know that.

18 Q. Okay. How do you know that's what that means? You
19 ever lynch anybody?

20 A. No, ma'am.

21 Q. Now, Mr. Sanders, you know Randy White, don't you?

22 A. Yes, ma'am.

23 Q. How would you describe your relationship with Randy
24 White?

25 A. I see him, I speak.

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GREGORY SANDERS - CX - LEGETTE

1 Q. You all cousins?

2 A. Yeah.

3 Q. You used to ride with him to McDonald's, up to
4 Hampton?

5 A. Yeah, once or twice. I would catch a ride from
6 Estill back to Hampton, or from Hampton back to Estill.
7 I was living in Hampton at the time..

8 Q. Okay. Is that how you met Javasha?

9 A. No, I've been with Javasha.

10 Q. You've been with Javasha.

11 A. During the time.

12 Q. Where is Javasha from?

13 A. Hampton.

14 Q. Hampton? Okay. So the City of Hampton?

15 A. Yes.

16 Q. All right. And so, you've been with Javasha.
17 Okay. So you and Randy, I guess you all were cool?

18 A. Yeah, we was all right. When I see him, I speak.

19 Q. Cousin?

20 A. He's a cousin of my cousin.

21 Q. All right. So he's not your cousin, he's a cousin
22 or your cousin?

23 A. Yes, ma'am. Like that.

24 Q. All right. Okay. So you all were cool that you
25 could get a ride with him, right?

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GREGORY SANDERS - CX - LEGETTE

1 A. That was the year before.

2 Q. Year before. But you got a ride with him. He took
3 you to Hampton.

4 A. In the past.

5 Q. In the past. Okay. So you all were cool?

6 A. Um-hmm.

7 Q. All right.

8 COURT REPORTER: I'm sorry. That's a yes?

9 THE COURT: Thank you.

10 A. Yes.

11 Q. Okay. Now, you said about associates of Tyhira's
12 baby daddy. Who were the associates of Tyhira's baby
13 daddy?

14 A. I mean, I don't know them by name, but I know that
15 they was associates because he be with them. He be
16 around them.

17 Q. Isn't it true you used to hang out with him, too?

18 A. With who?

19 Q. Tyhira's baby daddy.

20 A. Baby father?

21 Q. Yeah.

22 A. No.

23 Q. Over at Tyhira's house?

24 A. No.

25 Q. Joe Frank. You all were friends?

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GREGORY SANDERS - CX - LEGETTE

1 A. No. He -- he -- when I be there --

2 Q. Isn't it true?

3 A. No, ma'am. When I'm over there, he don't be over
4 there.

5 Q. He don't be over there. Oh.

6 A. No, ma'am.

7 Q. So you just come to Tyhira's house just to hang out
8 with Tyhira?

9 A. And whoever else be over there.

10 Q. And whoever else. Oh, and he was there?

11 A. Are you asking me would I not go over there?

12 Q. Would you hang out with him, too?

13 A. I mean, I had no problems with him.

14 Q. Okay. All right. So you all were pretty cool?

15 A. No, I wouldn't say we was cool. I don't know him
16 like that.

17 Q. You don't know him like that. Oh, so you don't
18 know him like that. Okay. All right. So Tyhira, she
19 did your hair.

20 A. No.

21 Q. She never did your hair?

22 A. Never did my hair.

23 Q. Never did your hair?

24 A. Never.

25 Q. Okay. Did they ever feed you?

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GREGORY SANDERS - CX - LEGETTE

1 A. No.

2 Q. Okay. So Tyhira never did your hair, you didn't
3 know her baby father like that, but you said these
4 people were his associates.

5 A. Yeah. I -- whenever I see him, he be around them
6 people, when I see him.

7 Q. Okay. Hmm. Okay. Now, you said that you went
8 there to clear your name.

9 A. Yeah.

10 Q. Clear your name of what?

11 A. They -- I got word that Tyhira, that her mother or
12 whoever, told her that her -- that Tyhira -- and I'm
13 going to be robbed. So I went over there later to go
14 that I ain't told her nothing like that.

15 Q. Didn't you also go over there to clear your name
16 about telling Tyhira's mama that you were going to kill
17 her, she needed to buy a black dress?

18 A. That never came up when I was over there.

19 Q. Never came up when you were over there?

20 A. No. And I never said that.

21 Q. All right. Oh. Okay. So now, you never said
22 that. It just never came up.

23 A. I never.

24 Q. Okay.

25 A. Yeah. When -- when we was talking at the

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GREGORY SANDERS - CX - LEGETTE

1 apartment, they never asked me about that.

2 Q. Okay. All right. But you never said it?

3 A. No, I never said that.

4 Q. So everybody -- basically, everybody's saying
5 something that didn't happen.

6 A. Exactly, cause I --

7 Q. And you're the only person that's telling the
8 truth.

9 A. I guess.

10 Q. Okay. All right. You said you were going home.
11 You were going home. Where were you going home to?

12 A. (Inaudible.)

13 Q. Okay.

14 COURT REPORTER: What?

15 A. Lu Town.

16 Q. All right. What was your address?

17 A. [REDACTED]

18 Q. All right. So you didn't live on Second Street?

19 A. No.

20 Q. Okay. You didn't live on Second Street. All
21 right. So the injuries, did you ever make a statement
22 about your girlfriend punching you in the eye, which is
23 what caused your black eye?

24 A. No, ma'am.

25 Q. All right. So the officer who said that you said

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1 that is also not telling the truth.

2 MR. PLEXICO: Your Honor, that's pitting, and that
3 is -- I object.

4 THE COURT: Sustained. Don't pit witnesses.

5 SOLICITOR LEGETTE: Thank you, your Honor.

6 BY SOLICITOR LEGETTE:

7 Q. So your girlfriend Javasha didn't punch you in the
8 eye?

9 A. No, ma'am.

10 Q. Okay. Mr. Sanders, why is everybody angry at you?

11 A. That's what I was trying to figure out.

12 Q. Can you stand up, Mr. Sanders. Can you step down
13 for a second. I'm going to take off my shoes. Come
14 closer. Okay. You're taller than I am. All right.
15 Okay. Mr. Sanders, you can sit down. Thank you.

16 You didn't do anything to instigate any of these
17 attacks, correct?

18 A. No, ma'am.

19 Q. All right. And you're not a gang member?

20 A. No, ma'am.

21 Q. You never said anything about on the blood or your
22 bandana in the house?

23 A. No, ma'am.

24 Q. Okay. All right. Now, let's talk about the night
25 of the incident itself. Did you try to get into Tyhira

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GREGORY SANDERS - CX - LEGETTE

1 Harrington's apartment?

2 A. No, ma'am.

3 Q. Okay. And you said that four people got out of the
4 car to lynch you?

5 A. Yes, ma'am.

6 Q. Okay. Tell me again, you said she pulled in to the
7 park?

8 A. Yeah -- no. She pulled in to the -- like, the
9 laundromat had, like, a parking lot.

10 Q. Yes.

11 A. When she pulled in, she pulled into that.

12 Q. Okay. Now, where were you walking?

13 A. We was going up there -- up what was that, Grayson
14 Street?

15 Q. Okay. You were on the sidewalk, or you were in the
16 street?

17 A. We was walking in the street.

18 Q. Walking in the street. So she pulled into the
19 parking lot, and you were walking in the street.

20 A. Yeah. When she pulled into the parking lot, we
21 walk, and like, we walk over some, and now we in the
22 parking lot.

23 Q. Okay. Now, Randy, you cool with Randy. So Randy
24 got out of the car to fight you, too.

25 A. I guess, cause that's his girlfriend.

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GREGORY SANDERS - CX - LEGETTE

1 Q. Okay. And Marquis Alston, you know him?

2 A. I know of him.

3 Q. Know of him. Okay. You all related?

4 A. No.

5 Q. Okay. Did you know him that night?

6 A. What you mean did I know him that night?

7 Q. Did you know of him that night?

8 A. Yeah, I knew of him before that. I knew who -- how
9 he look.

10 Q. Okay.

11 A. And by his nickname.

12 Q. All right. And according to you, Yhantyse was
13 there as well, Daisy?

14 A. Yeah.

15 Q. Okay. Now, which of them were the associates of
16 Tyhira's baby daddy, Joe Frank.

17 A. No, he one them, too.

18 Q. All right. So who was?

19 A. The ones from the pool hall that I got lynched by,
20 by the projects.

21 Q. Okay. So you got lynched by the projects?

22 A. Yeah, twice.

23 Q. All right. You got lynched by the projects twice
24 by who?

25 A. The associates of the girl baby father.

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GREGORY SANDERS - CX - LEGETTE

1 Q. Who are the associates, male or female?

2 A. No, they males.

3 Q. Males? All right, so males lynched you?

4 A. Earlier that day.

5 Q. All right, so some men lynched you?

6 A. Earlier.

7 Q. All right. So the men lynched you, not your
8 girlfriend?

9 A. No.

10 Q. She didn't punch you in the eye?

11 A. No.

12 Q. And it wasn't Tyhira?

13 A. Later on that night, Tyhira, Kywana Bradley, and
14 Yhantyse, what, Priester? Yeah.

15 Q. Okay. Well, who was in the house when that
16 happened?

17 A. It was Yhantyse, Kywana, Tyhira, Samson, and her
18 mom. Tyhira mom.

19 Q. All right. So they all watched you -- they all
20 just let you get lynched.

21 A. Yeah.

22 Q. In the house.

23 A. Yeah.

24 Q. All right. Now, how did you get away?

25 A. I fought my way to the door and left out.

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GREGORY SANDERS - CX - LEGETTE

1 Q. Fought your way to the door.

2 A. Yeah.

3 Q. And left out?

4 A. And left out.

5 Q. Okay. Was your girlfriend there, too?

6 A. No.

7 Q. So once you fought your way to the door and left
8 out, where did you go after that?

9 A. Go get my girlfriend so we could go home.

10 Q. Go home. All right. And where'd you go home to?

11 A. We never made it.

12 Q. You never made it. Oh, oh, we were headed home.

13 A. Heading home.

14 Q. Okay. All right. So how long after you left the
15 apartment after you got beat up did you encounter
16 Tyhira?

17 A. Probably thirty -- a little bit after that. Like,
18 thirty, probably forty minutes.

19 Q. Okay. All right. So, all right. Now, but you did
20 shoot and kill Tyhira?

21 A. Yes, ma'am.

22 Q. All right. Well, so I kind of want to understand
23 how this went down. You right-handed or left-handed?

24 A. I'm right-handed.

25 Q. Okay. And explain to me again -- so can you step

1 down. Step down, Mr. Sanders. And explain to me where
2 you are and where all these other people are.

3 A. Randy like -- Randy like --

4 Q. Randy right here?

5 A. Marquis and he --

6 COURT REPORTER: I'm sorry. I'm so sorry. One at
7 a time.

8 A. I said, Marquis, he first to the left.

9 Q. Okay.

10 A. All right. Back a little bit.

11 COURT REPORTER: Quiet. Quiet, please.

12 Q. Huh?

13 A. Marquis, this is Marquis. You is Marquis.

14 Q. Okay.

15 A. All right. Come right here. You Randy.

16 Q. Okay.

17 A. No. Back further. I'm trying to -- all right, you
18 Randy.

19 Q. Okay.

20 A. You Randy. Step over two steps, here's Tyhira.

21 Q. Okay.

22 A. Where she's sitting at, there's Daisy.

23 Q. Okay.

24 A. I'm right here, my girlfriend's right here.

25 Q. Where is the car?

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GREGORY SANDERS - CX - LEGETTE

1 A. The car is right in between -- like, see how you --
2 how you curve like this?

3 Q. Um-hmm.

4 A. All right, the car was like that.

5 Q. All right. Okay. So now what's going on? Who
6 hits you first?

7 A. Nobody hitting at me.

8 Q. Nobody hit you?

9 A. They was coming towards me like they was about to.

10 Q. Okay. So nobody hit you?

11 A. No, not then.

12 Q. All right. And what are you doing all this time?

13 A. I got my girlfriend behind me. I'm --

14 Q. And what are you saying?

15 A. I'm telling them to go home.

16 Q. Okay.

17 A. Leave us alone and go home. Just like this, leave
18 us alone and go home.

19 Q. You telling Randy he don't want to be a witness?

20 A. I did not say that.

21 Q. Okay. What did you say?

22 A. I said to go home and leave us alone. She said --
23 she kept saying she wanted to fight.

24 Q. Okay.

25 A. My girl said she did not want to fight.

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1 Q. What about this stripe thing?

2 A. I never said -- I don't even talk like that.

3 Q. What does it mean to get stripes?

4 A. That must -- when they -- you turning on me. It's
5 not mine.

6 Q. All right. So you're not a Blood?

7 A. No.

8 Q. Okay. You're not a Blood?

9 A. No.

10 Q. All right. So they standing right here; you're
11 telling them to go home. Your girlfriend is where?

12 A. Behind my back.

13 Q. All right. So what is Tyhira doing?

14 A. She's stated -- she's walking back and forth all
15 this and that.

16 Q. Walking back and forth. Okay. Now, where is the
17 street in relationship to all of this?

18 A. You all in the street. By now, we in the parking
19 lot. You all in the street.

20 Q. Okay. We in the street. So where are you, in the
21 street, too?

22 A. I'm in the parking lot.

23 Q. You're in the parking lot. Okay. So you're in the
24 parking lot. All right. What's on your left side over
25 here?

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GREGORY SANDERS - CX - LEGETTE

1 A. Her -- Yhantyse.

2 Q. Yhantyse is back here. Where is -- what's on your
3 left?

4 A. Where she is standing there --

5 Q. Um-hmm.

6 A. -- is where Yhantyse is at.

7 Q. Okay. So what's over here?

8 A. Nothing.

9 Q. Nothing is over there?

10 A. But the apartment buildings.

11 Q. Okay. So apartment buildings over here.

12 A. Um-hmm.

13 Q. Just --

14 A. And the laundromat building right here.

15 Q. Laundromat's right there.

16 A. Then, across the street over there is the other
17 projects.

18 Q. Other projects. Okay.

19 A. Yeah.

20 Q. So you got room over here, but they're standing
21 right here, you say?

22 NO RESPONSE.

23 Q. All right. And then you said the laundromat's back
24 that way?

25 A. Right behind us.

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GREGORY SANDERS - CX - LEGETTE

1 Q. Okay. All right. And they're in the street?

2 A. Yeah.

3 Q. So how close do you get to the street? Do you get
4 in the street?

5 A. Me? I know --

6 Q. Yes.

7 A. After I backed up, I never move.

8 Q. Oh, you never got back to the -- so they're in the
9 street?

10 A. Yeah.

11 Q. Okay. Hold on one second. Sit down, Mr. Sanders.
12 Sit down. Now, so all right. I got this picture, Mr.
13 Sanders. I'm going to come over to you..

14 SOLICITOR LEGETTE: May I approach, your Honor?

15 THE COURT: You may.

16 BY SOLICITOR LEGETTE:

17 Q. Now, Mr. Sanders, I'm going to have to turn this so
18 the jury can see it. Can you see that?

19 A. Um-hmm.

20 Q. Now, tell me where in this picture you were at.

21 A. I'm right here.

22 Q. You're right there. Okay.

23 MR. PLEXICO: Your Honor, may I approach?

24 THE COURT: You may.

25 BY SOLICITOR LEGETTE:

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GREGORY SANDERS - CX - LEGETTE

1 Q. You're right here?

2 A. Yeah, I'm right there.

3 Q. All right. And --

4 A. And my girlfriend behind me.

5 Q. Behind you.

6 A. I'm right here.

7 Q. All right. And these people are out in here.

8 A. Yeah.

9 Q. All right. And Yhantyse is back in here somewhere?

10 A. No, Yhantyse is right here. Tyhira's right here.

11 Randy's right here. And Marquis right here.

12 Q. Okay.

13 A. And the car is over to right here.

14 Q. You said they pulled into the parking lot?

15 A. Yeah, they swerved like that. The car -- that's
16 what I'm saying. The car was like this.

17 Q. You said she pulled into the parking lot.

18 A. No, we was trying to cross the road.

19 Q. No, I'm sorry. You said she pulled into the
20 parking lot earlier.

21 MR. PLEXICO: Argumentative. I object.

22 THE COURT: Ask the question.

23 BY SOLICITOR LEGETTE:

24 A. Yeah.

25 Q. All right.

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GREGORY SANDERS - CX - LEGETTE

1 A. So --

2 THE COURT: Okay. Mr. Plexico, step back.

3 BY SOLICITOR LEGETTE:

4 Q. Now, Mr. Sanders, you said -- all right. This is
5 your gun, right?

6 A. Yes, ma'am.

7 Q. And these are all your bullets?

8 A. Yes, ma'am.

9 Q. That were in it? And there was one in the chamber,
10 right?

11 A. Yes, ma'am.

12 Q. All right. You said you fired one, maybe two
13 times, right? Now, Mr. Sanders?

14 THE COURT: Is that a yes, for the record?

15 A. Oh. Yes.

16 BY SOLICITOR LEGETTE:

17 Q. Mr. Sanders, all these people here to lynch you,
18 right?

19 A. Yes, ma'am.

20 Q. Okay. And you fire one time, right?

21 A. Yes, ma'am.

22 Q. Mr. Sanders -- I'm going to give you some gloves,
23 Mr. Sanders.

24 SOLICITOR LEGETTE: May I approach the witness,
25 your Honor?

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GREGORY SANDERS - CX - LEGETTE

1 THE COURT: You may.

2 BY SOLICITOR LEGETTE:

3 Q. I'm going to hand you now what's been marked into
4 evidence -- I'm sorry, marked and entered into evidence
5 as State's Number 44. This is yours, right?

6 A. Um-hmm.

7 THE COURT: That's a yes, for the record?

8 A. Oh. Yes.

9 BY SOLICITOR LEGETTE:

10 Q. And you got to say yes, for the record, please,
11 didn't, if you don't mind.

12 Now, Mr. Sanders, I'm going to ask you to pick up
13 your gun. Show me -- you said you killed Tyhira
14 Harrington, right? You had -- you had no other choice,
15 correct?

16 A. Yes, ma'am.

17 Q. All right. Show me.

18 A. What's that -- I mean, from beginning?

19 Q. You are Greg. I am Tyhira.

20 A. I mean, from the beginning?

21 Q. Well, when you had to shoot.

22 A. From the time I pull it out?

23 Q. Yeah.

24 A. All right.

25 THE COURT: Okay. And we'll tell the jury, there

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GREGORY SANDERS - CX - LEGETTE

1 is a safety on this gun, obviously. And it's unloaded
2 as well. Okay.

3 MS. LEGETTE: Yes. It's unloaded.

4 BY SOLICITOR LEGETTE:

5 Q. All right, Mr. Sanders. Now, you are there; your
6 girlfriend's somewhere behind you; and Tyhira, all
7 right. So what happens?

8 A. They kept on acting like and they kept on coming or
9 whatever, --

10 Q. Um-hmm.

11 A. -- I just -- like this, stuck. I just pop, and
12 then ran.

13 Q. So you just popped and ran?

14 A. And ran.

15 Q. Okay. So now, you said that Yhantyse was where?
16 You said they ran behind the car?

17 A. No. Yhantyse stood where she was at; Randy ran;
18 Marquis ducked down behind the car.

19 Q. All right. So how fast was it?

20 DEFENDANT SANDERS INDICATING.

21 Q. So how -- okay. All right. So now, you can sit
22 back down. All these people there to lynch you, why did
23 you only shoot the one person and run?

24 A. Because she was the main one that was causing the
25 whole everything.

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GREGORY SANDERS - CX - LEGETTE

1 Q. Okay. So she was the main one?

2 A. And she was closer.

3 Q. She was closer. All right. So you were afraid of
4 her?

5 A. Yes, sir. Yes, ma'am.

6 Q. All right. And you all were friends, or weren't
7 friends?

8 A. Yeah, we was cool at -- until a certain extent.

9 Q. Cool to a certain extent. She did your hair,
10 right?

11 A. No, I said after a certain extent.

12 Q. She did your hair, right?

13 A. No, she never did my hair.

14 Q. All right. She never fed you, either?

15 A. Never fed me.

16 Q. All right. She really -- you all weren't friends?

17 A. We was friends, but she never fed me or did my
18 hair.

19 Q. Okay. All right. So.

20 SOLICITOR LEGETTE: Begging the Court's indulgence.

21 BY SOLICITOR LEGETTE:

22 Q. Mr. Sanders, after this all happened, you went
23 where?

24 A. After that?

25 Q. Yes. The shooting. After you shot Tyhira and

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GREGORY SANDERS - CX - LEGETTE

1 killed her?

2 A. Oh. WITHIN went to the house on Second Street.

3 Q. What house on Second Street?

4 A. It's a -- it's a house that being remodeled.

5 Q. Okay. You didn't go home?

6 A. No, because we was -- you know, there were two --
7 new projects?

8 Q. Not really.

9 A. Can't explain it to you.

10 Q. Okay. So you are on your way home, but you didn't
11 go home?

12 A. Yeah, never made it.

13 Q. Never made it. So where did you go in the hours
14 between the time when you killed Tyhira Harrington and
15 the police caught you?

16 A. To the house on Second Street.

17 Q. Did you live there?

18 A. No.

19 Q. Okay. Why did you go there?

20 A. It was closer, and ain't -- wasn't nobody living
21 there, so I just went.

22 Q. Oh, you just went there, to somebody else's house.
23 And what were you doing that morning with all the stuff
24 that you had on the ground? Were you getting ready to
25 get rid of it behind that trash can?

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GREGORY SANDERS - CX - LEGETTE

1 A. No, I was changing clothes.

2 Q. You was changing clothes outside?

3 A. Yeah.

4 Q. Okay. All right. Now, these -- these injuries you
5 got that you told somebody at the jail that your
6 girlfriend punched you in the eye.

7 A. I did not tell nobody that.

8 Q. I want to show you these.

9 SOLICITOR LEGETTE: May I approach? They're
10 entered into evidence, but there's no number on them.

11 THE COURT: You may approach. You may approach.

12 SOLICITOR LEGETTE: I think they're -- oh, I'm
13 sorry. I see it.

14 BY SOLICITOR LEGETTE:

15 Q. This is Defendant's 1. Mr. Sanders, you heal
16 pretty fast, don't you?

17 A. Do I hear pretty fast?

18 Q. Heal? Heal fast.

19 A. Heal? No.

20 Q. They're all scabbed over.

21 A. Those are, but not my eye.

22 Q. Not your eye, where your girlfriend punched you.

23 A. My girlfriend did not punch me.

24 Q. Okay. Now, did anyone that night ever punch you?

25 A. In the apartment?

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1 Q. When you were standing there.

2 A. Not when I was standing, but in the apartment.

3 COURT REPORTER: I'm so sorry. Talking over. Do
4 you want to ask your question again? Did anyone ever
5 punch you? Yeah.

6 SOLICITOR LEGETTE: I'm sorry, ma'am.

7 BY SOLICITOR LEGETTE:

8 Q. Did anyone ever punch you when you were standing
9 there in the projects?

10 A. That night?

11 Q. Yes.

12 A. No.

13 Q. No. All right. What kind of trouble had you had
14 with Randy in the past?

15 A. None.

16 Q. How about Marquis?

17 A. None.

18 Q. How about Yhantyse?

19 A. None.

20 Q. Okay. And you said that you were lynched earlier
21 by?

22 A. The people who was over there, Tyhira Harrington's
23 baby father.

24 Q. But Tyhira wasn't with him.

25 A. No.

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GREGORY SANDERS - CX - LEGETTE

1 Q. So now, Mr. Sanders, after you went to the house on
2 Second Street, you stayed there all night?

3 A. Yes, ma'am.

4 Q. Okay. At that time, did you believe it was self-
5 defense?

6 A. Yes, ma'am.

7 Q. Did you call 911?

8 A. I didn't have a phone.

9 Q. Okay. You didn't have a phone. How close is the
10 Second Street house to the police department?

11 A. Good little walking distance. It not really a good
12 little walking distance, but from there to there. You
13 can walk. It's walking distance.

14 Q. You can walk. So you walk by it to get to the
15 house on Second Street.

16 A. Yeah.

17 Q. All right. And when you got lynched by all these
18 people, you got lynched -- how many times have you been
19 lynched, Mr. Sanders?

20 A. Twice.

21 Q. You been lynched twice.

22 A. Twice in the projects, and once in the apartment.

23 Q. Did you ever tell the police about that?

24 A. No. Neither one of them. Not even the first two.

25 Q. Okay. All right. So you have an amazing memory,

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GREGORY SANDERS - CX - LEGETTE

1 Mr. Sanders. What did you have for lunch on Monday?

2 A. Monday. Monday, this week?

3 Q. Um-hmm.

4 A. Hmm, what did we have at the county jail?

5 Q. Okay. All right, Mr. Sanders. Now, the person who
6 was doing all the talking you said was Tyhira?

7 A. Yeah.

8 Q. Okay. And you never told her mother you was going
9 to kill her?

10 A. No.

11 Q. Never said it to Samson, either?

12 A. No. And Monday we had chicken patty and chips.

13 Q. Mr. Sanders?

14 A. Ma'am.

15 Q. I'm going to approach you one more time. Now,
16 these injuries were already healed over.

17 A. No.

18 Q. Did one of them get scraped when you were getting
19 into the police car?

20 A. No, I one that had a Band-aid on it, this one.

21 Q. All right. It got scraped when you were getting
22 out of the patrol car?

23 A. Yeah. No -- one of the two.

24 Q. Out or in?

25 A. On the door -- the door handle that scratched it.

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GREGORY SANDERS - CX - LEGETTE

1 Q. Okay. But the rest of them are healing over?

2 NO RESPONSE.

3 Q. Okay.

4 THE COURT: That's a yes, for the record?

5 A. Yes.

6 BY SOLICITOR LEGETTE:

7 Q. Okay. And you said you fired one shot?

8 A. Once or twice. I mean, I can't really remember as
9 far as that goes.

10 Q. Okay. And --

11 SOLICITOR LEGETTE: Begging the Court's indulgence.

12 THE COURT: Yes.

13 BY SOLICITOR LEGETTE:

14 Q. Mr. Sanders, how many people have lynched you on
15 May 10th?

16 A. It was -- it was a group of people.

17 Q. I mean, how many people lynched you on May 10th?
18 Not just a group. How many people lynched you?

19 A. You talking about during day?

20 Q. Well, you got lynched a couple times on that day,
21 right?

22 A. Yeah. And I know for a fact that when I got hit by
23 them, it was just three, Tyhira, Kywana, and that girl.
24 But as far as during the day, I couldn't say. I was on
25 the ground. But it was -- I know it was more than two

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GREGORY SANDERS - CX - LEGETTE

1 or three people, I know that. They have a video of it
2 somewhere.

3 Q. So, on May 10th, you got lynched by -- who had a
4 video of it?

5 A. Whoever recorded it.

6 Q. Is it recorded, of you getting lynched?

7 A. Yes, ma'am.

8 Q. I've never seen that, Mr. Sanders. Have you seen
9 the video of you getting lynched?

10 A. I seen part of the ending of it.

11 Q. Okay.

12 A. Or one of them, I guess. I don't know how many
13 there was.

14 Q. All right. Could we see it? Can you get it for us
15 to see?

16 A. How?

17 MR. PLEXICO: Your Honor, I think we have a matter
18 of law here.

19 THE COURT: Okay. Ladies and gentlemen of the
20 jury, do not discuss this case. It wouldn't be
21 appropriate to do so. I'm going to send you back to the
22 jury room. We'll be right back with you. Thank you.

23 JURORS LEAVE COURTROOM 12:18 P.M.

24 THE COURT: Mr. Plexico.

25 MR. PLEXICO: Yes, your Honor. In Franklin versus

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1 Fitz there was a video part of that, and we have not
2 chosen to use that in our defense case, Judge. They
3 should've done due diligence if they wanted to find it.
4 I don't think -- I don't think he has a copy of the
5 video because he's been in jail.

6 THE COURT: Um-hmm. Okay.

7 SOLICITOR LEGETTE: Your Honor, Mr. Sanders himself
8 mentioned the video, and if there's a video, we would
9 like to have been able to see it. He says he has seen
10 the video. I'm simply asking him, well, where can we
11 find the video, pretty much, since he opened the door
12 and he mentioned there was a video of him being lynched.

13 THE COURT: Well, I don't think there's anything
14 wrong with you having asked about it. And I don't think
15 there's going to be anything wrong with now you say
16 you've seen this video, he says; but he didn't turn it
17 over to your lawyer, did you. Did anyone give it to
18 him? If this, you know -- I think you can ask all those
19 questions.

20 SOLICITOR LEGETTE: Yes, your Honor.

21 THE COURT: Seems to support his case.

22 SOLICITOR LEGETTE: Yes, your Honor.

23 MR. PLEXICO: Your Honor, I think that borders on
24 attorney/client privilege. We don't have to turn it
25 over because we're not using it, and --

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GREGORY SANDERS - CX - LEGETTE

1 THE COURT: It doesn't border on attorney/client
2 privilege in any way.

3 MR. PLEXICO: Because I'm the one who showed it to
4 him.

5 THE COURT: He's the one that brought it up. The
6 defendant's the one that said it was on video. Okay.

7 Pumpkin, you know anything about the food? Is it
8 on its way?

9 MADAM CLERK: Yeah, she's on the way.

10 THE COURT: Perfect. Okay. Well, are we getting
11 close to wrapping him up?

12 SOLICITOR LEGETTE: Yes, your Honor, we are, very
13 close.

14 THE COURT: Okay. Let's bring the jury back out,
15 then.

16 Ms. Legette, do you think you're going to need a
17 rebuttal?

18 SOLICITOR LEGETTE: I don't think so your Honor.

19 THE COURT: Okay. We're ready, sir. Okay.

20 JURORS ENTER COURTROOM 12:25 P.M.

21 THE COURT: Welcome back, ladies and gentlemen.

22 All right. Ms. Legette, continue.

23 SOLICITOR LEGETTE: Thank you, your Honor.

24 CONTINUE CROSS-EXAMINATION

25 BY SOLICITOR LEGETTE:

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BY THE COURT

1 Q. Just briefly, Mr. Sanders. But you ran after this
2 was all over? You ran after it was all over?

3 A. Yes, ma'am.

4 Q. Okay. Nobody followed you?

5 A. My girlfriend. Are you talking about out of them?

6 Q. Yeah, after that. You ran, nobody followed you.

7 A. I done ran, cause like I say, me and my girlfriend,
8 so.

9 Q. Okay. So nobody followed you?

10 A. No, ma'am.

11 Q. Nobody tried to stop you?

12 THE COURT: That's a no, for the record?

13 A. No. My bad. No.

14 BY SOLICITOR LEGETTE:

15 Q. And but, you went to the house on Second Street?

16 A. Yes, ma'am.

17 Q. All right.

18 SOLICITOR LEGETTE: Thank you. I have nothing
19 further.

20 BY THE COURT:

21 THE COURT: Mr. Plexico?

22 MR. PLEXICO: I don't have anything further, Judge.

23 THE COURT: All right. You may step down, sir.

24 Anything further, Mr. Plexico?

25 MR. PLEXICO: No, your Honor. Defense would rest.

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CHARGE CONFERENCE

1 food isn't quite here -- I am going to ask that all of
2 you be back at 1:00 o'clock. All right? So go grab a
3 bite to eat, and we are going to go ahead and do -- oh,
4 let's talk about the jury charges before we break, just
5 very quickly. But if you all are back at 1:00 o'clock,
6 we'll go ahead and argue and charge.

CHARGE CONFERENCE:

8 THE COURT: As far as my jury charge is concerned,
9 I know Crystal has talked to you about what you're
10 requesting to charge. I have my standard charge.
11 Obviously, that the indictment and the charge and the
12 arrest is not evidence. I talk about presumption of
13 innocence, reasonable doubt, the duty of the jury is to
14 find the facts, I'm the judge of the law. I talk about
15 direct and circumstantial evidence, the credibility of
16 the witnesses.

17 I also have the charge on prior inconsistent
18 statements. Also expert witnesses. I charge murder.
19 And of course, there is not the inference portion of
20 that. As to the gun and inferring malice, I just do it
21 without that, of course. And then, the charge of
22 possession of a weapon during the commission of a
23 violent crime.

24 Then, I charge self-defense, which includes,
25 obviously, the elements of self-defense, which is

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CHARGE CONFERENCE

1 without fault, imminent danger, and no other way to
2 avoid the danger. And then, within that, I talk about
3 contemptuous language, mutual combat, defense of others,
4 and a right to act on appearances, and words accompanied
5 by hostile acts, prior difficulties, size and age, the
6 victim's reputation and any threats by the victim. And
7 then, just my normal standard at the very end.

8 And my understanding from Crystal is that you both
9 have seen the verdict form. Is there any objection to
10 the verdict form from the State?

11 SOLICITOR LEGETTE: I just wish you could flip it,
12 but I understand you flip it each time.

13 THE COURT: Okay. Anything from the Defense?

14 MR. PLEXICO: Your Honor, I would ask that you
15 charge defense of others, too. I think you said that.

16 THE COURT: I did say that.

17 MR. PLEXICO: Okay. And I would object to an
18 offense on prior -- a charge on prior inconsistent
19 statements. I don't think there is any inconsistent
20 statements that go to the heart of the matter involving
21 the shooting of Tyhira Harrington. I don't think it
22 would be proper on a collateral matter that does not
23 affect the shooting.

24 COURT REPORTER: *Does not affect?*

25 MR. PLEXICO: The shooting. The actual time of the

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CHARGE CONFERENCE

1 shooting, if you want to go on the time of the shooting.

2 THE COURT: Well, what's the State's position on
3 that?

4 SOLICITOR LEGETTE: Your Honor, I would disagree.
5 I believe that Marquis Alston, in a prior statement, and
6 based on the statement of the defendant, witnesses have
7 indicated he said one thing. He said that he did not
8 say it. So I would believe that would be also
9 considered a prior inconsistent statement, but that is
10 our belief, your Honor.

11 THE COURT: I think it's appropriate in this case.
12 I don't think there's any question that when Randy White
13 testified, there was issues about a prior statement. So
14 that's obviously for them to determine. I think there's
15 also potential as to the defendant as well, so. I think
16 it's appropriate. Anything else?

17 SOLICITOR LEGETTE: Not from the State.

18 THE COURT: Anything else, Mr. Plexico?

19 MR. PLEXICO: Not from the Defense. No, your
20 Honor.

21 THE COURT: All right. Go grab a bite, you all.
22 Be back at 1:00. I know I'm giving you all a short time
23 frame, but we need to get going. Okay?

24 OFF THE RECORD 12:33 P.M.

25 BACK ON THE RECORD 1:15 P.M.

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1 BY THE COURT:

2 THE COURT: Okay. And do the lawyers have whatever
3 they need as far as evidence is concerned?

4 SOLICITOR LEGETTE: Can we have two minutes?

5 THE COURT: Pardon?

6 SOLICITOR LEGETTE: Can we have two minutes?

7 THE COURT: Yes, you have two minutes.

8 MR. PLEXICO: I do have an objection to one of your
9 jury charges, too, Judge.

10 THE COURT: Sure. What is it?

11 MR. PLEXICO: That would be on mutual combat.

12 THE COURT: Oh, okay.

13 MR. PLEXICO: I don't think that mutual combat,
14 according to the evidence, comes into play in this
15 particular situation, your Honor, involving a shooting.

16 THE COURT: Tell me why.

17 MR. PLEXICO: I just don't see where the evidence
18 in the record supports a mutual combat charge.

19 THE COURT: Actually, I have to agree with you on
20 that. I don't think this is a mutual combat case.
21 Because usually, you have that as a case where people
22 fight, and then the defendant leaves and comes back.
23 And so, that happens oftentimes. Because his defense,
24 from everything I hear, is just that he didn't engage in
25 anything. I mean, if you took it according to him.

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CHARGE CONFERENCE

1 MR. PLEXICO: Yes, your Honor.

2 THE COURT: I mean, also, and also testimony is, is
3 that the car came on them. It wasn't like -- so I'm
4 going to agree with Mr. Plexico on that. I don't think
5 I'm going to charge the mutual combat portion of this.
6 I just don't think it is appropriate. Anything else?

7 MR. PLEXICO: I have nothing else, your Honor.

8 THE COURT: Okay. Okay. All right. Well, if
9 we're ready to go, let's go ahead and bring them out.
10 We good to go?

11 MR. PLEXICO: Yes, your Honor, I'm ready.

12 THE COURT: All right. Ladies and gentlemen, for
13 those of you that are back there, if you would, please,
14 during the closing argument, I don't need you coming and
15 going from the courtroom. You need to keep your seat.
16 Also, I don't want to see any head bobbing or back-and-
17 forth shaking, that type of thing. Sometimes people
18 have a natural tendency to do that. Don't do it. Okay?
19 Because if not, I'll have one of the deputies come tap
20 you. Okay? Thank you.

21 Let's bring the jury out.

22 SOLICITOR LEGETTE: Your Honor, one matter?

23 THE COURT: Sure.

24 SOLICITOR LEGETTE: Close the door.

25 THE COURT: Sure. Can we close the door for just a

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CHARGE CONFERENCE

1 second? I'm sorry, I apologize. Can we just close the
2 door for a quick second? Yes. Hold on.

3 SOLICITOR LEGETTE: Just the order of closing. We
4 did not specify the order of closing.

5 THE COURT: Okay. Well, he put up evidence.

6 SOLICITOR LEGETTE: Yes, ma'am.

7 THE COURT: So again, I think you need to open in
8 full, he can respond, and then you can respond. Okay?

9 SOLICITOR LEGETTE: Okay. Thank you, your Honor.

10 THE COURT: Also I want to make sure you're very
11 careful not to burden-shift in any way. This whole
12 issue of the video, you could ask about it, but you
13 can't throw anything in your closing about it. Okay?

14 SOLICITOR LEGETTE: Yes, your Honor.

15 THE COURT: I just want to make sure you understood
16 that.

17 SOLICITOR LEGETTE: Yes, your Honor.

18 THE COURT: Okay. All right. Let's bring them in.

19 JURORS ENTER COURTROOM 1:18 P.M.

20 THE COURT: All right. Did you all get something to
21 eat?

22 FOREPERSON: Yes, ma'am.

23 THE COURT: Very good. Ladies and gentlemen, what
24 we have to hear left is closing arguments from the
25 attorneys, and I'm going to charge you on the law.

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CLOSING - STATE - LEGETTE

1 What's going to happen is Ms. Legette is going to open,
2 Mr. Plexico is going to respond, and then she is allowed
3 to briefly respond after that. Then, I charge you on
4 the law that's applicable to this case, and we send it
5 to you. Okay? So, if you would give Ms. Legette your
6 attention, please.

7 SOLICITOR LEGETTE: Thank you, your Honor. May it
8 please the Court?

9 THE COURT: Yes.

10 SOLICITOR LEGETTE: Mr. Plexico.

11 CLOSING ARGUMENT ON BEHALF OF

12 THE STATE BY SOLICITOR LEGETTE:

13 SOLICITOR LEGETTE: Good afternoon. When I told
14 you -- when I met you on Monday, May 7th, 2016 [sic], I
15 told you this was a case about a deadly promise. A
16 deadly promise. A promise about Marilyn Garvin wearing
17 a black dress, buying a black dress, so she could wear
18 it, because Greg Sanders was going to kill her daughter.
19 Marilyn Garvin came before you on Monday, May 7th,
20 wearing a black dress. I didn't ask her about whether
21 she wore it to the funeral of her daughter, but she wore
22 it on Monday. A black dress.

23 Greg Sanders, his own words, his own words, and his
24 truth to those word, his words, a man of his word, are
25 what brought us here today. Now, my daddy was a man of

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CLOSING - STATE - LEGETTE

1 his word, and I am in no way equating Greg Sanders to my
2 daddy. If my daddy ever told you something -- he had a
3 saying. He said, if I tell you huckleberries are ripe,
4 get your buckets. My daddy was the kind of man that my
5 brother and I -- he's three years younger than me. We
6 fought as kids, strong personalities, we'd fight. I
7 remember one particular time my daddy said, okay, you
8 all in here fighting, I got to go to church. But when I
9 get back, you're gonna get a whipping. Now, I don't
10 know if people still whip their kids or not. I don't
11 have any children. But my daddy, he told something, you
12 could put -- take that check to the bank.

13 Now, my daddy didn't get home 'til late that night.
14 My mom was with us, and we was like, mama, can you stop
15 him, you know, can you -- my mama was like, huh-uh, I
16 can't help you. My daddy got home, and it was time for
17 bed. But I can tell you this. Me and my brother got a
18 whipping.

19 One morning before school, we were fighting in the
20 house. My dad come running down the hall with a belt,
21 and he whipped us before school, and made us get on the
22 bus, because my daddy was a man of his word.

23 Greg Sanders is a man of his word. He told Marilyn
24 Garvin on May 7, 2016, standing with her boyfriend
25 Samson Williams, you better buy a black dress because

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CLOSING - STATE - LEGETTE

1 I'm going to kill your daughter.

2 Now, ladies and gentlemen, you've heard a lot of
3 stuff in here today and throughout this week. I'm just
4 going to cut to the chase. You've been waiting a long
5 time. You got lives to go back to. I thank you. It's
6 been my privilege to stand before you. But you got
7 lives to go to, so I'm going to get on with it.

8 A lot of the witnesses we brought before you, some
9 of them were chain witnesses. I apologize for Ms.
10 Stephens having to come in here and read up and down for
11 fifteen minutes about what happened with the evidence at
12 SLED. All right. Mr. James came in here, same thing.
13 But there are just a few things I want to direct your
14 attention to.

15 The judge in this case is going to tell you what
16 the law ultimately is, but my job here today is to tell
17 you what the State's case is, because our burden is
18 beyond a reasonable doubt. It is a heavy burden to
19 bear. Yes, we take full responsibility for bearing it.
20 Our job is to prove to you beyond a reasonable doubt
21 that Greg Sanders committed a murder; that he also
22 committed a possession of a weapon during the commission
23 of a violent crime; and that this is not self-defense.

24 So before we tell you what the State has proved,
25 let us tell you what the State has disproved. Now, I

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CLOSING - STATE - LEGETTE

1 direct your attention here. This is not self-defense.
2 This, ladies and gentlemen, is not self-defense. So
3 let's discuss self-defense. What is self-defense? It
4 requires four things: be without fault in bringing on
5 the difficulty. The defendant must have -- the
6 defendant must been in imminent danger of losing his
7 life or suffering serious bodily injury. A reasonable
8 person would have entertained the same thing. And he
9 had no other means of avoiding the difficulty. So let's
10 examine this. Let's examine. My daddy, nice man. So
11 what we going -- we going to apply the law to the facts.
12 That's what we're going to do. When all four of these
13 things exist, then self-defense is proven, but all the
14 State needs to do is disprove one of the elements,
15 because you have to have all four to be able to have a
16 self-defense. And self-defense is a complete defense.
17 So, if you find that the defendant acted in self-defense
18 on the night of May 10, 2016, you must let him go, set
19 him free.

20 This case comes down to two issues: malice
21 aforethought or self defense. Either he killed her with
22 malice in his heart, or he acted reasonably, and you
23 must let him go.

24 Let's see what happened. Was Greg Sanders without
25 fault in bringing on this difficulty? Ask yourself the

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CLOSING - STATE - LEGETTE

1 question, what are the facts? What did Greg Sanders
2 say? You better buy a black dress, because I'm going to
3 kill your daughter. That's one thing that shows that
4 Greg Sanders had it in his mind days prior, three days
5 prior, that he was going to kill Tyhira Harrington. For
6 whatever reason he had in his mind, whether she took him
7 to Allendale and had him set up, he had intended to kill
8 her on that day when he saw her mother and Samson
9 Williams. Now, he denies it, but we'll get around to
10 that./

11 Now, Marilyn Garvin, text message sent to her
12 daughter -- sent to her, when she then calls her
13 daughter and says basically, somebody, Mr. Sanders, Greg
14 Sanders, with his nickname, behind the house, trying
15 something. Okay. You have all these things going on.
16 Tyhira Harrington, eventually, yes, she had alcohol in
17 her system. It's not against the law to have alcohol in
18 your system. Yes, she did.

19 Greg Sanders started the whole thing. He
20 threatened to kill her. Her mother told her what he
21 said. She was confronting him about what he had said
22 and why he had said it. Not only that, but Greg Sanders
23 was behind the house. Someone called and told her this
24 information. Somehow, she realized Greg Sanders, what
25 are you doing? So yes, she accosts him, but Greg

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CLOSING - STATE - LEGETTE

1 Sanders started the entire thing. He started the entire
2 thing. And remember, now, there was an issue about Greg
3 Sanders offering up his girlfriend to fight. You heard
4 this over again. You heard this one time from Marilyn
5 Garvin. The night of May 7th, he offered up his
6 girlfriend to fight. She didn't want to fight. It come
7 up again with I believe Yhantyse Priester, Daisy,
8 talking about the girlfriend wanting to fight. The
9 girlfriend didn't want to fight, but the stripe thing.

10 Not only that, ladies and gentlemen. What else
11 happened in this case? What else happened? Mr.
12 Sanders' words, the words in and of themselves would
13 cause a reasonable person to think, okay, well, I guess
14 there's going to be a fight. He brought it on himself.
15 So it is the State's contention that Mr. Sanders is not
16 without fault in bringing on this difficulty. He
17 started it, for whatever reason, on May 7, 2016, and
18 again on May 10th, when he was trying to get in her
19 house.

20 So let's talk about this. He must have been in
21 imminent danger of death or bodily injury, or believe he
22 was in such danger. Was he in such danger? Let's
23 compare these two people. You saw Greg Sanders on that
24 witness stand today. You've seen him in court all day
25 long. What does he look like? Randy White called him,

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CLOSING - STATE - LEGETTE

1 oh, he's cocky, he's muscular. He stood beside me,
2 taller than I am. And yes, he is muscular. Yes, he is
3 -- I'd call him a stocky individual, based on what I
4 have seen. But let's compare these two individuals,
5 shall we, then? Gregory Sanders. Muscular, strong,
6 cocky, a man, and he has a gun. He has a gun, the
7 element of surprise, a gun. Whereas, Tyhira Harrington,
8 skinny, 105 pounds.

9 Now, ladies and gentlemen, I've been -- I've been
10 rather, I won't say plump, but I've been a thick woman
11 most of my life. So I didn't realize what it meant to
12 be 105 pounds, skinny like that, so I had the
13 pathologist show you that picture. I didn't do it to
14 offend any of you. I didn't want to offend her as well,
15 her memory, which is why we redacted all of the
16 inappropriate things. But I wanted you to see what 105
17 pounds looks like on a woman. Petite. She had no
18 weapon, none. Zero. No gun. You heard Randy White say
19 it one-on-one. It was one-on-one. You heard Yhantyse
20 Priester say it was one-on-one. Possibly two-on-one,
21 but Tyhira Harrington was the only one. She was the
22 only one. One-on-one, ladies and gentlemen.

23 He told Randy to walk away. Is it reasonable to
24 believe that Greg Sanders was in fear of imminent death
25 or bodily injury? Is that reasonable? That's what you

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1 have to ask yourselves. Is it reasonable that he was in
2 fear? According to the witnesses, he was not in fear.
3 According to the witnesses, he was not in fear.

4 And the eyes that I saw in this courtroom today,
5 when he took that gun and put it in his pocket and
6 pulled it out, that was the man the night of May 10,
7 2016. The eyes that I saw was in his element. He
8 pulled out the gun, and did you notice how he did it?
9 Because remember the pathologist said that that the shot
10 goes across her here, from left to right.. It goes
11 across. How did he do it? He pulled it out, then it
12 was pow. Just like that. Pow. Just like that. And
13 then he hopped and ran away. Imminent bodily injury.
14 Was he in any imminent bodily injury? Imminent death,
15 danger? What did he tell Randy? Walk away, you don't
16 want to be a witness to this. Not that Randy -- Randy,
17 you are going to get it; Randy, I'm going to have to
18 hurt you; none of that., Randy, you don't want to be a
19 witness.

20 Now, ask yourself a question. If you are getting
21 -- you heard him in here today -- you're getting lynched
22 by four people. Four. You've been lynched earlier in
23 the day. You were lynched again that night. You fought
24 your way out that time, but you didn't make it home.
25 Remember, now, you fought your way out of the apartment.

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CLOSING - STATE - LEGETTE

1 Door closed, you fought your way out. Three women, one
2 man. You fought your way out. But somehow, you got
3 intercepted on the way home, never got home, but you end
4 up with a gun. How did you get the gun? Did you really
5 get lynched in the apartment with the three women, where
6 you couldn't get away, where you had no way out, but
7 suddenly, you have a gun thirty minutes later?

8 And now, ladies and gentlemen, I don't mean to
9 insult any of you. I did put up there a woman. Tyhira
10 Harrington was a woman, 105 pounds of a woman. Now,
11 ladies and gentlemen, I know many men, and I don't want
12 to be insulting here or offensive. But men, the men
13 that I know -- you are being lynched by four people. So
14 there's two men, and there are two women. Greg Sanders
15 -- you all saw how big Yhantyse was. Out of his own
16 mouth, not mine. You all saw how big she was.

17 You all saw -- did you all see Marquis Alston? Oh.
18 Did you all see him? Marquis Alston, did you see how
19 nasty Marquis Alston was when he came in here? I told
20 you all, there were some people who did not want to be
21 here. Marquis Alston didn't want to be here. You saw
22 him walk in, all cocky. You saw him take that chair and
23 -- he wouldn't even listen to the judge. Did you see
24 Marquis Alston?

25 And then, there was Randy, another man. So is it

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CLOSING - STATE - LEGETTE

1 reasonable -- are you really in imminent fear of death
2 or imminent bodily injury by shooting the smallest
3 person there? He shot the smallest person there.
4 Yhantyse? No, he didn't shoot her. Randy? No, he
5 didn't shoot him. Marquis, who you -- all of you have
6 seen how nasty Marquis can be. And I believe if Marquis
7 came to lynch you, oh, you would get lynched.

8 Speaking of which, lynch is a bad, bad word. Bad
9 connotation. Beat up is a better phrase, but. Marquis
10 Alston, if he's coming for you, I believe he wouldn't
11 come for you. But you shoot the smallest person there,
12 not because she's pacing back and forth, not because
13 she's pacing back and forth; no, no, no, no, no.
14 Because you might have owned her, you was tied, because
15 you told -- you promised her mama, you promised her,
16 that deadly promise, you promised her she was going to
17 wear a black dress. That is not reasonable. You are
18 not in imminent fear of deadly injury or bodily injury.
19 It is not -- it is not reasonable.

20 Listen to his words. How frightening are his
21 words? What did he -- what did Yhantyse say he said?
22 All these people out here, who you think gonna ride?
23 Who you think gonna ride? That means -- you know what
24 that means, ladies and gentlemen? You know what ride
25 means? Because mama, in her text -- mama's text was --

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CLOSING - STATE - LEGETTE

1 I admit, mama's text was offensive, and I apologize for
2 -- for the -- for the words. Mama said she's angry,
3 very angry. I can imagine she very likely was angry
4 about him threatening to kill her child, her only child.
5 But what did she say in the text? She said she was a
6 ride or die. I looked up that word, ride or die. It's
7 in urban legend, urban dictionary, and even on *Bad Boys*
8 *I*. I'm not sure if you all watch movies, but on *Bad*
9 *Boys I*, they talk about how we ride together, we die
10 together. *Bad Boys* for life. Ride. Ride means, I'm
11 with you, I'm with you. Her mama say I'll ride or die;
12 I'm with you. And what did Greg Sanders ask that child
13 that night? What did he say? All these people out
14 there, who you think gonna ride with you? Who you think
15 gonna be with you? Who gonna be there for you?

16 He wasn't afraid of anybody. He wasn't fearing any
17 man. Not any man and not any woman, because you know
18 what he had? If you could've seen his eyes. The eyes,
19 the eyes tell the story. The windows to the soul. And
20 what I saw in those eyes today when he pulled that gun
21 and he shhh. Eyes of a killer. He was not in fear. He
22 was not in fear. He knew there was nobody out there who
23 would ride for her, and literally no one rolled for her.
24 No one was there for her. No one stopped him, because
25 he knew he couldn't be stopped. He couldn't be stopped.

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CLOSING - STATE - LEGETTE

1 Mama's text. Mama's text, ride or die. Yes, it is
2 offensive. Now, Ms. Garvin, let's just go ahead and
3 deal with the pink elephant. Ms. Garvin did not cause
4 her daughter's death. That question got asked in here
5 on Monday. That question was asked of her, did she stir
6 up this pot. Ms. Garvin told you she was trying to
7 protect her daughter. She was trying to warn her
8 daughter about Mr. Sanders. That's simply what she was
9 trying to do. She'd gotten it. Mr. Sanders said today
10 that, basically, he didn't say any of those things; that
11 everyone else in here that has come before you has
12 somehow not been telling you the truth. He's the only
13 person that is the arbiter of the facts..

14 So Marilyn Garvin made up on the 7th -- let's go
15 back. Look at this. I wish I had a pointer. Look at
16 this. He says May 7th, at 12:04 a.m. She didn't just
17 come in here and tell you that Greg Sanders told her
18 that, threatened her daughter, that deadly promise, but
19 she actually texted her daughter on May the 7th, three
20 days prior to her death, she texted her and told her,
21 he's talking about killing you. He talking about
22 killing you.

23 Mama just made that up, and sent a text to her
24 daughter that was just to create some problem? No,
25 ladies and gentlemen. No. No.. Ladies and gentlemen,

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CLOSING - STATE - LEGETTE

1 he was not in fear of harm. He pulled that trigger. He
2 pulled that gun, pulled the trigger, and he murdered
3 Tyhira Harrington. He was not in fear of his life. It
4 was murder, and it was not self-defense. Would a
5 reasonable person have been in fear of imminent danger
6 or bodily injury? Reasonable. What is a reasonable
7 person? Would a reasonable person have been in fear of
8 imminent death or bodily injury? So we have to examine
9 some things, ladies and gentlemen.

10 The way he explained all this and how it all went
11 down, I asked him some questions and we went over some
12 pictures, for him to tell me exactly where he was
13 standing when all this was happening. Remember he told
14 us that -- that he was -- she pulled into the parking
15 lot? I'm sorry, I don't have a better picture of this,
16 but he pulled in -- she pulled into the parking lot
17 here. She pulled into the parking lot, and that,
18 basically, he had his back to the wall. He told several
19 different things, but his back was against the wall.
20 But the blood is out here in the street.

21 And did you see what happened whenever he said he
22 shot her? He turned and he ran backwards, but his back
23 was against the wall. How can you run backwards if your
24 back is against the wall? But if you examine the
25 photographs, where the blood is in the middle of the

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CLOSING - STATE - LEGETTE

1 street, they were in the street. And if you look at the
2 pictures, there's plenty of places to go. Plenty of
3 places to go. Was it reasonable for him to believe he
4 was in imminent danger?

5 Tyhira Harrington had no weapons. The witnesses
6 all say this. She was skinny, 105 pounds. We've been
7 over it before. Was it reasonable? There was no
8 fighting, it was one-on-one. She was the woman. She
9 was a woman. They want you to believe she was violent.

10 Mr. Sanders said that there was a lynching. They
11 lynched him inside the apartment that night. He got
12 lynched earlier. Everybody is upset with Greg Sanders
13 for some reason. They're all upset. A group of six --
14 five or six people lynched him earlier in the day.
15 They're associates of Tyhira's ex-boyfriend. They
16 lynched him earlier in the day, and then he talks about
17 how, you know, he's got these injuries, and they were
18 caused, apparently, by these -- these lynchers, who all
19 hit him, these injuries that appear to be in a healing
20 state. You have the pictures yourself. I can't find it
21 right now, but all the pictures that appear to be in a
22 healing state of Greg Sanders, with all the scabs over
23 them. Ladies and gentlemen, you'll be able to see them
24 for yourself.

25 He says he was lynched earlier, and then, lynched

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CLOSING - STATE - LEGETTE

1 in the apartment, but check out this one thing. So the
2 pathologist actually has these diagrams, where she
3 actually took photographs, and she actually diagramed
4 the injury to the victim's body. You'll be able to
5 examine this. She was documenting other injuries,
6 bruises. Remember he said he fought his way out? But
7 she has no injuries, except the head shot, where he shot
8 her. No injuries. It did not happen. It did not
9 happen, ladies and gentlemen. There was no lynching
10 inside the apartment. The witnesses have already told
11 you there was no lynching inside the apartment. 105
12 pounds.

13 Now, as far as defense of others, ladies and
14 gentlemen, the fact of the matter remains, even if
15 Javasha -- I'm sorry -- even if Tyhira Harrington
16 offered to fight Greg Sanders, there were never any
17 licks passed. No licks were ever passed, not between
18 Tyhira and the girlfriend, Javasha Forrester; not
19 between Tyhira and Greg Sanders. No one ever touched
20 him. No one ever touched him. Think about this. Is it
21 reasonable? You got in a -- you were beat up, lynched
22 earlier in the day. Your injuries say that they're
23 older, but you got beat up earlier in the day on May
24 10th. You got beat up again that night on May 10th.
25 People laid hands on you. You couldn't have gotten home

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CLOSING - STATE - LEGETTE

1 and gotten that gun. You had the gun on you at least
2 when you said you were lynched in the apartment, but you
3 didn't take out the gun and shoot anyone. They had
4 already laid hands on you. Maybe eight people have laid
5 hands on you, and out of the eight people you didn't
6 shoot one single person. Not fire one single round from
7 that gun. Yet, nobody's fighting with him. There's a
8 confrontation. You're so afraid -- you're so afraid of
9 the 105-pound woman, the girl that would go to the right
10 or go to the left. Your cousin and boisterous Marquis
11 Alston. Nobody's fighting, but you still fired the gun,
12 and you shoot the smallest person dead. Is that
13 reasonable? It is not reasonable. It was murder. It
14 was not self-defense.

15 And finally, ladies and gentlemen, we've been
16 belaboring it a long time, but I've got to make sure you
17 understand. He had no other means of avoiding the
18 difficulty. That means he couldn't get away. Remember
19 I told you -- remember he told you his back was against
20 the wall. Back against the wall, they were coming at
21 him from all angles. He told you that the car itself
22 was in the parking lot, then he tried to change it, but
23 the car was in the parking lot. Her blood's in the
24 street. The pathologist told you, and Ms. Ila Simmons,
25 who Mr. Plexico wanted you not to think was an expert;

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CLOSING - STATE - LEGETTE

1 I'm not sure why because all of the stuff belongs to Mr.
2 Sanders. He admitted the gun was his, the shirt was
3 his, all of the stuff was his. But here's the thing.
4 She's got stippling around her eye. The pathologist
5 told you it's so close, it's so close. Did you see how
6 he roll up on me and shot me? Just like this, boom.

7 They were in the street. They were in the street,
8 ladies and gentlemen. He was in the street. Remember
9 how close I was to him. He didn't tell me to move back.
10 Huh-uh. Huh-uh. He didn't say move back. No, no.
11 Move back a little bit, move back a little bit, come on
12 up a little bit, come on up a little bit. What did he
13 do? He pulled that gun out of his pocket, and his eyes
14 told the story. Boom. He was just that close. And if
15 he was just that close, ladies and gentlemen, look at
16 this blood. That blood came from the one wound she had,
17 and that blood's in the street. And you can have these
18 pictures, and I want you to take your time in your jury
19 room, and look at these pictures, and see what it's --
20 these dots are, where they're actually in the street.
21 He was in the street.

22 You saw him demonstrate how close he was to me. He
23 was close, inches. The experts told you, he was within
24 inches of her. It was murder. It was not self-defense.

25 These pictures right here. How close he was. One

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CLOSING - STATE - LEGETTE

1 thing about self-defense. I asked him, it's self-
2 defense, huh? Okay. Did you tell about a lynching
3 earlier in the day? No. How about the lynching at the
4 apartment? No. How about when you had to shoot her
5 because you was getting ready to get lynched? I didn't
6 have no phone. But you had to go by the police
7 department to get to the house on Second Street. But
8 you still didn't say, hey, hey, I had to kill this chick
9 because, you know, her and her friends were trying to --
10 trying to beat up on me, lynch me and my girlfriend.
11 Nothing. Nothing. He just walked by the police
12 department. You walked by. What's the first thing you
13 do? Self-defense? Call somebody. Tell somebody, tell
14 the police. What was the second thing he did? He was
15 getting rid of evidence. Standing behind a trash can.
16 Standing behind the trash can, taking off clothes.
17 Taking off clothes behind a trash can? What are you
18 doing with the stuff? What are you doing? Why don't
19 you just take it to the police?

20 And when he -- he did talk to the police, what did
21 he say? She was a nobody. She's a nobody. And what
22 did he next say? I got this injury from my girlfriend,
23 my girlfriend. My girlfriend punched me in the eye.
24 But today, no. Captain Williams was just -- well,
25 Captain Williams -- just didn't tell you all this, and

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CLOSING - STATE - LEGETTE

1 he didn't say none of that. He didn't say any of it
2 today. His own words defeat his theory of self-defense.
3 Buy a black dress. Buy a black dress, because I'm going
4 to kill your daughter. You need to leave, you don't
5 want to be a witness, telling Randy, you don't want to
6 be a witness, because he had in his mind premeditation.
7 We're getting in the praise 2693 3053theory. I'm
8 getting ready to kill this chick; I'm getting ready to
9 handle this; you don't want to be a witness, Randy;
10 we're cousins. All these people out here, who you
11 think's gonna ride with you? His own words defeat the
12 self-defense claim. She must be a nobody.

13 Now, ladies and gentlemen, if you notice, he seemed
14 to have a really, really, really good memory. I asked
15 him about what they ate for -- what he ate for lunch on
16 Monday. He had to think about it. Came up with it.
17 He's had two years to think about this, to tell you
18 today his version of how it happened. Let's subtract it
19 all. Subtract. Without fault in bringing on the
20 difficulty? Subtract. No. He started it all. Being
21 in imminent danger or believes he was? Nope. Subtract.
22 He did not believe he was in any imminent danger,
23 evidenced by the fact that he shot the 105-pound
24 smallest person there, and told you don't want to be a
25 witness, who gonna ride with you. No, he didn't believe

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CLOSING - STATE - LEGETTE

1 he was any imminent-bodily -- in any imminent danger.
2 None of that. Would a reasonable person have believed
3 the same? No. Subtract it all. It's not reasonable.
4 None of it's reasonable.

5 And then, no other means of avoiding the
6 difficulty. Ladies and gentlemen, he had plenty of
7 places he could go. Look at this open -- this open
8 area. This open area up there with the apartment. Open
9 area. He could have gone to the left, he could've gone
10 to the right. He could've gone behind himself, like he
11 showed me here today. They were in the street. He had
12 plenty of places to go. The street was open. He
13 could've walked away. He walked away, supposedly, when
14 he was lynched earlier in the day. He walked away,
15 supposedly, when he was lynched in the apartment. He
16 ran out. But suddenly, the 105-pound woman shows up by
17 herself. Nobody gonna ride for her. Or was it this, I
18 got the drop on you now, I promise your mama, and I'm
19 about to handle this. So, ladies and gentlemen, this is
20 not self-defense, this is murder. This is murder.

21 I told you we would talk about the State's case.
22 What is the State's case? We have the burden of proving
23 beyond a reasonable doubt that the defendant is guilty
24 of murder. What does that mean? The Judge herself will
25 ultimately tell you what the law is, but just so you can

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CLOSING - STATE - LEGETTE

1 apply this to the facts of the case, I'm going to break
2 down -- I'm going to do a chart here. I'm going to
3 break down for you what the elements of murder are.

4 What is murder? Thank you. Murder is a willful
5 feeling of another person with malice aforethought,
6 express or implied. Murder she wrote. Murder she
7 wrote. What is murder. Examine the facts. I'll give
8 them to you very briefly. Willful. Did Gregory Sanders
9 willfully kill Tyhira Harrington. Yes, it was willful.
10 He showed you how he did it. And we've already shown
11 you that it was not self-defense. So the question is,
12 was it willful, was it unlawful. If there's no self-
13 defense, then you're not justified in shooting a person.
14 And there, in this case, is no self-defense. So the
15 willful killing. We know that she's dead, based on the
16 pathologist having autopsied her, taking a bullet out of
17 her brain. And we know that it's her; that it's not
18 another person. We've identified her as that person.

19 With malice aforethought, what is malice? Malice
20 is wickedness, a depraved heart, a person bent on doing
21 wrong, evil. Malice. Malice has to be aforethought,
22 meaning it has to be just before. It can't be an
23 accident. It can't be just something that happens
24 involuntarily, like many things that could happen as
25 opposed to that.

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CLOSING - STATE - LEGETTE

1 Accidentally. He could've come in here and told
2 you I accidentally pulled the trigger. He didn't say
3 any of those things. With malice aforethought? What is
4 malice? That is wickedness. Malice.

5 His statement to Marilyn Garvin, you better buy a
6 black dress, I'm going to kill your daughter.
7 Aforethought, that means he planned it, premeditated.
8 When he told her on May 7, 2016 that he was going to
9 kill her daughter, he meant every word of what he said.
10 He meant it. His heart was bent on doing wrong. He
11 told her, who do you think's gonna ride with you? He
12 told Randy walk away, you do not want to be a witness to
13 this. That is what malice is. That is what malice is.
14 Malice was in his eyes today when he pulled out the gun,
15 and pow. That is malice aforethought, ladies and
16 gentlemen. Evil.

17 Express or implied simply means -- express means it
18 could be expressed in words. He expressed his malice,
19 his hatred, his ill will, his evil intent, his
20 wickedness, towards Tyhira Harrington on May 7, 2016.

21 I'm just going to drive it home, beat it home,
22 ladies and gentlemen. Marilyn Garvin, Samson Williams,
23 and a text message all show you that actually happened.
24 He was going to clear his name that night, not just
25 having said, oh, she took him to get him set up. What

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CLOSING - STATE - LEGETTE

1 did he leave out? The part where he said I'm going to
2 kill your daughter. Oh, he told -- he told you the
3 second part of it. He was gonna clear his name, but he
4 left out the one most important issue. He said it, but
5 he wasn't going to admit it here today. I understand.
6 Express, implied. Implied can be used -- can be
7 inferred by different things. Using a weapon, that kind
8 of thing. What we have here, murder. The murder of
9 Tyhira Harrington.

10 And ladies and gentlemen, not only that, the other
11 charge we have before you today is possession of a
12 weapon during the commission of a violent crime. What
13 is it? The defendant was in possession of a weapon
14 during the commission of a violent crime. The trial
15 judge will charge you that murder is a violent crime.

16 Now, ladies and gentlemen, understand this. If you
17 find the defendant not guilty of murder, then you stop;
18 knock on this door; tell the bailiff that we have a
19 verdict; because you can't even get to this one. If
20 he's not guilty of murder, then he is not guilty of
21 possession of a weapon during a violent crime. Simple
22 as that.

23 So let's go through this. The defendant, quite
24 obviously, Greg Sanders, in possession -- he admitted he
25 was in possession of the weapon. Can we go ahead and

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CLOSING - STATE - LEGETTE

1 check those off? He admits he's in possession of the
2 weapon and during the commission of the violent crime.
3 Murder, this is what it's going to come down to. This
4 is going to be your issue right here. Murder is a
5 violent crime, because if have not gotten to murder by
6 this time, then this is going to be not a check. But we
7 submit to you, ladies and gentlemen, that this case is
8 murder.

9 So there is the State's case, ladies and gentlemen.
10 There it is, in a nutshell. All the rest of it,
11 separate the weak from the tears. The weak from the
12 tears. Sift it out. Sift it out. The gun in this
13 courtroom that the defendant had with him, that he
14 appeared to be getting ready to discard behind that
15 trash can, his gun, the one that he took with him when
16 he rolled or walked or ran by the police department, was
17 in the process, in our opinion, of being discarded.
18 That's the gun.

19 The clothes he had on had GSR on them. The victim
20 was shot at a close range, right in her left eye. He
21 promised her mama he was going to kill her. He promised
22 her, a deadly promise. That is the case, ladies and
23 gentlemen.

24 And apparently, according to Mr. Sanders, no one
25 else to be believed, because everyone else here,

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CLOSING - STATE - LEGETTE

1 everyone else here has not told you what really
2 happened. Not even Captain Williams.

3 Ladies and gentlemen, I thank you for listening. I
4 thank you. And I told you before, when all the evidence
5 was in, I would come back, and I would ask you for
6 justice.

7 Marilyn Garvin, after she was berated for being a
8 drunken mother who stirred up a pot, I asked her what
9 she wanted. All she said was justice for her daughter.
10 I ask you all, ladies and gentlemen, to judge between
11 the defendant at the Bar and the case that the State has
12 put up. I submit to you this was not self-defense. He
13 did not have to shoot that girl. He could've walked
14 away. He did not have to do what he had promised her
15 mama he would. He's a man of his word.

16 Now, I ask you, ladies and gentlemen, to find
17 justice for Mr. Sanders for being a man of his word.
18 Find him guilty of what he said he would do, and what he
19 did. Find him guilty of the murder of Tyhira
20 Harrington, and find him guilty of possession of a
21 weapon during the commission of a violent crime of
22 murder. Thank you.

23 THE COURT: Mr. Plexico.

24 MR. PLEXICO: Your Honor, Madam Solicitor.

25 SOLICITOR LEGETTE: Mr. Plexico.

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CLOSING DEFENSE - PLEXICO

1 CLOSING ARGUMENT ON BEHALF OF

2 DEFENDANT BY MR. PLEXICO:

3 MR. PLEXICO: Okay. I want everybody to wake up
4 from their dreamlike state. Okay? This is not about
5 drama. This is about looking at the evidence, From
6 what I've heard the Solicitor say, if somebody
7 threatened someone last week, that means that that
8 person could go get a group of people, and then go drive
9 up on them at 12:30 at night, and leap out at them,
10 saying I'm going to F you up. Or next month or this
11 week. This was May 7th. And here's the whole point.
12 Even if he said that on May 7th, he wasn't there
13 starting anything with them. Okay? He's completely
14 without fault, and he's going to explain all this to you
15 when I put him up. Okay?

16 His behavior was backing up. They said look at the
17 testimony. I'll get to that. But completely without
18 fault. If he had risked serious bodily injury or death,
19 he would've had to abandon the little girl behind him.
20 Okay? And how else could he act with Rachet about to
21 drop one on him, and Randy White up there. And you can
22 argue about whether Yhantyse Priester was moving up with
23 Randy right beside of her, obviously. That was the
24 group coming up saying I'm going to screw you up.

25 And that four -- those -- those two girls, who went

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CLOSING DEFENSE - PLEXICO

1 and got the backup, the boys. They didn't come
2 equipped, didn't have a weapon, and what was the
3 testimony? The testimony I got mine under the seat.
4 Okay? And that just shows how intense they were coming
5 at Greg Sanders and Javasha. And that's something --
6 you can't get around that. You can't get around the
7 attack. The group attack on those people walking down
8 the road, minding their own business.

9 Would a reasonable person at 12:30 have been in
10 fear of bodily injury, of serious bodily injury, with
11 Ratchet and the other guy. Big Yhantyse. Okay? All
12 right? And they want to dwell on the small one in the
13 group? Big deal. That's just the leader of the pack.
14 And speaking of the pack, this is the pack out of
15 Allendale. Apparently, they moved over to Estill.
16 Okay? And they brought their philosophy, ride-die
17 mother. Okay? What a -- what a philosophy to have to
18 bring your children up in. Do you doubt for a minute
19 the testimony about her being in a gang? No. That's
20 not really -- that's not -- there's no real doubt there.

21 So the State has to disprove self-defense in this
22 case beyond a reasonable doubt. Now, just look at this.
23 Is he with any fault that night of bringing on the
24 situation of violence that was directed at him? He's
25 not. You can -- oh, last year he did something; it was

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CLOSING DEFENSE - PLEXICO

1 two days ago; it was five days ago. Even if that was
2 true, it doesn't justify the attack that night. He's
3 completely without fault, totally without fault, in
4 bringing on the difficulty. That's a requirement of the
5 act. Could you reasonably retreat from that group
6 without being faced by them or leaving someone you love?
7 Don't we have a right to defend our loved ones? What is
8 it? Is there something wrong now? Did that stop. You
9 have to leave your -- your loved one behind? Or do you
10 stay and you protect your loved one? You back up, you
11 go away, you leave her. That's not a man at all.

12 And they all admitted they were moving up. She
13 moved up. Yhantyse. Randy White testified that he
14 moved up with her. Okay. Yhantyse said something was
15 going to go left. Been drinking all day, out of
16 control. Drink. Okay? They decided to go watch there
17 at the strip club. I don't know how these people do it.
18 Okay? I mean, what's their attitude? Okay? What are
19 they out to do to go get the boys, and then hunt him?
20 Completely without fault in bringing on the difficulty.

21 Was he in danger? Yes. We know he was in danger.
22 You can agree he's in danger. You might argue about how
23 much danger, because if your focus has been properly
24 put, just on Tyhira Harrington, and not as the leader of
25 the pack, you go, what were they all -- they all said

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CLOSING DEFENSE - PLEXICO

1 they were moving up, except for Alston, and he was just
2 the most frightening fellow from Charlotte that I could
3 think of. I wouldn't want Ratchet bringing one down.
4 Okay? Because that's going to be pretty serious. So
5 that would be a hard lick.

6 She went and got a couple of them to back -- to
7 back them up. Oh, what else would have been the
8 purpose? Oh, we're going to get some dope. But that's
9 an excuse. Pretty poor excuse. But that also shows you
10 of little of what they'd been doing. Remember what the
11 fellow just said. They back up, but my client said that
12 he backed up; he was saying don't come any closer;
13 without fault; risk of serious bodily injury. You've
14 got a little girl behind my client, a small person
15 behind my client. They want you to dwell on Tyhira, not
16 on Javasha. That's undisputed in the evidence. But my
17 client said undisputed that they say back up, he backs
18 up my client. And do you have to sit there and allow
19 yourself -- and have we come to that in America? You
20 sit there and allow somebody to beat you down? No.
21 Thank goodness. You're out walking at night, you know,
22 good idea to carry at night.

23 But when you saw him get cornered over there by the
24 Solicitor, I didn't say a word. He's not a hothead.
25 He's not a hothead. But they came for him that night.

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CLOSING DEFENSE - PLEXICO

1 saying we're gonna F you up, in the dead of night. He
2 was out walking, minding his own business, he had a
3 right to defend himself from serious bodily injury with
4 a problem he was minding his own business. He was
5 wholly without fault. Did he unload the gun? No. He
6 says he shot, she fell. Okay? They took off to safety.

7
8 And how can you really get away unless you abandon
9 -- is that what it -- it's his fault. He's a murderer
10 because he didn't abandon his loved one to a mob, a wolf
11 pack? Does that make him a bad man? It makes him a
12 hero, is what it makes him. It makes him brave. Okay?
13 They're moving in. Their mind's made up. He stopped
14 the lead person. That's just common sense. And that's
15 what he did, and he used that break. So he's supposed
16 to take off somewhere, and they're not chasing him, and
17 they're going to leave her alone? They were ready to
18 hurt anybody, and they were moving up together.

19 The law says self-defense, you have the right to
20 act on appearance, and you appear that a reasonable
21 person's going to wait, you can get some serious injury
22 out of this. And you have a right under the law to
23 defense of others. Those statutes, the law gives us
24 this to defend others. You don't have to abandon your
25 child out there and run off. You don't have to abandon

1 your spouse. You don't have to abandon your best
2 friend. You could -- you could stay there and defend,
3 as if they could defend themselves.

4 What was the intent going forward? They had in
5 their mind initiation of some gang. How do you get
6 initiated. You have to kill somebody. Beat them down
7 like a dog. And you know that's serious. Just use your
8 common sense. Now, if he doesn't have self-defense, who
9 does? That's self defense. And it's -- can't be
10 excessive. Shot one. I'm going to shoot the whole
11 group. He shot, opportunity, they backed off, one ran,
12 one ducked, one froze, and that's what they did. You
13 know, any time somebody dies, it's serious. But you're
14 doing that kind of activity, and you think your going to
15 have -- and then have -- I don't understand what's going
16 on with the government. And then to call the behavior
17 wrong? Huh, that's not it. Yeah, they had their mind
18 made up to start with that Greg was in the wrong. And
19 you sit down and calmly and rationally think about this,
20 I'm glad he had a gun. I'm glad he wasn't hurt. You
21 should, too. You should feel that way, too. I'm glad
22 Javasha wasn't hurt. You should feel that way, too.
23 Why? They didn't start it. Now, I don't know where all
24 this is coming from.

25 I'm going to start going over some of the evidence

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CLOSING DEFENSE - PLEXICO

1 with you. And remember -- all right, you had officers
2 testify. You said Chief -- you had -- Officer Thomas
3 testified; you had Chief Collins testify, and they said
4 my client didn't say anything. I don't know where this
5 comes from with Alex Williams, you know. And you can
6 look at those pictures. What happens as soon as you get
7 -- you know, you're out working in the yard, and you're
8 cutting a tree or whatever, and you know, you've got a
9 -- you've got a cut on your hand or whatever it is, and
10 you're working with a tool, it scabs right over. That's
11 what it's supposed to do. But you drive out to the E.R.
12 and get you a couple of stitches. So, you know, that's
13 normal. So this idea they were old wounds doesn't make
14 any sense. And you can look at the -- it's State's
15 exhibit, Madam Court Reporter, 1?

16 COURT REPORTER: Which one?

17 MR. PLEXICO: Excuse me. Defense Exhibit Number 1.

18 COURT REPORTER: Is that it laying right over
19 there?

20 MR. PLEXICO: No, ma'am. Thank you. Here we go.
21 I have it. Thank you.

22 Looks pretty fresh to me. You can take this back
23 there with you. Okay?

24 And there's no evidence of any malice between my
25 client and his girlfriend of seven years. And somebody

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CLOSING DEFENSE - PLEXICO

1 -- something's happened to him. He's got a red rash
2 from somewhere. You can't dispute that. And did he go
3 act out? No. This when he was cornered, okay? All
4 right? And he didn't feel like he had a way out, and
5 was that reasonable? I think it obviously was.

6 You heard from a lot of people here. You know,
7 that's -- you go out in the road, it shows you're out
8 fighting in the street. We're talking 12:30, 12:40, you
9 know, late at night. What are these people thinking? I
10 know what they were thinking, and I'll get to that.

11 There's no question this happened in the road,
12 because you can't move the blood stain. That's
13 something the State can't argue over.

14 Samson, let's think about Samson. He came in here
15 and told you the record. Man, he was slick, though.
16 Samson Williams, this is Marilyn Garvin's, the
17 shoplifter's boyfriend. They talked about his criminal
18 record and receiving stolen goods, grand larceny, and
19 shoplifting, too. And then he popped up and he saw,
20 yeah, I got six grand larcenies over in Allendale. I
21 guess they cleaned out Allendale and moved -- and moved
22 over to Hampton County. Okay?

23 So stealing is an act of deception, and taking
24 something that is someone else's and converting it to
25 yours. That's an act of deceit. You know, that's --

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CLOSING DEFENSE - PLEXICO

1 it's wrong. You're a thief. You know, if you'll steal,
2 you'll lie. So what is this all about between them with
3 Marilyn? And he was saying, remember my client says he
4 just wanted to clear the air, make sure, you know, look,
5 there's nothing going on here. Tyhira's not afraid of
6 him. They're in the house talking. Everything's
7 peaceable. Samson says, well, I did -- might have left
8 for a minute. Do you see that? I might have left for a
9 minute. He's not saying they didn't assault him. He
10 says I don't know. Okay? Because you know the rest of
11 them aren't going to admit to it. And Mama's not going
12 to admit to stirring all this up. Okay?

13 So whatever's going on with Mama, and you've seen
14 the nastiness of all this, now, right after Mama stirs
15 this up and starts it, Mr. Sanders is assaulted. Okay?
16 He tries to clear his -- this is a man acting in the
17 right. He tries to clear his name. Okay? He gets
18 assaulted again. This isn't a man quick to a gun and
19 quick to his temper. Obviously, this takes a lot. He
20 has restraint. Okay? Now, all this is in the day time.
21 Yeah. These things are trouble. All right? Because
22 when somebody's sneaking up on you at night. All right?
23 And about driving a car into you, and then unloading the
24 car and coming at you, saying we're gonna F you up, do
25 you doubt for a minute they weren't that vile? You

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CLOSING DEFENSE - PLEXICO

1 can't, reasonably. How angry would they have been? And
2 then, this stuff about he was supposed to be messing
3 with the gangs and all that. There's no evidence of
4 that. That's just more of the he said/she said stirring
5 stuff up that makes no sense, and makes my client guilty
6 of nothing. This is unfounded belief that --

7 What was it that Yhantyse Priester said about
8 Marilyn Garvin? She said -- I jotted it down. She said
9 she was hollering and angry. Okay? You can believe
10 that much, because it sure matches the tone of her text
11 message she sent her own daughter. Okay? And in all
12 this stuff where she's over -- she's living, even though
13 they kind of -- it's too big of an apartment with, you
14 know, kids there, Tyhira Harrington there, Yhantyse
15 Priester there, Tywana Bradley there, Samson there. I
16 mean, start adding them up. You know, they were just
17 packed up in there like, you know, cheese, a pack of
18 cheese.

19 I mean, a man didn't have the emotions of Mama over
20 there who keeps keep pushing that, and wouldn't let it
21 go. So what kind of effect did that have on it? Now,
22 and who is attacking my client? Friends of the baby
23 daddy, Tyhira Harrington's baby daddy. So, apparently,
24 it's reasonable to infer Marilyn Garvin got them all
25 stirred up. Well, yeah, that's -- what reason would my

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CLOSING DEFENSE - PLEXICO

1 client have had to say any of that? I don't know what
2 the misunderstanding was. Okay? But if her mother was
3 stirring stuff up and all this came to light later, none
4 of this was reported, nobody was told this, unless she
5 felt really guilty about starting something, okay, where
6 her daughter went out -- went out to do whatever,
7 essentially a lynching.

8 I think black people -- clearly, everybody -- but
9 particularly black people know what lynching is. Okay?
10 That's where a mob of people, a gang of people, come up
11 and going to do you some harm and maybe hang you. It
12 doesn't take a law degree to know that. You can watch
13 that from watching Marshall Dillon. I guess I'm going
14 to date you all a little bit. But you know, you know
15 what a lynching is. Okay? And when you come out,
16 that's about what the size of it is. I'm going to hang
17 you and I'll stomp you down. And that's just a --
18 that's just an awful, awful thing.

19 Now, in all that that was going on, Marilyn
20 testified my client walked out. Do you think for a
21 minute after they had him over there, and all of those
22 tough girls were over there -- take a look -- they
23 weren't going to go to whooping on him. With everybody
24 else in there? You can believe what my client says is
25 reasonable to believe. Not what the State wants you to

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CLOSING DEFENSE - PLEXICO

1 believe or what they're saying. They had to cover up
2 what they did, because, you know what, they should've
3 been charged with -- with attempted lynching, the rest
4 of them. That's what really should have happened. But,
5 you know, the State makes those -- those decisions.

6 So then, her little buddy gets in on the game. She
7 texts her over at the strip club. Of course, they've
8 been drinking all day, but they didn't drink -- they
9 didn't go in the strip club and drink. I guess they
10 thought it might make them look bad. Do you believe
11 that for a minute?

12 Okay. So they come back over, all right? Now, the
13 pot's still getting stirred. All right? They're angry
14 at my client. They pick up Ratchet and they pick up
15 Randy White. And what does Randy say? Randy says she
16 stomped the car. Okay? She went to the projects. And
17 by that time, she had gotten another email saying, oh,
18 his girlfriend's at your house; he's probably there,
19 too. What do they do? They got the back-up, got the
20 men. When ty see them, boom. Hit the brakes, pull up,
21 back up, pull over to the street they're on. It's not
22 like they had the self-control to go back. Remember,
23 drinking all day, out at the strip club, angry, out
24 driving a car, .13 at least on the B.A., I think it was.
25 And what else?

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CLOSING DEFENSE - PLEXICO

1 And then, I didn't understand what pathologist
2 said. And then, they pulled right up to them, and he
3 said you could touch the hood of the car. And then they
4 all piled out. Now, and Randy backs that up completely.
5 Randy White says that Greg Sanders is telling the truth,
6 because Randy White says that's exactly what happens..
7 Exactly what happens. And she was what? Yhantyse was
8 right. She was full effect. I think you heard that
9 once before, right? Full. That means dangerous. Not
10 Yhantyse. Tyhira Harrington was in full effect.
11 Yhantyse said that. All right? She was scared. Made
12 her scared.

13 It was something like that. She was scared. All
14 right? She was going left -- or it was going left. And
15 that's her big-girl backup, so. And there's no dispute.
16 They're there to fight. What is fight? Do violence.
17 And if you've been drinking all day, and you're out
18 fighting, and anybody in a reasonable month of Sunday
19 would think that the rest of them is not going to help
20 their friend if their friend's losing. No. There ain't
21 no way in hell. It's common sense. How they have the
22 gall to say that -- that my client started something at
23 12:30 when he was walking along and minding his own
24 business, I just really can't understand.

25 And you think about Randy. The last thing he said

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CLOSING DEFENSE - PLEXICO

1 was, yeah, self-defense. Okay? He didn't want to say
2 he was part of all that. Okay? He didn't want to say
3 he was part of all that. Okay? He was just moving up
4 with her. Okay? But he's not saying anything. He's
5 not saying calm down; she's not going to do anything.
6 He's not picking that little thing up as they're wanting
7 you to believe and picking her up and putting her in the
8 car and saying shut you're your drunk mouth shut up; I'm
9 driving you back home. Okay?

10 Is Ratchet, tough Ratchet, picking her up and
11 going, hey, now, they don't want to fight; you leave
12 them alone we're going to be law-abiding? No. Big
13 Yhantyse picking her up saying, hey, huh-uh, huh-uh,
14 sister, don't do this; okay; I'm starting to love you,
15 and you know, I don't want you fighting. All right?
16 No, no, no. No, they're just silently moving up, and
17 apparent -- what would appear to a person they're moving
18 in on, is there's an apparent, real plan to do them
19 harm. That's the only reasonable explanation.

20 Randy said they were going to get hurt. That was
21 apparent. Okay? And he sure isn't going to -- once he
22 realized what had happened, and what he was a part of,
23 he knew -- his mama, somebody told him, hey, you could
24 go to jail. It ain't like he went to the cops. Marquis
25 surely didn't go to the cops. Okay? They found

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CLOSING DEFENSE - PLEXICO

1 Yhantyse at the hospital.

2 Now, this idea of plenty of space, when somebody's
3 alluding to having a gun, you got four people on the
4 attack, there's no way to retreat. There's no way to,
5 you know, to avoid danger. They got a car to run him
6 down. It's just -- just doesn't make sense. Okay?
7 There's four of them, and you got to abandon your loved
8 one? I'm going to address that, but I mean, that's just
9 -- there's just no retreat here. You know, when you say
10 stop, stop, stop; they keep on to do harm to you, you've
11 got a right to protect yourself. He shot one person.
12 And the law allows you to do that, but it takes a jury
13 to say it's self-defense. And I'm imploring you to do
14 that.

15 So Marquis Alston. Now, I describe him, you know,
16 he's, you know, this is the kid from Charlotte,
17 Mecklenburg County. He was the toughest one in the
18 bunch. Okay? Now, he knows he's in the wrong. Oh, I
19 didn't see nothing; I wasn't part of that. Because he
20 knows he probably should've been charged, too. Okay?
21 Think about it.

22 Now, he kept telling the Solicitor, you've got my
23 statement mixed up with somebody else's. And
24 eventually, Hipp testified and -- their investigator --
25 and he said, yeah, well, we didn't write it right.

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CLOSING DEFENSE - PLEXICO

1 Okay. All right. So what was he really hiding? What
2 he was really hiding, okay, is what they were doing with
3 my client. And what they were doing to my client, okay,
4 was a mob attack. So how can you even allude back,
5 saying my client's the cause of any trouble, when, in
6 fact, their testimony is, from the States's witnesses,
7 that he went there to clear his name, to not have any
8 trouble. I mean, that's just -- that's just -- that's
9 just strange credulity.

10 And Yhantyse said there was only a conversation at
11 the apartment. Well, she also said my client held a gun
12 for three or four minutes. That didn't seem credible.
13 That didn't seem to match any evidence. Okay? All
14 right? And listening to her, if you read between the
15 lines, she's almost saying Tyhira Harrington had no
16 reason to be mad at my client. You know, so nobody
17 backs up this -- this idea that my client is angry at
18 Tyhira Harrington and wants to hurt her. Nobody backs
19 that up. Now, this is supposed to come from something
20 from Allendale and where -- he hadn't been to Allendale
21 in eight years. And there's -- there's no history of
22 him in Allendale. There's no history of him at all.
23 Twenty-nine years old. You know, this is not a bad guy.

24 So what they were doing was gang-related. What
25 they were doing just seems to -- because you have

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1 victims of gangs. And it was going to be his
2 girlfriend, Greg Sanders' girlfriend, or Greg Sanders.

3 So, and the officer said he opened a wound on his
4 shoulder when he was -- when he got in the car. That
5 shows up in the evidence. Okay? All right? And it had
6 to be re-bandaged. And you know, and the scab's not --
7 the scab's fresh, you pull it off, it's going to start
8 bleeding again, because it hadn't had time to heal.
9 That shows the current degree of the injuries.

10 And the State's witnesses, I'll just run through
11 them, like, in two minutes. I mean, Ira James really
12 had nothing to do with the case. He just took packages.
13 Somebody logged them in. You had the fingerprints.
14 Well, there weren't any. Talked about body fluids.
15 Sara Goodman was -- you know, she talked about the DNA.

16 Now, Ila Simmons is the one who was talking about
17 the stippling. And you got a choice here. You have a
18 pathologist with years and years and years of training,
19 who has been board-certified to study the causes of
20 death, who understands what stippling and gunshot --
21 muzzle-to-gunshot distance is. And what she says is;
22 it's from three inches to a couple of feet. Now, what
23 Ila Simmons said was, oh, three inches. Well, she is
24 SLED member, too. Now, that means that all the
25 testimony you heard was untrue, because nobody said they

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CLOSING DEFENSE - PLEXICO

1 were up that close. Nobody said that. Okay? So, when
2 you defend yourself, when they're moving in, and that's
3 -- they keep moving and you're not, comes a time you got
4 to make that decision to avoid personal injury to
5 yourself, serious injury also to your loved one. Do you
6 have a right to do that? My answer is yes.

7 Now, you know, Tyhira Harrington had no fear,
8 because she had backup, and she wasn't going to stop.
9 And I think that's quite obvious when you all look at
10 this. She's also part of a group known to attack
11 others. And somehow, the Solicitor had the audacity to
12 talk about a one-on-one. Well, it was probably a one-
13 on-one. Does that sound like a one-on-one to you? You
14 know, a bunch of drunks coming up, all right? And
15 whatever they said, when you stop a car near somebody
16 like that, and you go piling out, it's not going to be,
17 hey, how are you, do you want a ride. Okay? No. No.
18 They're there to do violence, and that -- what goes with
19 violence is vile mouths. And look at the vileness of,
20 you know, the mother, on down. And I'm sorry to say
21 that, but, you know, it's -- you know, you should raise
22 them better.

23 And then, maybe two on one? Where did that come
24 from? Nobody's saying I'm not part of this group; I'm
25 not part of this; I'm not part of the action she's

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CLOSING DEFENSE - PLEXICO

1 declaring she's going to take. If she's here to do
2 violence, we're moving up together. Nobody's trying to
3 stop it, aside from my client and his girlfriend, who
4 were backing up. He's saying, no, no, trying to protect
5 her, which he has every right to do. Every right to do.

6 And you know, if Javasha Forrester had anything
7 different to say, the State could have called her as a
8 witness. You know, she needed protecting. What did
9 Greg say about her? She was a resources special ed kid.
10 He loves her. You know.

11 You might not be, you know, the brightest person,
12 you know, you might not be the best-known person, but
13 every person has a right to dignity and self-defense,
14 you know. And Greg Sanders has that, too. You know, he
15 loves the girl. You know, you're going to protect
16 people you love. You're supposed to do that. You're
17 supposed to do that.

18 You know, before government and before law, you had
19 family, and then you had community. Okay? In the
20 history of man, the family comes first. The family
21 comes first. And community comes after that. That's
22 it.

23 But I think probably the best point, and I want to
24 close with it, and if I'm being redundant, I apologize.
25 Even if somebody said something days ago or weeks ago,

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CLOSING IN REBUTTAL - LEGETTE

1 you can't go out and lynch them. You know? That's
2 over. And trying to meld the two into one is unfair.
3 It's the actions that night that those people against
4 Greg Sanders and his girlfriend that created the problem
5 that he couldn't reasonably get away from without
6 abandoning his loved one, abandoning his family, the
7 fundamental root of our society. Throwing it away. And
8 we don't have to do that. That's why we have self-
9 defense. And he acted reasonable.

10 I'm asking you to find him not guilty. It was
11 clear self-defense. Defense of others. He had the
12 right to defend her, or she had a right to defend
13 herself, if she was capable of it. I ask you to bring
14 back a verdict of not guilty. Thank you.

15 SOLICITOR LEGETTE: May it please the Court?

16 THE COURT: Yes, ma'am.

17 CLOSING ARGUMENT IN REBUTTAL ON

18 BEHALF OF THE STATE BY SOLICITOR LEGETTE:

19 SOLICITOR LEGETTE: Mr. Plexico. Ladies and
20 gentlemen, simply this. You have to disbelieve every
21 witness the State brought before you to find Greg
22 Sanders not guilty. So apparently, according to Mr.
23 Plexico, the only person here who has told you the truth
24 is Greg Sanders. And you have to disbelieve every other
25 single witness. But then, there are things about the

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CLOSING IN REBUTTAL - LEGETTE

1 witnesses that you can't believe. He wants you to
2 believe certain parts about what Randy said, but not
3 other parts about what Randy said. He wants you to
4 believe certain parts about what Yhantyse Daisy Priester
5 said, but then disbelieve the other parts. He wants you
6 to believe that Greg Sanders is somehow a hero, and that
7 black people understand what lynching is. My version of
8 lynching ain't quite like how it happened here.

9 Ha, we should raise them better. I guess Ms.
10 Garvin should've raised her better. Somebody should've
11 raised Greg Sanders better. Somebody should've raised
12 him not to go around telling people mama I'm gonna kill
13 your daughter and buy yourself a black dress. Somebody.
14 Somebody. Because this right here is where it comes
15 down to, ladies and gentlemen. This black dress, the
16 black dress that Marilyn Garvin wore on Monday, that's
17 where it comes down to. Because Greg Sanders promised
18 her, a deadly promise, he was going to kill her child,
19 and three days later she was lying in a morgue. Greg
20 Sanders.

21 And guess what? He tried to tell you undisputed,
22 oh, the facts are different; oh, the witnesses said
23 different things. Who told you exactly how it happened?
24 The man who did it. The pathologist backs him up, how
25 close the wound was. Ila Simmons backs him up, how

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CLOSING IN REBUTTAL - LEGETTE

1 close the wound was. Right here. Right here is where
2 it was.

3 Apparently, ladies and gentlemen, being from
4 Allendale is some kind of sin, because the Allendale
5 people came over to Hampton County to get some things to
6 a Hampton County guy. Except Randy, Randy White's from
7 Estill. And him and Marquis went to, you know, went to
8 school together. Remember, Marquis said he spent most
9 of his school -- yeah, he's from Charlotte, but he spent
10 most of his schooling down here. Marquis is the
11 frightened fellow, but somehow, Greg Sanders is the
12 hero. A hero who goes around shooting unarmed, 105-
13 pound women.

14 Ladies and gentlemen, Mr. Plexico said he is not a
15 hothead. We never called him a hothead. Because think
16 about it. He's not a hothead. He's meticulous, he's
17 methodical, he waits. He lies and waits. He formulates
18 a plan. He tells the mother, her boyfriend, and then he
19 puts it into action, little by little. Little by
20 little, he goes to work on it. He's methodical. Yes.
21 What he did on May 10th, it wasn't an act of a hot-
22 headed individual. It wasn't the act of a hot-blooded
23 man, or someone who's blood pumps Kool-aid. Their heart
24 pumps Kool-aid. It was an act of a cold-blooded killer
25 with murder in his eyes. And when he took that gun out

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CLOSING IN REBUTTAL - LEGETTE

1 of that box today, boom. That's exactly how he shot
2 Tyhira Harrington.

3 And this group that Mr. Plexico wants you to
4 believe was there, that group wasn't there. Marquis was
5 off somewhere. He wasn't there. He was not there. And
6 Yhantyse? She didn't say she was afraid of Tyhira. She
7 was afraid of Greg Sanders, who held a gun on her
8 afterwards. And yeah, she said three or four minutes,
9 but it can seem like an eternity, I imagine, to have a
10 gun held on you. When that gun was pointed at me, I
11 would pay attention to all kinds of details. It wasn't
12 three or four minutes, but, oh, it seemed like an
13 eternity.

14 Ladies and gentlemen, Mr. Plexico mentioned
15 something about a gang that beats you in or you kill to
16 get in. The only person here who killed anybody was
17 Greg Sanders.

18 Now, ladies and gentlemen, everybody here,
19 apparently -- I've said it before, I'm going to say it
20 one more time. To find Greg Sanders not guilty, you
21 have to suspend your common sense. You have to
22 disbelieve every other witness, including Randy White,
23 who is a cousin of Greg Sanders, who was afraid on the
24 witness stand, who wouldn't even look at him, because he
25 was afraid. Your own family.

1 Mr. Plexico talked a lot about family. Family.
2 Family and defense of others. Family. Randy told you
3 he stood beside Tyhira because she was his girl, not
4 because he was there to fight. He stood beside a girl
5 who he had been dating two weeks, maybe a little longer.
6 He stood beside her. Not to help fight, but to try and
7 help protect her. And then, he came in here and
8 testified against his own family because of what Greg
9 Sanders did. Something that he did not have to do.

10 Ladies and gentlemen, the fresh wound, the fresh
11 wound. You're going to see the picture. Mr. Plexico
12 wants you to believe all manner of things about these
13 wounds. It's a funny thing about these wounds.
14 Remember one of the wounds, the scab got pulled up, and
15 it had a bandage on it because it was fresh? That's the
16 one right there, pulled off whenever he was getting out
17 of the car, or getting into the car. I'm not sure how,
18 but it was -- that was a fresh wound. Ladies and
19 gentlemen, these wounds are not fresh, they are scabbed
20 over. The only one that's fresh, and only because it's
21 fresh because it got scabbed -- got the scab pulled off
22 was this one. Mr. Sanders has had two years to make it
23 all up. Yes, methodical. Remember that. Methodical.
24 Not hot blooded. He was calm, cool, and collected. Oh,
25 he remained calm. He remained cool, oh, he was cool,

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JURY CHARGE

1 because he's a cold-blooded killer, and he's had two
2 years to come up with this.

3 And do not be deceived, ladies and gentlemen. This
4 is not self-defense. It is not defense of others. It
5 is murder, in its purest form. He had ill will against
6 her, he hated her, he wanted to kill her, and he did it.
7 He promised her he would, promised her mama, and then he
8 carried out his plan. His murder. Thank you.

9 JURY CHARGE:

10 THE COURT: Thank you. All right. Everyone take a
11 stand. Stand up. Ladies and gentlemen, my charge will
12 take ten to fifteen minutes. Okay? So I just wanted to
13 make sure everyone was up, feeling okay. Is everyone
14 okay? We've been going for an hour and a half. Does
15 anyone need a break before I charge? You all okay? All
16 right. You all may be seated. Thank you.

17 Mr. Foreperson, members of the jury, you've
18 followed very patiently and listened very attentively to
19 the presentation of the evidence in this case, and I
20 want to thank you for that. It now becomes the duty of
21 the trial judge to instruct you on the law that's
22 applicable to this case, and it's your duty, as jurors,
23 to accept and apply the law as I will now give it to
24 you.

25 Ladies and gentlemen, as jurors, it is your

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JURY CHARGE

1 exclusive duty to decide all the issues of fact in this
2 case. You must determine the effect, the value, and the
3 weight of the evidence. Both the State and the
4 defendant, Mr. Sanders, have the right to expect that
5 you will carefully consider and evaluate the evidence,
6 and apply the law of the case to the evidence. And by
7 doing so, both the State and the defendant will receive
8 and obtain a fair and impartial trial in this matter.

9 Ladies and gentlemen, the State of South Carolina,
10 by the Bills of Indictment in this case, charge the
11 defendant, Gregory Sanders, with the offense of murder
12 and possession of a weapon during the commission of a
13 violent crime.

14 Ladies and gentlemen, I remind you that the
15 defendant was arrested, charged, and indicted in this
16 case is not evidence in this case, and cannot be
17 considered by you as evidence of guilt in this case, nor
18 does it create a presumption of guilt. An indictment is
19 simply the written instrument that contains the charge
20 that's made against the defendant. It's the formal
21 document by which the case is brought into the
22 courtroom.

23 Now, ladies and gentlemen, the defendant in this
24 case, Mr. Sanders, has pled not guilty to these
25 indictments, and that plea puts the burden on the State

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JURY CHARGE

1 to prove his guilt beyond a reasonable doubt. Now, a
2 person charged with committing a criminal offense in
3 South Carolina is never required to prove himself
4 innocent. I charge you that it's an important rule of
5 law that a defendant in a criminal trial, no matter what
6 the seriousness of the charges may be, will always be
7 presumed innocent of the crimes for which an indictment
8 was issued, unless guilt has been proven of -- been
9 proven, excuse me, by evidence satisfying you, the jury,
10 of that guilt beyond a reasonable doubt. That is,
11 presumption of innocence does not end when you begin
12 your deliberations, but it accompanies the defendant
13 throughout the trial until you, the jury, reach a
14 verdict of guilt beyond a reasonable doubt.

15 Now, ladies and gentlemen, presumption of innocence
16 is not a mere legal theory. Again, it's not just a
17 legal phrase we use. It's a substantial right, ladies
18 and gentlemen, to which every defendant is entitled;
19 again, unless you, the jury, are convinced, finding
20 evidence of the defendant's guilt.

21 Ladies and gentlemen, so what is reasonable doubt
22 in the law? A reasonable doubt is the kind of doubt
23 that would cause a reasonable person to hesitate to act
24 in their most important decisions. The State has the
25 burden to prove the defendant guilty beyond a reasonable

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JURY CHARGE

1 doubt. And again, the term reasonable doubt must be
2 given its plain and ordinary meaning. However, to the
3 extent that I can define it for you again, a reasonable
4 doubt is the kind of doubt that would cause a reasonable
5 person to hesitate to act in the most important of their
6 personal decisions.

7 Now, the defendant is entitled to every reasonable
8 doubt in this case. If, upon a fact essential to
9 conviction, you, the jury, have a reasonable doubt as to
10 how that issue should be decided, you must resolve that
11 reasonable doubt in favor of the defendant.

12 Now, some of you may have served as jurors in civil
13 cases, where you were told it was necessary to prove
14 that a fact is more likely true than not true. It's
15 what we call the greater weight, or preponderance, of
16 the evidence. In criminal cases the State's proof must
17 be more powerful than that. It must be beyond a
18 reasonable doubt. Now, suspicion, no matter how strong,
19 is insufficient to convict a person charged with a
20 crime. That the facts and circumstances presented may
21 seem suspicious, and a defendant's guilt may seem
22 probable, this is not sufficient in the law to convict.
23 Truth beyond a reasonable doubt is a proof that leaves
24 you firmly convinced of the defendant's guilt.

25 Now, again, there are very few things we know in

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JURY CHARGE

1 this world with absolute certainty. In criminal cases
2 the law does not require proof that overcomes every
3 possible doubt. If, based on your consideration of the
4 evidence, you are firmly convinced that the defendant is
5 guilty, ladies and gentlemen, you must find him guilty.
6 If, on the other hand, you think there is a real
7 possibility that the defendant is not guilty, you must
8 find the defendant not guilty, and give him that benefit
9 of the doubt. Now, I remind you that during this trial
10 you and I have certain duties to perform. As the judge,
11 it's my responsibility to preside over the trial of this
12 case, and I also have the duty to rule on the
13 admissibility of evidence in this case. You are to
14 consider only the competent evidence that's before you.
15 You are to consider only the testimony that came here
16 from the witness stand, and any other exhibits that were
17 made a part of the record in this case. I have the
18 additional duty to charge you on the law that's
19 applicable to this case.

20 I am the sole judge of the law in this case. It's
21 your duty as jurors to accept and apply the law as I
22 give it to you. Now, if you have any idea as to what
23 you think the ought to be or what the law is, and it now
24 does not agree with what I tell you it is, you must
25 abandon this idea, because you are sworn to accept and

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JURY CHARGE

1 apply the law exactly as I state it to you. Now, in
2 every case that's tried in this courtroom before a jury,
3 the jury is the sole and exclusive judge of the facts.
4 A trial judge cannot intimate, comment on, or make any
5 statement to a trial jury about the facts in the case.
6 And since you, the jury, are the sole judge of all the
7 facts in this case, you are not to infer from what I've
8 said during the progress of this trial in ruling upon
9 the admissibility of evidence or otherwise, or anything
10 that I say now during the course of this instruction to
11 you, that I have an opinion about the case. The law
12 does not allow me to have an opinion about the case.
13 Again, this matter is solely for you to determine.

14 Now, I remind you, again, as jurors, it's your duty
15 to determine the effect, the value, and the weight of
16 the evidence that's been presented during this trial.
17 Now, there are two types of evidence which are generally
18 presented during a trial. There's direct evidence and
19 circumstantial evidence. Direct evidence is the
20 testimony of a person who claims to have actual
21 knowledge of a fact, such as an eyewitness. It's
22 evidence that immediately establishes a main fact to be
23 proved. Circumstantial evidence proof of a chain of
24 facts and circumstances indicating the existence of a
25 fact. It is evidence which immediately establishes

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JURY CHARGE

1 collateral facts from which the main fact may be
2 inferred. Circumstantial evidence is based on
3 inference, and not on personal knowledge or
4 observations.

5 Ladies and gentlemen, crimes may be proven by
6 circumstantial evidence. The law makes no distinction
7 between the weight or value to be given to either direct
8 or circumstantial evidence. However, to the extent the
9 State relies on circumstantial evidence, all of the
10 circumstances must be consistent with each other, and
11 when taken together, point conclusively to the guilt of
12 the accused beyond a reasonable doubt. Now, if these
13 circumstances merely portray the defendant's behavior as
14 suspicious, the proof has failed.

15 The State has the burden of proving the defendant
16 guilty beyond a reasonable doubt, and this burden rests
17 with the State regardless of whether the State relies on
18 direct evidence, circumstantial evidence, or some
19 combination of the two.

20 Now, ladies and gentlemen, it is your duty to
21 determine the credibility of the witnesses who have
22 testified in this case, and credibility simply means
23 believability. It's your duty as jurors to analyze and
24 evaluate the evidence, and determine which evidence
25 convinces you of its truth. Now, in determining the

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JURY CHARGE

1 believability of witnesses who have testified in this
2 case, you may believe one witness over several
3 witnesses. You may believe a part of the testimony of a
4 witness and reject the remaining part of the testimony
5 of that same witness. You may believe the testimony of
6 a witness in its entirety, or reject the testimony of a
7 witness in its entirety. And you may consider whether
8 the witness has exhibited to you any interest, bias,
9 prejudice, or other motive in this case. You may also
10 consider the appearance and manner of a witness on the
11 witness stand.

12 Now, there may have been evidence presented that
13 witnesses made prior statements which may not be
14 consistent with the witness's present testimony. You
15 may use this evidence to decide whether to believe the
16 witness. You may also use evidence of the earlier
17 contradictory statement to determine the truth of those
18 statements. It is up to you to determine or to decide
19 whether to believe the earlier statements or the
20 testimony given at trial.

21 Now, if a witness has shown to knowingly testified
22 untruthfully concerning any material matter, you may
23 consider this in determining whether to trust the
24 witness's testimony as to other matters; and you may
25 reject all testimony of that witness, or give all or

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JURY CHARGE

1 part of the testimony the weight you think it deserves.
2 Now, normally a person cannot give opinion testimony.
3 Normally, when a person testifies, they must testify as
4 what they either saw, heard, sensed or smelled, or
5 something of that nature. Ladies and gentlemen, there
6 is an exception, though, when someone is qualified,
7 because of education and/or experience. They are
8 permitted to give their opinion in certain areas that
9 the Court qualifies in that way, and that evidence is
10 for you to use in any way you see fit, and give it the
11 weight and credibility you believe is appropriate.

12 Now, ladies and gentlemen, there are two
13 indictments in this case, or two charges. And again,
14 each indictment charges a separate and distinct offense.
15 Ladies and gentlemen, you must decide each indictment
16 based on the evidence and the law that's applicable to
17 it.

18 Now, to begin with, the defendant is charged with
19 the murder of Tyhira Harrington. Now, the State must
20 prove beyond a reasonable doubt that the defendant
21 killed another person with malice aforethought. Now,
22 malice is hatred, ill will, or hostility towards another
23 person. It is the intentional doing of a wrongful act
24 without just cause or excuse, and with an intent to
25 inflict an injury, or other circumstances that the law

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JURY CHARGE

1 will infer an evil intent. Malice aforethought does not
2 require that malice exists for any particular time
3 before the act is committed, but malice must exist in
4 the mind of the defendant just before and at the time
5 the act is committed. Therefore, there must be a
6 combination of the previous evil intent and the act.

7 Ladies and gentlemen, malice aforethought may be
8 express or inferred, and these terms, express and
9 inferred, do not mean different kinds of malice, but
10 merely the manner in which malice may be shown to exist.
11 This is either by direct evidence, or by inference from
12 the facts and circumstances which are proved. Express
13 malice is shown when a person speaks words which express
14 hatred or ill will for another, or when a person
15 prepared beforehand to do the act which was later
16 accomplished.

17 For example, lying in wait for a person, or any
18 other acts of preparation going to show that the deed
19 was within the defendant's mind with the express malice.
20 Malice may be inferred from conduct showing a total
21 disregard for human life.

22 Now, the defendant is also charged with possession
23 of a weapon during the commission of a violent crime.
24 Now, the State must prove beyond a reasonable doubt that
25 the defendant was in possession of a firearm, or visibly

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JURY CHARGE

1 displayed what appeared to be a firearm during the
2 commission of a violent crime. Now, ladies and
3 gentlemen, a firearm means any machine gun, automatic
4 rifle, revolver, pistol, or any weapon which will, is
5 designed to, or may be readily converted to expel a
6 projectile.

7 Now, in order to find the defendant guilty of
8 possession of a weapon during the commission of a
9 violent crime, you must first find the defendant guilty
10 of committing a violent crime. And under the laws of
11 South Carolina, ladies and gentlemen, murder is a
12 violent crime. The State must prove that, also beyond a
13 reasonable doubt that the weapon further advanced or
14 helped in the commission of the crime.

15 Now, in this case, ladies and gentlemen, the
16 defendant has raised the defense of self-defense. Self-
17 defense is a complete defense, and if it is established,
18 you must find the defendant not guilty. Now, the State
19 has the burden of disproving self-defense by proof
20 beyond a reasonable doubt. If you have a reasonable
21 doubt of the defendant's guilt after considering all of
22 the evidence, including the evidence of self-defense,
23 then you must find the defendant not guilty. On the
24 other hand, if you have no reasonable doubt of the
25 defendant's guilt after considering all of the evidence,

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JURY CHARGE

1 including the evidence of self-defense, then you must
2 find the defendant guilty.

3 Now, the following elements are required to
4 establish self-defense. First, the defendant must be
5 without fault in bringing on the difficulty. If the
6 defendant's conduct was the type which was reasonably
7 calculated to, and did provoke the deadly assault, the
8 defendant would be at fault in bringing on the
9 difficulty, and would not be entitled to an acquittal
10 based on self-defense.

11 Ladies and gentlemen, self-defense is not available
12 to a person who uses language which is so contemptuous
13 that a reasonable person would expect it to bring on a
14 physical encounter, and which did actually contribute to
15 the physical encounter.

16 Now, the second element of self-defense, ladies and
17 gentlemen, is if the defendant was actually in imminent
18 danger of death or serious bodily injury, or that the
19 defendant actually believed he was in imminent danger of
20 death or serious bodily injury. Now, if the defendant
21 was actually in imminent danger, it must be shown that
22 the circumstances would have warranted a person of
23 ordinary firmness and courage to strike a blow to
24 prevent death or serious bodily injury. If a defendant
25 believed he was in imminent danger of death or serious

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JURY CHARGE

1 bodily injury, it must be shown that a reasonably
2 prudent person of ordinary firmness and courage would
3 have had the same belief.

4 Now, in deciding whether the defendant actually was
5 or believed he was in imminent danger of death or
6 serious bodily injury, you should consider all the facts
7 and circumstances surrounding the events, including the
8 physical condition and characteristics of the defendant
9 and the victim. Now, under the law of self-defense, the
10 defendant may take another's life in the defense of
11 others. The right to intervene to protect another
12 person is subject to the same rights and limitations as
13 the right of self-defense. The defendant may take the
14 life of a person who assaults a friend, relative, or
15 bystander, if that friend, relative, or bystander would
16 have had the right of self-defense.

17 To show that the person being defended had the
18 right of self-defense, it must first be shown that the
19 person being defended and the defendant were both
20 without fault in bringing on the difficulty. If the
21 conduct of the person defended or the defendant was the
22 type which was reasonably calculated to and did provoke
23 a deadly assault, the person would be at fault in
24 bringing on the difficulty, and would not have the right
25 of self-defense. Therefore, the defendant would not

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JURY CHARGE

1 have the right to use deadly force in defending that
2 person. The defense of another person is excusable if
3 the defendant had reasonable grounds to believe, and in
4 good faith did believe, that the person being defended
5 was in imminent danger of death or serious bodily injury
6 or bodily harm from the victim.

7 Now, in deciding, again, whether a person defended
8 actually was, or that the defendant actually believed
9 that that person was, in imminent danger of death or
10 serious bodily injury, you should consider all the facts
11 and circumstances surrounding the crime, including the
12 physical condition and characteristics of the parties.

13 Now, the defendant does not have to show that he
14 was actually in danger. It is enough that the defendant
15 believed he was in imminent danger, and a reasonably
16 prudent person of ordinary firmness and courage would
17 have had the same belief. The defendant has the right
18 to act on appearances, even though the defendant's
19 beliefs may have been mistaken. It is for you, the
20 jury, to decide whether the defendant's feared of
21 immediate danger of death or serious bodily injury was
22 reasonable, and would have been felt by an ordinary
23 person in the same situation.

24 Now, ladies and gentlemen, words accompanied by
25 hostile acts may, depending on the circumstances,

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JURY CHARGE

1 establish self-defense. Now, also evidence of prior
2 difficulties between the defendant and the victim may be
3 considered in deciding whether a threat existed, whether
4 the defendant had a reason to believe that a threat
5 existed, and how serious that threat was.

6 Now, the relative sizes, ages, and weight of the
7 defendant and the victim may be considered in deciding
8 the appearance or actual need for force in self-defense,
9 and the amount of force needed.

10 Now, ladies and gentlemen, the reputation of the
11 victim may also be considered in deciding whether there
12 was a need for force, whether the defendant had reason
13 to believe there was a need for force, and whether force
14 was reasonably necessary. Threats made by the victim
15 may be considered in determining whether the defendant
16 actually was or believe he was in imminent danger.

17 Now, ladies and gentlemen, lastly, the final
18 element of self-defense is that the defendant had no
19 other probable way to avoid the danger of death or
20 serious bodily injury than to act as the defendant did
21 in this particular instance.

22 Mr. Foreperson, members of the jury, as you retire
23 to begin your deliberations in this case, I wish to
24 express the hope that each of you are mindful of your
25 responsibility here today. You're not called upon very

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JURY CHARGE

1 often to serve as jurors, and the proper performance of
2 that duty requires each of you to reach the height of
3 freeing your mind of all improper influences.

4 And please don't get the idea that I'm trying to
5 intimate to you how you should decide this case, as
6 again, I've already told you, under the laws of the
7 state of South Carolina, you, the jury, are the sole
8 judge of all facts, and it would be highly improper or
9 me to influence you in your performance of that duty.
10 But, ladies and gentlemen, as the presiding officer of
11 this court, I am vitally concerned that whatever verdict
12 you reach in this case will be the result of you going
13 back into the jury room and confining your consideration
14 to the evidence in this case, and to the law that you've
15 heard in this courtroom, weighing it fairly and
16 impartially, as I have every confidence you will.

17 Mr. Foreperson, I remind you, your verdict must be
18 the verdict of all twelve jurors, and to that end my law
19 clerk has prepared a verdict form, which simply has the
20 case caption, the State of South Carolina versus Gregory
21 Sanders. It has the two indictment numbers, and it has
22 two questions, sir. The first one says, *as to the*
23 *charge of murder of Tyhira Harrington, we find the*
24 *defendant, Gregory Sanders;* and then, it either says not
25 guilty or guilty. Sir, you'll checkmark one of those.

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JURY CHARGE

1 If you find not guilty, you will stop your
2 deliberations, you are done. If you do find the
3 defendant guilty of murder, then you would go on to the
4 second question and answer that as well. And it simply
5 asks, as to the charge of possession of a weapon during
6 the commission of a violent crime, do you find the
7 defendant guilty or not guilty.

8 Sir, it also states that this is the unanimous
9 decision of the jury, and there is a place for you to
10 sign, sir, as the foreperson and date the form. When
11 the jury has reached a unanimous verdict, I ask that you
12 knock on your jury room door. We are going to accept
13 you back into the courtroom to take your verdict. All
14 right?

15 Ladies and gentlemen, just a couple of other
16 housekeeping matters, you know my court reporter has
17 been taking everything down during the trial of this
18 case. But I want you to know that there is no
19 transcript of this trial testimony. If there is certain
20 testimony that you want played back, what I can do is
21 bring you back into the courtroom, and we can play the
22 backup, which is called the audiotape, transcription.
23 The only thing I need to tell you, ladies and gentlemen,
24 is that if you ask for a particular witness's testimony,
25 I have to play the entire testimony of that witness. In

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JURY CHARGE

1 other words, the direct, cross, re-direct, the re-cross.
2 All right?

3 Also, ladies and gentlemen, you're going to have
4 back in the jury room all of the exhibits that have been
5 entered into this case. So, if you don't have it back
6 in there, it wasn't entered into evidence. It could've
7 been what's called a demonstrative exhibit that was just
8 put up here for you to look at, but it wasn't evidence
9 that was entered into. So you can't ask me for that if
10 there is something in which you had, you simply can't
11 get that. You are going to have everything that you are
12 entitled to back there. Okay? All right.

13 Ladies and gentlemen, for the last time I send you
14 back to your jury room, and I'm going to tell you not to
15 discuss this case. If there's something further on the
16 law that the lawyers want me to charge you, I'm going to
17 bring you back to the courtroom, and I'm going to charge
18 you further. If not, Mr. Foreperson, you are going to
19 get the verdict form and the evidence that was entered
20 into, and some gloves back there. That'll be your
21 signal to begin your deliberations. If not, I'll bring
22 you back in here, and I'll charge you further. Okay?

23 I appreciate it, ladies and gentlemen. I'm going
24 to excuse you back to your jury room. Please let our
25 bailiffs know if there's anything you need. Okay?

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VERDICT

1 JURORS LEAVE COURTROOM 3:08 P.M.

2 THE COURT: All right. Any exceptions or additions
3 to the charge from the State?

4 SOLICITOR LEGETTE: None from the State, your
5 Honor.

6 THE COURT: From the Defense?

7 MR. PLEXICO: No, your Honor.

8 THE COURT: All right. Let's make sure we have all
9 the exhibits together, and I'd like to have a couple of
10 pairs of fresh gloves to be able to send back those back
11 as well.

12 THE COURT: All right. What we're going to order
13 is this. If it's all right with you all, we're going to
14 take -- you all be quiet for a minute. But we're going
15 to take about ten minutes.

16 OFF THE RECORD 3:09 P.M.

17 ATTORNEYS AND REPORTER REVIEWING
18 EXHIBITS.

19 VERDICT FORM AND EXHIBITS TAKEN

20 TO JURORS 3:18 P.M.

21 BACK ON THE RECORD 3:54 P.M.

22 VERDICT:

23 BAILIFF: All rise. Court will come to order.

24 THE COURT: Please be seated. All right. It's my
25 understanding the jury has a verdict. For those of you

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VERDICT

1 in the courtroom that are involved in this case, I need
2 to ask you to make sure you can contain yourself. If,
3 for some reason, you can't, you need to remove yourself
4 now, because if you have any type of outburst we're
5 going to have to put you into custody, and I would hate
6 to have to do that. Okay? So just make sure you can
7 keep yourself contained.

8 All right. Is the State ready?

9 SOLICITOR LEGETTE: Yes, your Honor.

10 THE COURT: Defense ready?

11 MR. PLEXICO: Yes, your Honor.

12 THE COURT: All right. Let's bring the jury in.

13 JURORS ENTER COURTROOM 3:55 P.M.

14 THE COURT: Mr. Foreperson, I understand the jury
15 has reached a verdict, sir.

16 FOREPERSON: Yes, we have.

17 THE COURT: Would you please hand it to the bailiff
18 or the clerk? Thank you.

19 Would you please stand, Mr. Sanders, along with
20 your Counsel. Thank you, gentlemen.

21 *In the case of the state of South Carolina versus*
22 *Gregory Sanders, Question Number 1, as to the charge of*
23 *murder of Tyhira Harrington, we find the defendant,*
24 *Gregory Sanders, guilty.*

25 *As to the charge of possession of a weapon during*

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JURORS POLLED

1 a violent crime, we, the jury, find the defendant,
2 Gregory Sanders, guilty.

3 It is signed by our foreperson.

4 You may be seated, Mr. Plexico.

5 Ladies and gentlemen of the jury, if this is your
6 verdict will you please indicate by raising your right
7 hand?

8 And I notice all of the jurors have raised their
9 hand. Is there any further required of this verdict.

10 MR. PLEXICO: Yes, your Honor. I ask that the
11 jurors be polled.

12 JURORS POLLED:

13 THE COURT: All right. Ladies and gentlemen, what
14 we are going to do is go through -- or Pumpkin's going
15 to go through and do it, and what she's going to ask you
16 is, when your -- do you have just -- do you all know
17 your numbers, still, or do you -- do you remember your
18 juror numbers?

19 SOLICITOR LEGETTE: I have them, also.

20 THE COURT: Okay. I know that you have them. But
21 we're going to try to avoid calling names, but that's
22 fine. What she's going to do is call your name, and
23 when she calls your name, if you would just let us know
24 who we're talking to. And she's going to ask you if
25 this is your verdict, and you're going to answer yes or

5-9-18 STATE V SANDERS

SENTENCING

1 actually he might carry it out. Him having now made a
2 threat to another young person and carrying out that
3 threat, your Honor, he's a man of his word. Like I said
4 in my closing argument, he will do what he says he will
5 do. So, your Honor, I would -- I don't just ask this
6 arbitrarily or capriciously, your Honor, but I do
7 believe that Mr. Sanders poses a threat to society, to
8 persons of -- police officers, who he's threatened in
9 the past; home invasions, your Honor, and just various
10 people in the community. So I would ask the Court for a
11 sentence of life. I'm not asking for life for life,
12 your Honor, but I do believe that his prior record, the
13 nature of what he did here, and now the harm that he
14 caused to Ms. Garvin in threatening her daughter, what
15 he's done in the past about threats and carrying them
16 out, your Honor, he has, in my opinion, a propensity to
17 threaten people, and then to see that threat carried
18 out. So rather than watch anyone else die on my watch,
19 your Honor, I would ask you to sentence him to the
20 balance of his life. Thank you.

21 THE COURT: Okay. All right. Mr. Plexico, if you
22 and your client will stand. In the case of 2016-178,
23 it's the State versus Gregory Sanders, on the charge of
24 murder, the sentence of this court is you be committed
25 to the Department of Corrections for a period of life

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SENTENCING

1 imprisonment. On Indictment 2016-177, possession of a
2 weapon during the commission of a violent crime, the
3 sentence of this court is you be committed to the
4 Department of Corrections for a period of five years,
5 and that's to run concurrent. Good luck to you, Mr.
6 Sanders.

7 SOLICITOR LEGETTE: Thank you, your Honor.

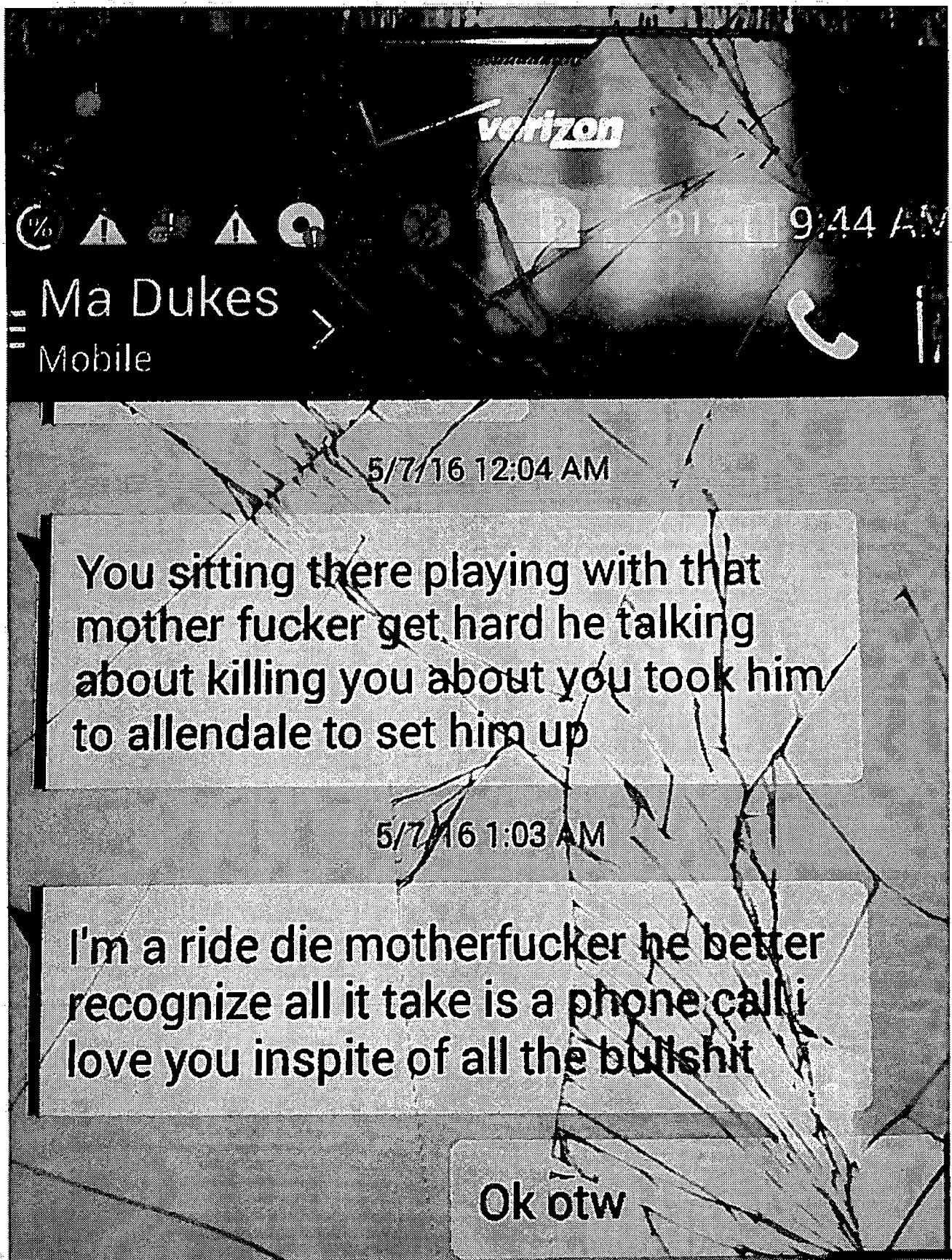
8 THE COURT: All right. I will tell you that I
9 think, certainly, in the wisdom of our rules and our
10 court system, your job is to determine guilt or
11 innocence, and my job is to sentence. So I always tell
12 juries that's my responsibility, and I accept that, and
13 I'm very mindful and respectful of it. I understand,
14 certainly, the awesome power it does hold. I don't take
15 anything lightly in any way, shape, or form.

16 So, with that said, I want to, again, thank you
17 all, and I appreciate you being here.

18 I just want to make sure that you've got him back
19 and secure. And I will just let you know that the
20 bailiffs will make sure you all get to your cars. And
21 again, thank you. Okay? They should be okay? Do they
22 have him?

23 DEPUTY: Yes, Judge.

24 THE COURT: All right. Thank you. I appreciate
25 it. All right. Is there anything further in this case



EXHIBIT

State 24
5-7-18

WHR

Johnny Blaze
Mobile

5/8/16 6:22 AM

My bad. wrong num. Tryna spend
200 with my lady
GOD S GIFT

5/10/16 12:41 AM

I just seen hard gf walkn behind da
apts. He probably hidn 2. Tryn sum
GOD S GIFT

EXHIBIT

State 25
5-7-18

WITNESSES

Michael G. Thomas - Estill Police
Department

DOCKET NO. 2016GS2500177

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

February Term 2017

THE STATE

vs.

Gregory Sanders

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

Foreperson of Grand Jury

Date:

FEB 06 2017

VERDICT

TRUE BILL

Foreperson of Petit Jury

Date:

INDICT

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant:

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant:

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF HAMPTON

2016GS2500177

At a Court of General Sessions, convened on February 6, 2017, the Grand Jurors of Hampton County present upon their oath:

Possession of Weapon During Violent Crime

That in Hampton County, South Carolina, on or about May 10, 2016, the Defendant, Gregory Sanders, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime, to wit: Murder and Gregory Sanders was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina:

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

FILED

5 years

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Hampton

STATE

AKA: Gregory vs SandersRace: B Sex: M Age: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Est. 11, SC 29918

DL# _____ SID# _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: loss weapon during violent crimeIn violation of 16-23-490 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. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation.☐ Negotiated Sentence. ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar # 70550

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 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 SCDOC.☐ The Defendant is to be placed on 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: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain GED. ☐

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*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 \$ 2500

\$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) \$ 3.75TOTAL \$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter: Wanda Rowe

SCCA/217 (04/2018)

☐ 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: 2142Sentence Date: 5-9-18

WITNESSES

Michael G. Thomas - Estill Police
Department

DOCKET NO. 2016GS2500178

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

February Term 2017

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2016A2520200035

THE STATE

vs.

Gregory Sanders

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Defendant

Witness:

C.C.C. PLS. and G.S.

Foreperson of Grand Jury
Date: FEB 06 2017

VERDICT

TRUE BILL

Foreperson of Petit Jury
Date:

INDICT

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

INDICTMENT

2016GS2500178

At a Court of General Sessions, convened on February 6, 2017, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about May 10, 2016, the Defendant, Gregory Sanders, did, with malice aforethought, kill Tihara R. Harrington and Tihara R. Harrington did die as a proximate result of Gregory Sanders's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

JUNE 2017

STATE OF SOUTH CAROLINA

COUNTY OF

Hampton

STATE

Gregory Sanders, Jr. vs.

AKA:

Race:

B

Sex:

M

Age:

DOB:

SS#:

Address:

City, State, Zip:

Essex, SC

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder

In violation of §

16-03-10

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,

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

[Signature]70550

Attorney

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 SCDCC.☐ The Defendant is to be placed on 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: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain GED ☐

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

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

21925-9-18

*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:

Melinda D. WrightWanda K. Love

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2016 GS 25 00178

AW#:

2016 A 25202 000 35

Date of Offense:

May 10, 2016

S.C. Code §:

16-21-10

CDR Code #:

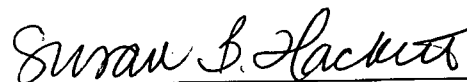
0116

SENTENCE SHEET

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,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of May, 2019.

RECEIVED
MAY 14 2019
SC Court of Appeals