

RECEIVED

Sep 02 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Sumter County

Honorable Kristi F. Curtis, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

NIKEEN D'AUNDRE JOHNSON,

APPELLANT

APPELLATE CASE NO. 2021-000674

---

RECORD ON APPEAL

---

SARAH E. SHIPE  
Appellate Defender

ALAN WILSON  
Attorney General

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

AMBREE M. MULLER  
Assistant Attorney General

PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEY FOR APPELLANT

ERNEST A. FINNEY, III  
Solicitor, Third Judicial Circuit

215 N. Harvin St.  
Sumter, SC 29150  
(803) 436-2185

ATTORNEYS FOR RESPONDENT

## INDEX

|                                                             |    |
|-------------------------------------------------------------|----|
| INDEX .....                                                 | i  |
| TRIAL TRANSCRIPT DATED JUNE 21-24, 2021 .....               | 1  |
| ADVICE OF RIGHTS .....                                      | 12 |
| JUROR 185 QUALIFICATION .....                               | 16 |
| OPENING REMARKS BY THE COURT .....                          | 18 |
| OPENING STATEMENT BY MR. MEADORS .....                      | 26 |
| OPENING STATEMENT BY MR. GRIFFITH .....                     | 35 |
| TESTIMONY                                                   |    |
| LENELL ANTHONY ALLEN, III                                   |    |
| Direct Examination by Mr. Meadors .....                     | 39 |
| Cross-Examination by Mr. Griffith .....                     | 51 |
| KIRK CARTER                                                 |    |
| Direct Examination by Mr. Meadors .....                     | 53 |
| OBJECTION TO ADMISSION OF STATE’S EXHIBITS 7, 89 .....      | 57 |
| RULING BY THE COURT .....                                   | 58 |
| TESTIMONY                                                   |    |
| WILLIE GRAHAM                                               |    |
| Direct Examination by Mr. Meadors .....                     | 59 |
| Cross-Examination by Mr. Griffith .....                     | 84 |
| Re-Direct Examination by Mr. Meadors .....                  | 87 |
| ANASTASIA GRAHAM (IN-CAMERA)                                |    |
| Voir Dire Examination by the Court .....                    | 91 |
| Direct Examination by Mr. Meadors .....                     | 91 |
| Voir Dire Examination by the Court .....                    | 93 |
| OBJECTION TO ADMISSION OF STATE’S EXHIBITS 17, 18, 19 ..... | 95 |
| RULING BY THE COURT .....                                   | 96 |



## TESTIMONY

## ANASTASIA GRAHAM

|                                            |     |
|--------------------------------------------|-----|
| Direct Examination by Mr. Meadors .....    | 97  |
| Cross-Examination by Mr. Griffith.....     | 104 |
| Re-Direct Examination by Mr. Meadors ..... | 105 |

## DAREN AVINS

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Mr. Meadors ..... | 106 |
|-----------------------------------------|-----|

|                                 |     |
|---------------------------------|-----|
| COLLOQUY REGARDING WITNESS..... | 106 |
|---------------------------------|-----|

## TESTIMONY

## DAREN AVINS

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Mr. Meadors ..... | 107 |
| Cross-Examination by Mr. Griffith.....  | 114 |

## SCOTT LUPORI

|                                            |     |
|--------------------------------------------|-----|
| Direct Examination by Mr. Meadors .....    | 115 |
| Cross-Examination by Mr. Griffith.....     | 120 |
| Re-Direct Examination by Mr. Meadors ..... | 121 |

## TERRY DALE HODGE

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Mr. Meadors ..... | 122 |
| Cross-Examination by Mr. Griffith.....  | 125 |

## NELSON ROSSARIO

|                                            |     |
|--------------------------------------------|-----|
| Direct Examination by Mr. Meadors .....    | 126 |
| Cross-Examination by Mr. Griffith.....     | 134 |
| Re-Direct Examination by Mr. Meadors ..... | 135 |

## MICHAEL THOMAS McCAULEY

|                                            |     |
|--------------------------------------------|-----|
| Direct Examination by Mr. Meadors .....    | 139 |
| Voir Dire Examination by Mr. Griffith..... | 141 |
| Direct Examination by Mr. Meadors .....    | 142 |
| Cross-Examination by Mr. Griffith.....     | 166 |
| Re-Direct Examination by Mr. Meadors ..... | 171 |
| Recross-Examination by Mr. Griffith .....  | 172 |

## KWODEL JOHNSON

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Mr. Meadors ..... | 174 |
|-----------------------------------------|-----|

|                        |     |
|------------------------|-----|
| ADVICE OF RIGHTS ..... | 176 |
|------------------------|-----|





## TESTIMONY

## KWODEL JOHNSON

Direct Examination by Mr. Meadors .....178

IN- CAMERA TESTIMONY .....199

## TESTIMONY

## KWODEL JOHNSON (CONT'D)

Direct Examination by Mr. Meadors .....202

Cross-Examination by Mr. Griffith.....206

Re-Direct Examination by Mr. Meadors .....207

## PAUL S. GREER

Direct Examination by Mr. Meadors .....209

Cross-Examination by Mr. Griffith.....225

Re-Direct Examination by Mr. Meador .....229

Recross-Examination by Mr. Griffith .....231

## RANDY STEWART

Direct Examination by Mr. Meadors .....232

Cross-Examination by Mr. Griffith.....248

ADVICE OF RIGHTS .....249

MOTION FOR A DIRECTED VERDICT .....250

RULING BY THE COURT .....251

STATE RESTS .....252

DEFENSE RESTS .....252

CHARGE CONFERENCE .....253

CLOSING ARGUMENT BY MR. MEADORS .....263

CLOSING ARGUMENT BY MR. GRIFFITH.....281

CLOSING REBUTTAL BY MR. MEADORS .....290

CHARGE ON THE LAW .....294

JURY NOTE .....311



|                                     |     |
|-------------------------------------|-----|
| ADDITIONAL CHARGE ON THE LAW .....  | 314 |
| VERDICT .....                       | 316 |
| MOTION FOR A NEW TRIAL .....        | 318 |
| SENTENCING .....                    | 319 |
| INDICTMENTS & SENTENCE SHEETS ..... | 321 |
| CERTIFICATE OF COUNSEL .....        | 326 |

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**

**STATE’S EXHIBIT NO. 7 (PHOTOGRAPH)**

**STATE’S EXHIBIT NO. 8 (PHOTOGRAPH)**

**STATE’S EXHIBIT NO. 17 (PHOTOGRAPH)**

**STATE’S EXHIBIT NO. 19 (PHOTOGRAPH)**



1 State of South Carolina ) Court of General Sessions  
2 County of Sumter ) Third Judicial Circuit

3  
4 State of South Carolina, ) Transcript of Record  
5 vs. ) 2020-GS-43-00621  
6 Nikeen D'Aundre Johnson, )  
7 Defendant. )

8 June 21st-24th, 2021  
9 Sumter, South Carolina

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

B E F O R E:

The Honorable Kristi Curtis, Judge

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

John P. Meadors, Assistant Solicitor  
On behalf of the State of South Carolina

Timothy L. Griffith, Esquire  
On behalf of the Defendant

Reported by: Stacy S. Johnson,  
Circuit Court Reporter

|    | <u>I N D E X</u>                                |      |
|----|-------------------------------------------------|------|
| 1  | WITNESS                                         | PAGE |
| 2  |                                                 |      |
| 3  | Jury Qualification Group #1                     | 10   |
| 4  | Jury Qualification Group #2                     | 17   |
| 5  | Jury Selection                                  | 31   |
| 6  | Pre-trial Motion(s)                             |      |
| 7  |                                                 |      |
| 8  | Randall Stewart                                 |      |
| 9  | Direct Examination by Mr. Meadors (In-Camera)   | 44   |
| 10 | Cross-Examination by Mr. Griffith (In-Camera)   | 50   |
| 11 |                                                 |      |
| 12 | Nelson Rosario                                  |      |
| 13 | Direct Examination by Mr. Meadors (In-Camera)   | 52   |
| 14 | Cross-Examination by Mr. Griffith (In-Camera)   | 58   |
| 15 | Redirect Examination by Mr. Meadors (In-Camera) | 60   |
| 16 | Recross Examination by Mr. Griffith (In-Camera) | 62   |
| 17 |                                                 |      |
| 18 | Willie Graham                                   |      |
| 19 | Direct Examination by Mr. Meadors (In-Camera)   | 64   |
| 20 | Cross-Examination by Mr. Griffith (In-Camera)   | 80   |
| 21 |                                                 |      |
| 22 | Opening Statement                               |      |
| 23 | By Mr. Meadors                                  | 102  |
| 24 | By Mr. Griffith                                 | 111  |
| 25 |                                                 |      |
| 26 | Shirlene Skipper                                |      |
| 27 | Direct Examination by Mr. Meadors               | 114  |
| 28 |                                                 |      |
| 29 | Lenell Anthony Allen III                        |      |
| 30 | Direct Examination by Mr. Meadors               | 118  |
| 31 | Cross-Examination by Mr. Griffith               | 130  |
| 32 |                                                 |      |
| 33 | Kirk Carter                                     |      |
| 34 | Direct Examination by Mr. Meadors               | 132  |
| 35 |                                                 |      |
| 36 | Willie Graham                                   |      |
| 37 | Direct Examination by Mr. Meadors               | 139  |
| 38 | Cross-Examination by Mr. Griffith               | 164  |
| 39 | Redirect Examination by Mr. Meadors             | 167  |
| 40 |                                                 |      |
| 41 | A.G.                                            |      |
| 42 | Examination by Mr. Meadors (In-Camera)          | 171  |
| 43 | Direct Examination by Mr. Meadors               | 178  |
| 44 | Cross-Examination by Mr. Griffith               | 185  |
| 45 | Redirect Examination by Mr. Meadors             | 186  |

|    |                                             |     |
|----|---------------------------------------------|-----|
| 1  | Daren Avins                                 |     |
|    | Direct Examination by Mr. Meadors           | 187 |
| 2  | Cross-Examination by Mr. Griffith           | 195 |
| 3  | Scott Paul Lupori                           |     |
|    | Direct Examination by Mr. Meadors           | 197 |
| 4  | Cross-Examination by Mr. Griffith           | 201 |
|    | Redirect Direct Examination by Mr. Meadors  | 202 |
| 5  |                                             |     |
|    | Terry Dale Hodge                            |     |
| 6  | Direct Examination by Mr. Meadors           | 204 |
|    | Cross-Examination by Mr. Griffith           | 207 |
| 7  |                                             |     |
|    | Nelson Rosario                              |     |
| 8  | Direct Examination by Mr. Meadors           | 208 |
|    | Cross-Examination by Mr. Griffith           | 216 |
| 9  | Redirect Examination by Mr. Meadors         | 217 |
| 10 | Michael Thomas McCauley                     |     |
|    | Direct Examination by Mr. Meadors           | 224 |
| 11 | Voir Dire Examination by Mr. Griffith       | 226 |
|    | Continued Direct Examination by Mr. Meadors | 227 |
| 12 | Cross-Examination by Mr. Griffith           | 251 |
|    | Redirect Examination by Mr. Meadors         | 256 |
| 13 | Recross Examination by Mr. Griffith         | 257 |
| 14 | Kwodel Johnson                              |     |
|    | Direct Examination by Mr. Meadors           | 260 |
| 15 | Examination by the Court (In-Camera)        | 261 |
|    | Continued Direct Examination by Mr. Meadors | 263 |
| 16 | Examination by the Court (In-Camera)        | 284 |
|    | Continued Direct Examination by Mr. Meadors | 287 |
| 17 | Cross-Examination by Mr. Griffith           | 291 |
|    | Redirect Examination by Mr. Meadors         | 292 |
| 18 |                                             |     |
|    | Paul S. Greer                               |     |
| 19 | Direct Examination by Mr. Meadors           | 295 |
|    | Cross-Examination by Mr. Griffith           | 310 |
| 20 | Redirect Examination by Mr. Meadors         | 314 |
|    | Recross-Examination by Mr. Griffith         | 316 |
| 21 |                                             |     |
|    | Randall Stewart                             |     |
| 22 | Direct Examination by Mr. Meadors           | 317 |
|    | Cross-Examination by Mr. Griffith           | 333 |
| 23 |                                             |     |
|    | Ronald Dodson                               |     |
| 24 | Direct Examination by Mr. Meadors           | 334 |
|    | Cross-Examination by Mr. Griffith           | 335 |
| 25 | Redirect Examination by Mr. Meadors         | 336 |



|    |                         |     |
|----|-------------------------|-----|
| 1  | Closing Statement       |     |
|    | By Mr. Meadors          | 351 |
| 2  | By Mr. Griffith         | 369 |
|    | By Mr. Meadors          | 378 |
| 3  |                         |     |
|    | Jury Charge             | 382 |
| 4  |                         |     |
|    | Verdict                 | 405 |
| 5  |                         |     |
|    | Post-Trial Motion(s)    | 409 |
| 6  |                         |     |
|    | Sentence of the Court   | 410 |
| 7  |                         |     |
|    | Certificate of Reporter | 412 |
| 8  |                         |     |
| 9  |                         |     |
| 10 |                         |     |
| 11 |                         |     |
| 12 |                         |     |
| 13 |                         |     |
| 14 |                         |     |
| 15 |                         |     |
| 16 |                         |     |
| 17 |                         |     |
| 18 |                         |     |
| 19 |                         |     |
| 20 |                         |     |
| 21 |                         |     |
| 22 |                         |     |
| 23 |                         |     |
| 24 |                         |     |
| 25 |                         |     |

| <u>E X H I B I T S</u> |            |                                 |            |
|------------------------|------------|---------------------------------|------------|
|                        |            | PAGE                            |            |
|                        |            | <u>ID.</u>                      | <u>EV.</u> |
| 1                      |            |                                 |            |
| 2                      |            |                                 |            |
| 3                      |            |                                 |            |
| 4                      | Court's 1  | Photo Lineup (Kwodel Johnson)   | 44         |
| 5                      | Court's 2  | Lineup ID Form (Kwodel Johnson) | 44         |
| 6                      | Court's 3  | Photo Lineup (Nikeen Johnson)   | 49         |
| 7                      | Court's 4  | Lineup ID Form (Nikeen Johnson) | 49         |
| 8                      | Court's 5  | Body Cam Video                  | 89         |
| 9                      | Court's 6  | Jury Note                       | 403        |
| 10                     | State's 1  | Photograph                      | 89 127     |
| 11                     | State's 2  | Photograph                      | 89 127     |
| 12                     | State's 3  | Photograph                      | 89 127     |
| 13                     | State's 4  | Photograph                      | 89 127     |
| 14                     | State's 5  | 9-1-1 Call                      | 89 116     |
| 15                     | State's 6  | Aerial Photo Blowup             | 120 120    |
| 16                     | State's 7  | Photograph                      | 137 161    |
| 17                     | State's 8  | Photograph                      | 137 161    |
| 18                     | State's 9  | Photograph                      | 137        |
| 19                     | State's 10 | Photograph                      | 138 163    |
| 20                     | State's 11 | Photograph                      | 143 144    |
| 21                     | State's 12 | Photograph                      | 147 148    |
| 22                     | State's 13 | Photo Lineup                    | 156 158    |
| 23                     | State's 14 | Lineup ID Form                  | 156 158    |
| 24                     | State's 15 | Photo Lineup                    | 156 160    |
| 25                     | State's 16 | Lineup ID Form                  | 156 160    |

|    |            |                |     |     |
|----|------------|----------------|-----|-----|
| 1  | State's 17 | Photograph     | 175 | 192 |
| 2  | State's 18 | Photograph     | 175 |     |
| 3  | State's 19 | Photograph     | 175 | 194 |
| 4  | State's 20 | Body Cam Video | 217 | 218 |
| 5  | State's 21 | Photograph     | 222 | 222 |
| 6  | State's 22 | Photograph     | 222 | 222 |
| 7  | State's 23 | Photograph     | 222 | 222 |
| 8  | State's 24 | Photograph     | 222 | 222 |
| 9  | State's 25 | Photograph     | 222 | 222 |
| 10 | State's 26 | Photograph     | 222 | 222 |
| 11 | State's 27 | Photograph     | 222 | 222 |
| 12 | State's 28 | Photograph     | 222 | 222 |
| 13 | State's 29 | Photograph     | 222 | 222 |
| 14 | State's 30 | Photograph     | 222 | 222 |
| 15 | State's 31 | Photograph     | 222 | 222 |
| 16 | State's 32 | Photograph     | 222 | 222 |
| 17 | State's 33 | Photograph     | 222 | 222 |
| 18 | State's 34 | Photograph     | 222 | 222 |
| 19 | State's 35 | Photograph     | 222 | 222 |
| 20 | State's 36 | Photograph     | 222 | 222 |
| 21 | State's 37 | Photograph     | 222 | 222 |
| 22 | State's 38 | Photograph     | 222 | 222 |
| 23 | State's 39 | Photograph     | 222 | 222 |
| 24 | State's 40 | Photograph     | 222 | 222 |
| 25 | State's 41 | Photograph     | 222 | 222 |

|    |            |            |     |     |
|----|------------|------------|-----|-----|
| 1  | State's 42 | Photograph | 222 | 222 |
| 2  | State's 43 | Photograph | 222 | 222 |
| 3  | State's 44 | Photograph | 222 | 222 |
| 4  | State's 45 | Photograph | 222 | 222 |
| 5  | State's 46 | Photograph | 222 | 222 |
| 6  | State's 47 | Photograph | 222 | 222 |
| 7  | State's 48 | Photograph | 222 | 222 |
| 8  | State's 49 | Photograph | 222 | 222 |
| 9  | State's 50 | Photograph | 222 | 222 |
| 10 | State's 51 | Photograph | 222 | 222 |
| 11 | State's 52 | Photograph | 222 | 222 |
| 12 | State's 53 | Photograph | 222 | 222 |
| 13 | State's 54 | Photograph | 222 | 222 |
| 14 | State's 55 | Photograph | 222 | 222 |
| 15 | State's 56 | Photograph | 222 | 222 |
| 16 | State's 57 | Photograph | 222 | 222 |
| 17 | State's 58 | Photograph | 222 | 222 |
| 18 | State's 59 | Photograph | 222 | 222 |
| 19 | State's 60 | Photograph | 222 | 222 |
| 20 | State's 61 | Photograph | 222 | 222 |
| 21 | State's 62 | Photograph | 222 | 222 |
| 22 | State's 63 | Photograph | 222 | 222 |
| 23 | State's 64 | Photograph | 222 | 222 |
| 24 | State's 65 | Photograph | 222 | 222 |
| 25 | State's 66 | Photograph | 222 | 222 |

|    |            |              |     |     |
|----|------------|--------------|-----|-----|
| 1  | State's 67 | Photograph   | 222 | 222 |
| 2  | State's 68 | Photograph   | 222 | 222 |
| 3  | State's 69 | Photograph   | 222 | 222 |
| 4  | State's 70 | Photograph   | 222 | 222 |
| 5  | State's 71 | Photograph   | 222 | 222 |
| 6  | State's 72 | Photograph   | 222 | 222 |
| 7  | State's 73 | Photograph   | 222 | 222 |
| 8  | State's 74 | Photograph   | 222 | 222 |
| 9  | State's 75 | Photograph   | 222 | 222 |
| 10 | State's 76 | Photograph   | 222 | 222 |
| 11 | State's 77 | Photograph   | 222 | 222 |
| 12 | State's 78 | Photograph   | 222 | 222 |
| 13 | State's 79 | Photograph   | 222 | 222 |
| 14 | State's 80 | Photograph   | 222 | 222 |
| 15 | State's 81 | Photograph   | 222 | 222 |
| 16 | State's 82 | Photograph   | 222 | 222 |
| 17 | State's 83 | Photograph   | 222 | 222 |
| 18 | State's 84 | Photograph   | 222 | 222 |
| 19 | State's 85 | Photograph   | 222 | 222 |
| 20 | State's 86 | Shell Casing | 222 | 223 |
| 21 | State's 87 | Shell Casing | 222 | 223 |
| 22 | State's 88 | Shell Casing | 222 | 223 |
| 23 | State's 89 | Shell Casing | 222 | 223 |
| 24 | State's 90 | Shell Casing | 222 | 223 |
| 25 | State's 91 | Shell Casing | 222 | 223 |

|    |               |                                |     |     |
|----|---------------|--------------------------------|-----|-----|
| 1  | State's 92    | Shell Casing                   | 222 | 223 |
| 2  | State's 93    | Shell Casing/Fired Bullet      | 222 | 223 |
| 3  | State's 94    | Shell Casing/Fired Bullet      | 222 | 223 |
| 4  | State's 95    | Wallet                         | 289 | 340 |
| 5  | State's 96    | Projectile                     | 293 | 294 |
| 6  | State's 97    | Projectile                     | 293 | 294 |
| 7  | State's 98    | Fired Bullet                   | 293 | 294 |
| 8  | State's 99    | Pistol                         | 293 | 294 |
| 9  | State's 100   | Supplemental Ballistics Report | 314 | 315 |
| 10 | Defendant's 1 | Ballistics Report              | 313 | 313 |

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 an opportunity to observe him for some period of time  
2 both before it started raining and after it started  
3 raining. He did not appear to waiver at all,  
4 Mr. Graham, at the time he identified Mr. Johnson. You  
5 know, he -- he indicated that was the person, so I don't  
6 find anything about this that is unduly suggestive that  
7 would taint the in-court identification.

8 MR. GRIFFITH: Thank you, Your Honor.

9 THE COURT: Any other motions that we need to  
10 address before tomorrow morning? I think we already  
11 talked about the fact there's no -- no statements made  
12 by the defendant that we need to have a Denno hearing.

13 MR. GRIFFITH: No statements were made by the  
14 defendant, Your Honor.

15 MR. MEADORS: I just -- my mind was thinking. He  
16 did want to go over a couple of pictures before we put  
17 them in and I told him as I always have and done with  
18 Your Honor I'll certainly show those to you before we  
19 try to offer them in.

20 A.G. is seven. I don't know what time she'll  
21 be testifying tomorrow. Obviously we have a competency  
22 hearing, which shouldn't take long, but there is a  
23 picture of her I want in and I think what he wants is  
24 just to agree on one and have Your Honor to review it  
25 before I show it to the jury and I certainly will.

1           MR. GRIFFITH: We will be objecting to the  
2       depictions of the wounds as being overly prejudicial  
3       and based on the fact that my client will be -- is  
4       innocent in that he's -- he's pleading not guilty, of  
5       course, and that he will be presenting his view of the  
6       incident, which will be completely different, it would  
7       be just too prejudice to show the wounds because the  
8       victims will be here and be able to testify.

9           THE COURT: Do y'all want to show those to me now  
10      or do we need to do that in the morning?

11          MR. MEADORS: In the morning. And it's -- and  
12      it's just one or two. They're not graphic. So I think  
13      we can resolve it fairly easy. Whatever you decide.

14          THE COURT: Yeah, I'm glad to review them and  
15      anyone you find objectionable, Mr. Griffith, and make a  
16      ruling.

17          MR. GRIFFITH: Okay.

18          MR. MEADORS: Judge, we'll have them up here for  
19      you to review well before we offer her.

20          THE COURT: That's fine.

21          If you'll -- Mr. Griffin, if you'll just take a  
22      look and you let me know which ones you want me to  
23      review before we get started in the morning and I'm glad  
24      to do that.

25          MR. GRIFFITH: Yes, Your Honor. Before we get



1 started tomorrow I'll certainly have an opportunity and  
2 I'm sure that he'll be able to show them to me whenever  
3 he's ready.

4 MR. MEADORS: And he's got the pictures. I mean,  
5 that's why he's objecting. He knows where I'm going.

6 THE COURT: Sure.

7 MR. GRIFFITH: I have the pictures. I just don't  
8 know which ones he plans to bring in, Your Honor.

9 THE COURT: Are y'all gonna try to pre-mark some  
10 exhibits in the morning?

11 MR. MEADORS: We'd love to try to, yes, ma'am.

12 Judge, I understand we have the 9-1-1 and then  
13 hopefully a neighbor and then I don't think crime scene  
14 will be going in till tomorrow afternoon and that's  
15 when the bulk of the pictures will come in, so we'll  
16 have time to mark those, but we'll certainly get as many  
17 as we can in the morning.

18 THE COURT: If I can go ahead and address  
19 Mr. Johnson while we're here and we're on the record.  
20 Let's go ahead and do this.

21 Mr. Johnson, sir, you have the constitutional right  
22 to remain silent. That means you get to choose whether  
23 or not you want to testify in this case, so I want to  
24 go over your choices. Of course, you can choose not to  
25 testify because that's your constitutional right. The

1 State cannot force you to testify. If you decided that  
2 you did not want to testify in this case, of course,  
3 I'm gonna be instructing the jury that the State has  
4 the burden of proving you guilty, you do not have any  
5 corresponding duty to prove yourself innocent of the  
6 charges.

7 I will further instruct them if you choose not to  
8 testify in my instructions to them at the end of the  
9 case they cannot even discuss that during the jury room.  
10 When they're in their deliberations in the jury room,  
11 it should not even be discussed that you chose not to  
12 testify.

13 Again, it's a constitutional right to remain  
14 silent. Nobody can make you discuss it, nobody can  
15 make you testify. Nobody can hold it against you if  
16 you chose not to testify.

17 On the other hand, this is your one and only trial.  
18 This is your day in court, so it's your decision if you  
19 choose that you do want to testify. Of course, if you  
20 testify, then you'll take the stand like these other  
21 folks did, we'll swear you in, your attorney will ask  
22 you questions on direct examination and then the State  
23 will get the opportunity to ask you questions on  
24 cross-examination. I have no idea if you have any  
25 criminal history at all.

1     which was the body camera of the Neil v. Biggers, the  
2     hearing, the video in the hospital. I did mark that.  
3     We put it on a CD and the court reporter has that as  
4     Court's 5.

5             Thank you.

6             THE COURT: How about the photos that Mr. Griffith  
7     was objecting to?

8             MR. MEADORS: We haven't gotten that far yet. We  
9     were here working late last night. We're not -- those  
10    aren't coming in yet. We've got the first four or five  
11    photos marked and the 9-1-1 and we're ready to proceed.

12            THE COURT: Okay.

13            MR. GRIFFITH: Those first four or five photos, no  
14    objection, Your Honor.

15            THE COURT: Okay. Then we're ready for the jury?

16            MR. MEADORS: Yes, ma'am.

17            THE COURT: Very good.

18            Yeah, let me also bring to your attention, one  
19    of the jurors notified the bailiff this morning,  
20    Juror Number 183, Qualisha Williams, she is related  
21    to Investigator Dominick West of the Sumter County  
22    Sheriff's Office. Is it her cousin? I don't know why  
23    she didn't mention it during jury qualification.

24            Did she say first cousin or did she just say  
25    cousin?

1           BAILIFF:   Cousin.

2           THE COURT:   And, of course, he is with the  
3           sheriff's office.

4           MR. GRIFFITH:   Well, Your Honor, we would ask  
5           that she -- was she questioned as to whether she could  
6           proceed without prejudice?

7           THE COURT:   I have not questioned her at all.  
8           I'm just relying the information that was given to  
9           me this morning.   When she arrived this morning, she  
10          brought that to the attention of the bailiff.

11          MR. GRIFFITH:   Will that particular sheriff be  
12          testifying?

13          MR. MEADORS:   No, he won't.

14          And we have no objection if Your Honor wants to  
15          ask her with that being the case can she be fair and  
16          impartial.   Whatever you think.

17          THE COURT:   And, again, he's not involved in this  
18          investigation?

19          MR. MEADORS:   No.

20          THE COURT:   If you can ask her to step into the  
21          courtroom and let me ask her on the record some  
22          questions.

23          BAILIFF:   Yes, ma'am.

24          (Whereupon, Juror Number 185 enters the courtroom.)

25          BAILIFF:   Juror 185.

1 THE COURT: Good morning, ma'am.

2 JUROR NUMBER 185: Good morning.

3 THE COURT: Thank you so much for coming in.

4 You're not in any trouble, we're not trying to put you  
5 on the spot or anything like that, but I've got to ask  
6 you some questions just like I asked the other jurors  
7 yesterday during jury qualification.

8 I understand that you are related to Investigator  
9 Dominic West with the Sumter County Sheriff's Office;  
10 is that right?

11 JUROR NUMBER 185: Yes.

12 THE COURT: And tell me how you're related to him.

13 JUROR NUMBER 185: By marriage. It's my husband's  
14 aunt's husband.

15 THE COURT: Your husband's aunt's husband?

16 JUROR NUMBER 185: Yes.

17 THE COURT: Do you feel like you can still be fair  
18 and impartial in a case that's being prosecuted by the  
19 Sumter County Sheriff's Office?

20 JUROR NUMBER 185: Yes, ma'am.

21 THE COURT: Do you think that you can listen to  
22 the testimony, hear the facts, follow my instructions  
23 as to the law and that you can give both the State and  
24 the defendant a fair trial?

25 JUROR NUMBER 185: Yes, ma'am.

1           THE COURT: Is this gonna put you in a position  
2 where at Thanksgiving dinner you're gonna be in an  
3 uncomfortable situation with your family because  
4 you've sat in this -- on this case?

5           JUROR NUMBER 185: No, ma'am.

6           THE COURT: Anything else that you'd like for me  
7 to ask the juror, Mr. Meadors or Mr. Griffith?

8           MR. MEADORS: No, Your Honor.

9           MR. GRIFFITH: No, Your Honor.

10          THE COURT: Thank you so much for the information,  
11 ma'am.

12          JUROR NUMBER 185: You're welcome.

13          (Whereupon, Juror Number 185 retires to the jury  
14 room.)

15          THE COURT: Mr. Griffith.

16          MR. GRIFFITH: Your Honor, I have no objection to  
17 her remaining on the jury.

18          THE COURT: And, Mr. Meadors, you're fine with her?

19          MR. MEADORS: Whatever the Court wants we're fine  
20 with it.

21          THE COURT: If the defendant has no objection, then  
22 I'm gonna allow her to remain.

23          Okay. We're ready for the jury now.

24          BAILIFF: Yes, Your Honor.

25          (Whereupon, the jury enters the courtroom at

1 10:02 AM.)

2 Ladies and gentlemen, good morning. Thank you so  
3 much for bearing with us. We are still under a corona  
4 virus memorandum from the chief justice that requires  
5 us to maintain social distance as much as possible and  
6 try to protect y'all. I know it's a little cumbersome  
7 and sometimes a little aggravating, but thank you for  
8 bearing with us.

9 The case we're about to try this morning is the  
10 State versus Nikeen Johnson. Mr. Johnson is charged  
11 with three counts of attempted murder.

12 Before we get started, I'm gonna ask the bailiff  
13 to swear y'all in so you can take your oath as jurors.

14 BAILIFF: Ladies and gentlemen of the jury, will  
15 you please stand and raise your right hand.

16 (Whereupon, the jury was sworn by the bailiff.)

17 BAILIFF: Thank you. You may be seated.

18 The jury's been sworn, Your Honor.

19 THE COURT: Thank you.

20 Ladies and gentlemen, I'm gonna introduce to you  
21 some of the people that are gonna be involved in the  
22 trial. Again, I'm Kristi Curtis. You have met our  
23 bailiff here, Sam. You'll see we'll have security in  
24 the courtroom during the trial. This is standard  
25 practice.

1       To my far right here is Ms. Johnson, who is our  
2 court reporter. She is taking down everything that's  
3 being said during the course of the trial. Everything  
4 that someone says on the record she is making a record  
5 of that so later when we need a transcript of the  
6 proceedings she can produce that.

7       This is Kimberly Land, who is my law clerk. She's  
8 a lawyer and she will be assisting me during the trial.

9       You've met the attorneys involved, Mr. Meadors and  
10 Mr. Griffith.

11       You'll meet some of the witnesses and the parties  
12 during the action.

13       We may have a young lady from the clerk's office  
14 coming in who will sit here next to Mr. Sam.

15       The bailiffs will assist you during the course  
16 of the trial, so if there's anything that needs to be  
17 brought to my attention, of course, you'll bring it  
18 up with them and they'll make sure that I get the  
19 information.

20       Before we begin the trial, I'm gonna tell you that  
21 this trial probably will be different from what you  
22 might expect. Many people don't have the chance to  
23 attend court sessions and so you may think from what  
24 you've seen in books or on television or in movies that  
25 the trial is full of intense drama and riveting



1     circumstances, and sometimes that's the case. But  
2     sometimes the court process is slow and deliberate and  
3     repetitive, and you've probably had a little taste of  
4     that over the last two days, but the courtroom is a  
5     place of honor dedicated to the protection and  
6     preservation of citizens rights in what many have  
7     called the greatest justice system every created. The  
8     attorneys that are appearing before you are advocates  
9     for their clients, but first and foremost they are  
10    officers of the court, they're sworn to uphold the  
11    integrity and fairness of our judicial system and help  
12    you in your role as jurors. You should expect them  
13    to be professional, competent and ethical in the  
14    representation of their client's interest and remember  
15    that you've taken an oath to try the case and reach a  
16    verdict based on the testimony and the evidence  
17    presented. You're also expected to be professional,  
18    reasonable and ethical, so I thank you first and foremost  
19    for accepting the very important role as a juror.

20         What I'm now gonna say to you is intended to serve  
21    as an introduction to the trial of this case. These  
22    remarks are not a charge on the law. I'll instruct you  
23    on the law applicable to this case at the end of the  
24    trial before you retire to consider your verdict. This  
25    is just an explanation of the procedure that we're gonna

1 use during the trial so you can better understand what's  
2 happening.

3 The defendant is charged by an indictment filed in  
4 this court with the crimes of attempted murder. The  
5 elements of that offense will be explained to you later  
6 on during the trial. The indictment is simply the  
7 charge by which the case is brought into court. It is  
8 not in any sense evidence of any of the allegations it  
9 contains.

10 The defendant has pled not guilty to this indictment.  
11 The State, therefore, has the burden of proving each of  
12 the elements of the indictment beyond a reasonable doubt  
13 and it will be your duty, ladies and gentlemen, to decide  
14 whether the State has met that burden.

15 Your purpose as jurors is to find and determine the  
16 facts of the case. You are the sole judges of the facts.  
17 If at any time I make any comment regarding the facts,  
18 you must disregard it. You are to determine the facts  
19 from the testimony you hear and the other evidence  
20 introduced in court. It's up to you to determine the  
21 inferences that you feel may be properly drawn from the  
22 evidence.

23 It's especially important that you perform your duty  
24 of determining the facts diligently and conscientiously  
25 because ordinarily there's no way to correct an erroneous

1 determination of the facts by a jury.

2 On the other hand, the same law that makes you the  
3 judges of the facts, make me the judge of the law. The  
4 law as given by the Court is the only law that you can  
5 consider. You must accept and follow it even though you  
6 may personally disagree with it. I cannot tell you what  
7 the facts are and you cannot disagree with me about what  
8 the law is or should be. Your job is to take the law as  
9 I instruct you, apply it to the facts as you find them  
10 from the testimony of the witnesses and any other  
11 evidence that's introduced and after doing that you'll  
12 be in a position to render your verdict. Until I advise  
13 you to begin your deliberations, you must not discuss the  
14 case with anyone, including your fellow jurors, friends,  
15 family members, and certainly not with anyone involved  
16 in the case.

17 After the case is submitted to you for deliberations,  
18 you must discuss it only in the jury room with all of  
19 your fellow jurors present. The attorneys and the parties  
20 in this case have been advised that they are not to talk  
21 to you at all. So, again, if you see anyone involved in  
22 the case and they don't speak to you or say hello, they're  
23 not being unfriendly, they're just trying to follow my  
24 instructions not to have any contact with you.

25 During the trial, please don't read, listen to or

1 watch any news reports about this case, including anything  
2 that may be in newspapers, on the Internet, on social  
3 media, radio or television. I don't anticipate anything  
4 of that nature, but you should only consider what you  
5 have heard inside of this courtroom. You must not  
6 consider anything you may have heard or read about the  
7 case outside of the courtroom whether before or during  
8 the trial. It is important that you keep an open mind  
9 and not decide any issue in the case until all of the  
10 evidence has been presented, the parties have made their  
11 closing arguments and you've gotten my instructions on  
12 the law.

13 It is your solemn responsibility to determine the  
14 guilt or innocence of the defendant and your verdict must  
15 be based solely on the evidence as it's presented to you  
16 in this trial and on the law as I instruct you during and  
17 at the close of the trial.

18 In just a moment the solicitor will make what's  
19 called an opening statement in which the solicitor will  
20 explain to you the issues in this case or what the State  
21 believes are the issues in this case and the attorney for  
22 the defendant, Mr. Griffith, may also make an opening  
23 statement although he's not required to do so. What the  
24 attorneys tell you during their opening statements is not  
25 evidence in the case. It's only their contentions as to

1    what the issues are and an introduction to the testimony  
2    that you're gonna hear.

3           The evidence in this case will be presented to you  
4    by the testimony of sworn witnesses from the witness  
5    stand and any exhibits that are introduced during the  
6    course of the trial.

7           From time to time you may hear one of the lawyers  
8    ask to take up a matter of law outside of your presence.  
9    They may need to approach the bench to discuss a matter  
10   of law. It may be necessary for us to excuse you from  
11   the courtroom for a short while so the attorneys and I  
12   can discuss certain legal matters. It's not that we're  
13   trying to keep anything from you, but sometimes we must  
14   discuss an issue of law before the evidence is presented  
15   to you. We're gonna have those discussions outside of  
16   your presence in case we need to discuss the facts. As  
17   we talked about previously, I am not permitted to tell  
18   you what I think the facts are, so I'm gonna excuse you  
19   from the courtroom while these discussions take place so  
20   that you'll in no way be influenced by anything that I  
21   might say or do in connection with the facts.

22           In determining what the facts are in this case,  
23    you must decide whether or not the testimony of the  
24    witnesses is believable. It's my responsibility to rule  
25    as a matter of law as to whether certain testimony is

1     admissible, but whether or not you believe it is solely  
2     for you to determine.

3             In deciding whether to believe a witness, you have  
4     the right to consider the interest of any witness, the  
5     bias of any witness, the prejudice of any witness, the  
6     opportunity that the witness had to see or hear the  
7     things the witness is testifying about and the way the  
8     witness acts, what their demeanor is while on the witness  
9     stand. You have a right to consider anything that's in  
10    the record that will help you evaluate the testimony of  
11    the witnesses. That means it is your duty to pay close  
12    attention to the witnesses, listen to their testimony,  
13    observe the witnesses, pay close attention to the  
14    attorneys and to the Court.

15            Please don't let your thoughts wander, but give  
16    strict attention to the testimony in this case so that  
17    at the end of all the testimony, after the arguments of  
18    counsel and the charge on the law, you will then be in a  
19    position to determine what the facts are, apply the law  
20    to those facts and render your verdict.

21            Any additions or objections before we start with  
22    opening arguments?

23            Mr. Meadors?

24            MR. MEADORS: No, ma'am.

25            THE COURT: Mr. Griffith?

1 MR. GRIFFITH: None, Your Honor.

2 THE COURT: Okay. Mr. Meadors, I'm gonna turn it  
3 over to you for an opening statement.

4 MR. MEADORS: May it please the Court?

5 THE COURT: Yes, sir.

6 MR. MEADORS: One, two, three, four, five, six,  
7 seven. That's the minimum number of shots that went  
8 into Lot ■ at the American Mobile Home Park on  
9 August 16th of 2019 and hit Willie Graham, Shamika  
10 Bracey and A.G. . Seven shots into the home  
11 of Willie, Shamika and A.G. . Four to five of  
12 those shoots hit -- hit Willie Graham, one went into  
13 Shamika Bracey and one went in and out of seven-year-old  
14 A.G. . That is what this case is about.  
15 The attempted murder of Willie, Shamika and A.G.  
16 by the defendant, who's sitting with his counsel  
17 Mr. Griffith, Mr. Nikeen Johnson.

18 Good morning, ladies and gentlemen. Thank you for  
19 being here. Thank you for answering the call to come  
20 and be a juror. We all appreciate it.

21 What's your job? What is your role? The judge  
22 has told you what her role is. She is the law in this  
23 courtroom. This is her world as far as the law is  
24 concerned and she does it very well. But you are also  
25 a judge and your role is you're the judge of the facts.

1 We've all got roles here as Your Honor said, has told  
2 you, but you have the most important role of all,  
3 respectfully to the Court, you decide what the facts  
4 are, you decide what happened.

5 That's why this system is so pure and why it's  
6 lasted so long. Everyday folks in the community come  
7 in, listen to the evidence and decide what the truth  
8 is, decide what the facts are.

9 How do you do that? You do that by evaluating the  
10 evidence as Her Honor said, listening to the evidence,  
11 because that's all you can base your verdict on is the  
12 evidence you hear from the witness stand and evidence  
13 that may come in with the Court's permission, pictures,  
14 videos, audios, anything that's admitted into evidence.  
15 That's what you must decide this case on and nothing  
16 else.

17 And what do you do and what do you use in that job  
18 of determining what happened? Your common sense. The  
19 experiences you've gained throughout your life in  
20 determining what the truth is. As Her Honor said, you  
21 can believe all of what somebody says, part of what they  
22 say, that's up to all of you, but watch and listen to the  
23 questions and the answers you hear from the witness stand  
24 and you will determine as a group at the appropriate time  
25 what happened and then when you make that decision, as



1 you will, you will take that and apply it to the law that  
2 the judge is gonna give you at the end of the case, and  
3 we'll go over that more in the end of closing arguments.

4 You'll decide what the truth is, what the factual  
5 situation is, what happened on August 16th, you'll listen  
6 to the judge tell you, okay, you've got to follow this  
7 law, and once you've done that you'll decide, okay, has  
8 the State met its burden of proving the defendant guilty  
9 beyond a reasonable doubt. If it has, you must find him  
10 guilty. If you determine the State has not met its  
11 burden of reasonable doubt, you must find him not guilty.  
12 That's pure, that's straightforward, but you're gonna be  
13 the ones that make that determination after you've heard  
14 all of the evidence.

15 So thank you for being here. All we can ask, as I  
16 think the judge said, you pay attention, use your common  
17 sense and you'll tell us what happened later in the week.  
18 This won't be a long trial. At some point in my career  
19 I realized that it doesn't matter how long a trial is.  
20 We see some trials around the county last a week, two  
21 weeks, three weeks. That doesn't mean it's more important  
22 than our trial we're having here, which will be over  
23 Thursday, maybe Friday. The length of it does not take  
24 away from the importance of it. The importance of it to  
25 the defendant, Nikeen Johnson, the important of it to

1 Willie and A.G. and Shamika. This is important to  
2 everybody, it's everybody's day in court, and I know you  
3 will treat it as such because we certainly will, but  
4 don't let the length of the trial take away from the  
5 importance of the trial.

6 What's he charged with? Nikeen Johnson, as  
7 Her Honor stated, is charged with three counts of  
8 attempted murder. What is that? Well -- oh, and our  
9 burden of proof I mentioned, y'all have heard it, know  
10 it as well as I do, if not better, beyond a reasonable  
11 doubt. The judge will tell you that the State doesn't  
12 have to prove someone guilty beyond all doubt. I mean,  
13 that can really never be done, and that's not the burden  
14 on the State in this case. We must prove the defendant  
15 guilty beyond a reasonable doubt. I submit to you we'll  
16 do that. It will be up to you to decide if we did, but  
17 we'll do that through the witnesses, the documents, the  
18 pictures.

19 Attempted murder. We must show that somebody with  
20 the intent attempted to kill somebody, intended to,  
21 attempted to, intended and did attempt to kill somebody  
22 with what's called malice aforethought. I wish I could  
23 talk to y'all and ask you to raise your hand if you've  
24 heard malice, but I can't do that, but everybody's heard  
25 the term "malice". It's a meanness, an evilness, a

1 wickedness one person shows to another person. It can  
2 be express, I'm gonna kill you, or it can be inferred  
3 under certain circumstances depending on the case. Seven  
4 shots into somebody's home. One, two, three, four, five,  
5 six, seven. That will be up to y'all as to whether the  
6 State has proved malice; express or inferred.

7 And there are three counts of those, all the same,  
8 all the same law. One for Willie Graham, one for Shamika  
9 Bracey and one for A.G. . Her Honor told you,  
10 and I'll be very brief, you'll hear direct testimony  
11 from witnesses, the victims, law enforcement officers,  
12 EMS, and they'll tell you I saw this, I heard this, I  
13 smelled that. That's direct evidence. You'll hear  
14 circumstantial evidence, which is proof of a fact and  
15 proof of another fact that leads to fact three. You  
16 didn't see it, but it happened and we can prove it by  
17 proving these other two facts. You went to bed last  
18 night, it wasn't raining, you get up this morning, you  
19 see puddles in your driveway. Well, you may not have  
20 seen it rain, but you know it rained. That's an example  
21 of circumstantial evidence.

22 We'll have some folks from SLED that will talk  
23 about some ballistics and shell casings, which will be  
24 an example of circumstantial evidence, which I'll go over  
25 with you. And then you'll have pictures, a 9-1-1 audio

1 that you'll hear in just a minute. All of those are  
2 types of evidence that you're gonna be able to consider.  
3 Just listen to it and you decide what the truth is and  
4 then you decide is that truth -- with that truth has the  
5 State met its burden beyond a reasonable doubt, which is  
6 what you must always do, you must always determine.

7 We're gonna take you back to the date of August 16th,  
8 y'all, in just a minute. That's what these trials are.  
9 It's nothing -- folks ask me what I do and I don't have  
10 to complicate it, I love it, I've always loved it, I'm  
11 gonna die doing it, but it's not that complicated. We  
12 just take you back to the scene. We take you back to  
13 Lot ■ of the American Mobile Home Park. That's what  
14 we're gonna do.

15 And y'all may know it much better than I do, but  
16 if you're leaving Sumter on Broad Street, there's Tony's  
17 Guns right there on your left. If you take a left right  
18 after Tony's Guns, that's American Mobile Home Park. As  
19 soon as you drive in, the first house trailer you see on  
20 the left is gonna be Lot ■. Next to his is Lot ■.  
21 That's where we're gonna focus on this whole trial,  
22 Lot ■, Lot ■ of American Mobile Home Park in Sumter  
23 county.

24 It was a Friday. I believe the evidence will show  
25 that Mr. Graham had gotten off work, went to Lot ■

1     where he was living with Shamika Bracey and A.G.  
2             and C.G.             , their other child they had  
3     together. He got one of his neighbors to take him to  
4     the store. Y'all are gonna hear from him today in a  
5     little while. He bought some items. A fan, some other  
6     stuff. He comes back to Lot ■. He's outside socializing  
7     with some of his friends early to midafternoon, four to  
8     five o'clock we believe it will show. At some point an  
9     individual named Kwodel Johnson comes up with a person  
10    and the evidence will show Mr. Graham, Willie Graham,  
11    knew Kwodel Johnson, had socialized with him in the past,  
12    knew him by name and sight, knew who he was, had been  
13    over to his house some maybe, but Mr. Kwodel Johnson  
14    brought somebody with him. Willie Graham's gonna tell  
15    you he didn't know who it was, didn't know who it was  
16    at first, never seen him before August 16th, didn't have  
17    that much interaction with him that day, but saw him.  
18             You're gonna hear him, they were close together,  
19    didn't really hit it off, but he's gonna testify he saw  
20    this other person, came to find out it was Kwodel  
21    Johnson's cousin, Nikeen Johnson, who was with him on  
22    August 16th.  
23             Well, after a period of time, an hour, two hours  
24    socializing out there, folks coming and going, it started  
25    to rain. Mr. Graham I believe will tell you wanted --

1 he was ready to go, was ready for them to go. Expressed  
2 that to them. Told them that. Some witness may even say  
3 Mr. Graham had a large knife or a machete on the outside  
4 of his house and just kind of stuck it in the ground. He  
5 was ready for everybody to go.

6 He went back behind his house trailer to Lot ■ to  
7 Rufus Wiley's, sees Mr. Rufus Wiley for a second, then  
8 goes in the back of his trailer, Lot ■, to go in to  
9 open the door for Shamika and his daughter. They were  
10 inside. Shortly thereafter, he's gonna tell you that he  
11 got hit by a gunshot, another gunshot, another gunshot.  
12 He's gonna tell you I don't know how many times I got  
13 hit by a gunshot. Shamika and A.G. -- and that's  
14 A.G. back there in the front row.

15 Just raise your hand, A.G. .

16 She's gonna be testifying. She's not gonna be in  
17 here the whole trial. I'm just gonna introduce you now.  
18 She'll be back later. She's hit, Shamika's hit. They  
19 run next door to Rufus Wiley's trailer, Lot ■, and what  
20 happens then? Mr. Wiley calls 9-1-1. 9-1-1. And 9-1-1  
21 calls officers.

22 We actually had an officer who was at bingo right  
23 near there. You're gonna hear him in just a minute and  
24 I want you to listen to that first responder and what  
25 he did until EMS came, but the officers respond, EMS

1 responds, tends to the injuries. Mr. Graham is eventually  
2 flown or taken to Richland. Ms. Shamika and A.G.  
3 are taken. You're gonna hear about their injuries, their  
4 gunshots. You'll have that to consider.

5 Mr. Graham's in the hospital. He's in the -- in  
6 the Richland I think at this point. Investigator Nelson  
7 Rosario goes to talk to him. Initially we believe the  
8 evidence will show Mr. Graham says yeah, that was Kwodel  
9 there, I know him down from Windsor Mobile Home Park.  
10 I didn't know the other fellow, but I know Kwodel. He  
11 gets a lineup of Kwodel and shows it to the victim in  
12 the hospital. He says yeah, that's Kwodel. I know him.

13 Law enforcement begins their investigation and it  
14 ultimately leads to Mr. Nikeen Johnson. Mr. Nikeen  
15 Johnson is put in a photo lineup. And you're gonna hear  
16 about this, you're gonna see the officer that showed the  
17 photo lineup, you're gonna see what happened. You'll  
18 decide if that's a good photo identification, that that's  
19 a good identification. That will be up to y'all. He's  
20 shown the lineup and he says yeah, that's the guy who  
21 shot me. We believe he'll say he was five to seven feet  
22 from me when I saw him out my front door. That's the guy  
23 that shot me, Nikeen Johnson. Nikeen Johnson is arrested  
24 in New York in September, a month or so after that. And  
25 you'll hear from an officer who went and got him in New

1 York.

2 I don't know if that was a very eloquent summary,  
3 but that's basically a summary of what y'all are gonna  
4 hear. As the judge said, what we say is not evidence,  
5 but I'm trying to give you an outline of what happened,  
6 what we believe the evidence will show. It will be up  
7 to you to decide what the evidence is, but that's what  
8 we think the evidence will show.

9 Wednesday afternoon, Thursday morning after you've  
10 heard the evidence I'll be back here, Mr. Griffith will  
11 be back reviewing the evidence with you, the reasonable  
12 inferences, awaiting the judge's charge on the law to  
13 guide us all, and I'll be asking you then based on the  
14 evidence that's been presented, respectfully asking you  
15 then, to find the defendant guilty of one, two, three  
16 counts of attempted murder.

17 Thank you.

18 THE COURT: Mr. Griffith.

19 MR. GRIFFITH: May it please the Court, Your Honor?

20 THE COURT: Yes, sir.

21 MR. GRIFFITH: Ladies and gentlemen, I thank you  
22 as well for you coming. It's a wonderful service that  
23 you're doing. It is an inconvenience having to leave  
24 your job or your home, but we appreciate it. It's  
25 absolutely essential to our system of justice. And



1 justice, of course, is what we're after here. We're not  
2 after you to do anything that is strange or odd. What  
3 we want is the truth. We just want to find out the  
4 truth. We want to know the truth and we want to -- we  
5 want you to make your judgment based on what you hear  
6 in the -- from the witnesses, not what you hear from  
7 the solicitor, not from what you might hear me say,  
8 but from the witnesses. And the witnesses as they come  
9 up will begin to tell you the circumstances surrounding  
10 what happened that night. And at first, of course, he's  
11 gonna let you know about the situation that they were  
12 encountered with, the law enforcement folks were  
13 encountered with when they arrived there, then he'll  
14 begin to bring up the persons who were involved in the  
15 situation and he'll ask some questions, I'll ask some  
16 questions.

17 But the evidence will show that, yeah, there was  
18 a party there, there was a party going on, people were  
19 playing outside, drinking, there was a lot of drinking  
20 going on, and that Mr. Graham, it was his home, it was  
21 his residence, along with Ms. Brantley {sic} and little  
22 A.G. and another young man, but he had  
23 invited these people. They were all having a good time,  
24 but the evidence will also bring out Mr. Graham, as  
25 Mr. Meadors pointed out, was carrying around a machete

1 for a while because he was angry. He was angry because  
2 he thought somebody had taken some of his money and he  
3 didn't know who, of course, looking at the people who  
4 were strangers among them, but you'll find from the  
5 evidence that that calmed down and that Mr. Nikeen  
6 Johnson was a help in calming that down, but it started  
7 to rain so they go inside.

8 The local folks go home because their trailers are  
9 right next door, so they head home. Mr. Johnson and  
10 his cousin were not from there, so they go inside. Then  
11 as things continue to heat up inside, not heat up,  
12 Mr. Johnson, Mr. Nikeen Johnson, Mr. Graham will testify  
13 that he was just real quiet, he was just sitting there  
14 quiet. I believe that will be his testimony. But as  
15 the evening went on, then you'll hear possibly that some  
16 folks were saying that it became a little more heated  
17 again and Mr. Graham said something about getting his  
18 gun and that's when Mr. Nikeen Johnson began to feel  
19 threatened, began to feel like they needed to get out  
20 of there, and that's what they started to do.

21 But listen carefully to all of the evidence. For  
22 attempted murder you've got to have somebody who was  
23 planning on killing somebody. There has to be an intent  
24 to kill someone. It's not about self-defense.  
25 Self-defense is a totally different thing, but please

1 listen to the witnesses, get your story from them, not  
2 the -- from us, of course, from me or Mr. Meadors.  
3 And, of course, the judge will be informing you about  
4 the law as to what the elements are for attempted murder  
5 and as you go through the evidence just listen to it all  
6 and if you find out -- whatever facts you find, that's  
7 what you're gonna be reporting back to the Court.

8 And so I, again, thank you very much for being  
9 here and look forward to the trial and you will find my  
10 client, Mr. Nikeen Johnson, is not guilty of attempted  
11 murder.

12 Thank you.

13 THE COURT: Thank you.

14 Mr. Meadors, you can call your first witness, sir.

15 MR. MEADORS: If it please the Court, the State  
16 would call Shirlene Skipper.

17 (Whereupon, Shirlene Skipper was duly sworn by  
18 the bailiff.)

19 BAILIFF: State your name for the record and spell  
20 your last name, please.

21 THE WITNESS: Shirlene Skipper, S-K-I-P-P-E-R.

22 SHIRLENE SKIPPER,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. MEADORS:

1                   LENELL ANTHONY ALLEN III,  
2           having been duly sworn, testified as follows:

3                   DIRECT EXAMINATION

4   BY MR. MEADORS:

5   Q.   Sergeant, I think the Court has given permission that  
6   you can lower your mask if you want to for your testimony.

7   A.   Thank you.

8   Q.   Sergeant, please tell these folks, the ladies and  
9   gentlemen of this jury, about yourself, where you're from,  
10   your background and your training in law enforcement,  
11   please.

12   A.   Yes, I will. I'm Staff Sergeant Lenell Anthony Allen.  
13   I'm assigned to special operations with Sumter County  
14   Sheriff's Office, meaning I'm responsible for training our  
15   officers along with the detention center as well. I'm also  
16   a firearms instructor, a rifle instructor. I am also a  
17   tactical emergency casualty care instructor, tactical  
18   combat casualty instructor, too, as well. I'm a stop the  
19   bleeding instructor, defensive tactics instructor. I have  
20   several certifications in several different aspects,  
21   especially a lot in medicine, too, as well.

22   Q.   Specialty in what?

23   A.   Medicine.

24   Q.   And do you mind taking it down a little bit more?

25   A.   Oh, yes. Sorry.

1 Q. No, it's just me.

2 A. Sorry.

3 Q. No, that's okay. How long have you been in law  
4 enforcement?

5 A. Eighteen years now.

6 Q. Okay. And -- and have you been at different  
7 departments? Where have you been?

8 A. I've been with Sumter city police department and also  
9 with Clarendon County Sheriff's Office as well.

10 Q. And how long have you been in Sumter with Sumter  
11 sheriff's office?

12 A. I've been with Sumter sheriff's office since 2014.

13 Q. Okay. And you're in charge of training?

14 A. Yes, sir.

15 Q. Okay. And were you working this day on August 16,  
16 2019?

17 A. Yes, I was working off-duty security at the bingo  
18 hall. That was a Friday night and their hours are from  
19 8:00 until about 1:00 in the morning.

20 Q. And how did you become aware of this incident?

21 A. I was sitting in the parking lot of bingo and the rain  
22 was coming down really hard and I remember I was sitting in  
23 the car waiting for the rain to subside a little bit so I  
24 could exit my vehicle and go inside bingo to do my duty  
25 there. As I was sitting there, I could hear sirens coming

1 down Broad Street and I was thinking to myself, that's  
2 funny, I think they're coming in my direction, so I turned  
3 my radio back up and realized there was an incident right  
4 there at the American -- American Mobile Home Park and it  
5 was a shooting call, so as I was putting my vehicle back in  
6 drive two other units came by me and I followed right  
7 behind them inside the mobile home park.

8 Q. So you just happened to be working there off-duty,  
9 hear the sirens and that's why you responded here?

10 A. Yes, sir.

11 MR. MEADORS: Six, please ma'am. Thank you.

12 (State's Exhibit Number 6 was marked for  
13 identification.)

14 BY MR. MEADORS:

15 Q. Sergeant, this has been marked State's 6. Are you  
16 aware of this aerial photograph?

17 A. Yes, sir.

18 Q. Okay. Does it relate to your testimony?

19 A. Yes, sir.

20 MR. MEADORS: Your Honor, we now offer State's 6.

21 MR. GRIFFITH: Without objection, Your Honor.

22 THE COURT: State's 6 is admitted.

23 (State's Exhibit Number 6, an aerial photograph,  
24 was admitted into evidence.)

25 BY MR. MEADORS:

1 Q. And, Sergeant, if the Court will let me just to save  
2 time, Your Honor, can I approach him from over there and  
3 just hold this up so we won't have to move that much?

4 Sergeant, can you -- can you -- this is State's 6, and  
5 it's not blown up real well, but can you give the folks an  
6 idea, kind of take them from -- well, take them from here  
7 to where this incident happened? What's the landmarks in  
8 here that will --

9 A. Well, this is American Bingo right here and I was  
10 parked in this parking lot right on this side right here.  
11 There's a little dealership over here with the used cars  
12 right there and over here right here is a hotel. The gas  
13 station is right about here, American Gas Station, and most  
14 guys know Tony's Gun Shop is the store right there.

15 Q. Okay. So you were where, Sergeant?

16 A. I was parked right there.

17 Q. Okay. You hear the sirens, you follow the cars, where  
18 do you go?

19 A. We followed the cars like out here and we parked --  
20 the first trailer's right here at Lot ■. We parked our  
21 cars adjacent to that front area. There was a couch, a  
22 burgundy couch, right about there and the door ajar, so we  
23 went right through there.

24 Q. And did you actually go into Lot ■, that house  
25 trailer?

1 A. Yes, sir.

2 Q. Let's look at the back of State's 6. Can you show the  
3 jury on here -- and I don't know if I have this the right  
4 direction or not --

5 A. That's correct. If you want to contrast, American  
6 Bingo would be right about here and the car dealership  
7 would be right here, this is Lot ■ right there and the one  
8 directly behind it right there.

9 Q. And is that Lot ■ as far as you know?

10 A. Yes, sir.

11 Q. And if you're like me, terrible on directions, Shaw's  
12 over here?

13 A. Yes, sir. Shaw's right down there.

14 Q. All right. Thank you.

15 Were you in your POV, your vehicle, or were you in --  
16 it just popped in my head. You were doing security?

17 A. Yes, sir. I was in my county-issued Durango.

18 Q. Okay. And when you got to what you've identified as  
19 that first trailer, what did you do?

20 A. We do an immediate assessment of the area. Anybody  
21 running away, vehicles leaving the area. As we pulled up,  
22 I could hear yelling from the house. That gives us --  
23 basically saying hey, something's bad has happened in this  
24 particular area right there. We made entry into there and  
25 as we -- I can't remember who went first through the door,



1 but I can just tell you once I entered the door I could see  
2 -- it was very dark inside the actual mobile home. There  
3 was a couch immediately in front of the door and there was  
4 a young boy sitting on the couch and the boy was looking  
5 down at an individual laying on the floor writhing in pain.  
6 His feet were more towards myself towards the door and  
7 his head was on the far end towards the window and I could  
8 see our -- since it was really dark I can only see --  
9 illuminate where our lights were flashing. I could see in  
10 the illumination that there was blood coming from his lower  
11 part of his body.

12 Q. And this was the individual on the floor?

13 A. Yes, sir.

14 Q. All right. Did your training kick in? What did you  
15 do?

16 A. Yes, sir. I immediately went back and retrieved my go  
17 bag right there. Like I said before, I'm a stop -- I'm a  
18 state stop the bleed instructor and also state tactical  
19 emergency casualty care instructor, too, as well, so.

20 Q. What's a go bag?

21 A. A go bag is this right here. I brought it in for you  
22 guys to see. Basically a go bag is -- basically what EMS  
23 has in their bags, it's consisting of tourniquets, chest  
24 seals, of course, gloves, gauze. Basically chest seals,  
25 gauze. All of the things that you would need to basically

1 help try to save somebody's life. When I first started  
2 with law enforcement, there wasn't a lot of medical pushed  
3 out there, but as things have changed we pushed more for  
4 medical things. We want to try to save a life as well,  
5 too, of course, and got more stuff. And basically these  
6 sheers were basically used on him that night, too, as well.

7 Q. So tell us what you did. At this point did you know  
8 who was on the floor?

9 A. No, sir. Most times when you start doing your  
10 assessment of injuries, you're not really on a first name  
11 basis. It's basically I've got to stop the bleeding, I  
12 don't want this individual -- and I keep enough blood in  
13 the individual to get them to a higher level of medical.

14 So first was to conduct a BATH assessment. A BATH  
15 assessment is basically you look for blood first, check the  
16 airway, check for a pneumo -- basically a sucking chest  
17 wound, and then lastly is hypothermia because if you start  
18 losing blood no matter how hot it is you can literally die  
19 from hypothermia.

20 So the first thing I noticed was the blood, the blood  
21 loss. If I can stop the blood loss, I can help him out,  
22 but because of his pants were on him you have to cut the  
23 pants off with the sheers. EMS uses these things all the  
24 time. You basically cut the pants off and you start doing  
25 a BATH assessment of the individual. The BATH assessment

1 is basically conducted when you're using your fingers and  
2 using gloves and because it's so dark you're kind of raking  
3 through their body looking for bullet holes.

4 So I remember telling him right before I started this  
5 is gonna hurt because you're basically raking your fingers  
6 finding bullet holes and every time you find one your  
7 finger goes in there and once your finger goes in there you  
8 know that's a wound that you need to start packing. Now  
9 I'm looking for arterial bleeds because arterial bleeds  
10 basically comes from the heart and you start -- and an  
11 arterial bleed is basically every time your heart beats the  
12 blood splatters right out of your body very, very quickly.  
13 You can die within three minutes, four minutes or less, but  
14 he didn't have any arterial bleeds that I could find at the  
15 time. His bleeds were more contained in the body cavity  
16 and it's very hard to pack a body cavity, so what you do is  
17 to apply direct pressure to that to stop the bleeding.

18 Q. Could you determine how many times he had been shot?

19 A. Yes, I could find about three holes on the back side  
20 of his leg, I found one hole in his arm and another hole in  
21 his other arm, too, as well.

22 Q. So that's how many?

23 A. That was about four or five. Some were exit wounds as  
24 well, so about four or five.

25 Q. Could you feel any bullets?

1 A. No, I could not feel any bullets at that time. It was  
2 more flesh and blood.

3 Q. And once you found the bullet holes, what did you do  
4 to them?

5 A. Well, we use -- what we use is gauze. It's here as  
6 well. It's this little substance right here. What you do  
7 is you basically rip it open, you take the gauze and you  
8 kind of pack it in just a little bit and you kind of pull  
9 pressure down just a little bit. You're trying to get the  
10 body to respond to start clotting because the body will  
11 save itself if you give it enough time, so basically we're  
12 giving his body enough time to start clotting so he can  
13 stop bleeding so much as well. I had another officer there  
14 with me, Kirk Carter, and basically while I was calling  
15 stuff out to him that I needed, he was handing me stuff to  
16 work on him as well because when you have a go bag you  
17 usually just dump it out, all the stuff you have, and you  
18 have somebody hand stuff to you as you're working on the  
19 individual, so we use this stuff right here called gauze.

20 Q. And -- and was the person you were working on able to  
21 communicate with you during all this?

22 A. He wasn't very -- he was in a lot of pain. I learned  
23 later on that his leg was -- the femur was broken and if  
24 you have a shattered bone the pain that he was -- that  
25 was inflicted from that would have been very painful,

1 especially when we were putting pressure on that area of  
2 the body. So it was more like anger and frustration.

3 Q. Sergeant, would you just look at State's 2 -- excuse  
4 me, 1, 2, 3 and 4, right there, and tell me do you  
5 recognize them and do they relate to the testimony you  
6 just gave?

7 A. Yes, sir. That's the front door right there.

8 Q. That's State's 1.

9 A. This is the living room area where we found him and  
10 that's the couch I was describing with the young boy  
11 sitting on top of it.

12 Q. State's 2.

13 A. This is another picture of the front door leading to  
14 the front room, living room area.

15 Q. State's 3.

16 A. And this is another illustration. This is basically  
17 coming -- facing towards the front door.

18 Q. State's 4.

19 MR. MEADORS: Your Honor, State's 1 through 4 I  
20 believe without objection.

21 MR. GRIFFITH: Without objection, Your Honor.

22 THE COURT: 1 through 4 are admitted.

23 (State's Exhibit Number 1 through 4, photographs,  
24 were admitted into evidence.)

25 BY MR. MEADORS:

1 Q. Sergeant, can you tell the ladies and gentlemen what  
2 this is?

3 A. That's gonna be the front door which we entered  
4 through by that little couch right there, in front of the  
5 house right there, the little burgundy couch. We parked  
6 on the side of the house of that trailer.

7 Q. And is this Lot ■ at American Mobile Home Park?

8 A. Yes, sir.

9 Q. And is this the trailer where you were working on the  
10 man on the floor?

11 A. Yes, sir.

12 Q. And is that in Sumter county?

13 A. Yes, sir.

14 Q. And the jurors will have these later, the actual  
15 photos, but for these purposes, on State's 2 can you tell  
16 the jury where the person's body was when you were working  
17 on him?

18 A. Yes. That's in the living room area. It basically in  
19 a nutshell is leading into the house from the door to the  
20 back window. If you look at that -- like I say, there's a  
21 yellow trash bag on the upper corner, right corner, his  
22 head was in that proximity right there and his legs were  
23 towards the end of the couch.

24 Q. So your testimony is his head was in this area?

25 A. Yes, sir.

1 Q. And feet were back toward this area?

2 A. Yes, sir.

3 Q. Okay. And you mentioned the front door. Looking at  
4 -- well, let's go to another one. State's Number 3, is  
5 that also a picture of the room when you go in Lot [REDACTED]?

6 A. Yes, sir. It's just further out toward the door.

7 Q. And then State's 4. Is the front door depicted in  
8 State's 4?

9 A. Yes, sir.

10 Q. Okay. And I don't know if you can point to it, is  
11 that the front door?

12 A. Yes, sir. That's the front door right there.

13 Q. Do you remember how long you worked on the fella?

14 A. I don't remember. Sometimes when you're dealing with  
15 a high stressful event minutes can seem like hours and  
16 especially when you're -- when you're dealing with the dark  
17 and you've got units clearing the house, you've got EMS  
18 responding to the scene. For me it seemed like it was  
19 forever, but it probably was essentially five to eight  
20 minutes.

21 Q. And, I guess, who did you kind of turn him over to?

22 A. EMS.

23 Q. Okay.

24 A. EMS was there working on the other individuals. They  
25 didn't have enough to -- to assess all suspects -- I'm

1     sorry, all the victims and so I was basically tasked with  
2     the first and they were in the second one assessing  
3     injuries of the female and the juvenile.

4     Q.     Okay.  So you were asked to assist --

5     A.     Yes, sir.

6     Q.     -- while they were doing that?

7     A.     Yes, sir.

8     Q.     But at some point EMS took over?

9     A.     Yes, sir.

10    Q.     And you now know that was the body of Mr. Graham?

11    A.     Yes, sir.

12    Q.     Willie Graham?

13    A.     Yes, sir.

14    Q.     And Mr. Graham's -- Mr. Graham, would you stand up.  
15    Is this -- is this the fella you worked on that night?

16    A.     Oh, yes.  I remember him.

17    Q.     Okay.  Thank you.

18           MR. MEADORS:  I beg the Court's indulgence.

19           Judge, that's all.  Thank you very much.

20           MR. GRIFFITH:  Please the Court, Your Honor?

21           THE COURT:  Yes, sir.

22                               CROSS-EXAMINATION

23    BY MR. GRIFFITH:

24    Q.     Sergeant Allen --

25    A.     Yes, sir.



1 Q. -- based on the pictures that were shown by  
2 Mr. Meadors, it appears that the body was laying in the  
3 living room; is that correct?

4 A. Yes, sir. The living area.

5 Q. Okay. So he was in -- would you say he was in the  
6 middle of the living room floor or closer to the door or  
7 closer to the hall? Where was he?

8 A. I would say more closer to the door.

9 Q. Closer to the door. Okay. So the body was close to  
10 the front door?

11 A. Uh-huh.

12 Q. Had it appeared that the body had been moved at all  
13 when you showed or were you able to tell that at all?

14 A. It's hard to tell. Because it was so dark in there,  
15 it's hard to tell. And you have the blood splatters on  
16 the ground, so it's a possibility if he's writhing in pain  
17 he could have moved back and forth, especially if you're  
18 talking about breaking a bone. It's a possibility.

19 MR. GRIFFITH: Okay. Well, thank you.

20 No further questions, Your Honor.

21 MR. MEADORS: Your Honor, we'd ask that he be  
22 excused, please, the Sergeant.

23 THE COURT: Thank you, sir. You can step down.

24 (Witness excused.)

25 THE COURT: Any objection to him being excused,

1 Mr. Griffith?

2 MR. GRIFFITH: No objection, Your Honor.

3 THE COURT: You're free to go.

4 THE WITNESS: Thank you, Judge Curtis.

5 MR. MEADORS: Kirk Carter.

6 BAILIFF: Raise your right hand. State your name.

7 THE WITNESS: Kirk Carter.

8 (Whereupon, Kirk Carter was duly sworn by the  
9 bailiff.)

10 BAILIFF: Thank you very much. Have a seat.

11 State your name for the record and spell your last  
12 name, please.

13 THE WITNESS: Kirk Carter, C-A-R-T-E-R.

14 KIRK CARTER,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MEADORS:

18 Q. And I did not call out your rank. I apologize. You  
19 are Corporal Kirk Carter?

20 A. Yes, sir.

21 Q. Corporal, please tell these ladies and gentlemen about  
22 Corporal Kirk Carter, where you're from, your background  
23 and your training in law enforcement.

24 A. I'm from Sumter, South Carolina. I'm a road deputy,  
25 a corporal. I'm also a K-9 handler. I've been at the

1 sheriff's office going on four years now. I worked at the  
2 city for almost three years prior to. I've been to a lot  
3 of active shooter trainings, emergency response trainings  
4 throughout the State. Also technical deployment training  
5 as well.

6 Q. And are you still the K-9 officer?

7 A. Yes, sir.

8 Q. Okay. Were you the K-9 officer in 2000 --

9 A. No, sir.

10 Q. And going back to August of 2019, you were on the  
11 road?

12 A. I was.

13 Q. Okay. And you were one of the first responders?

14 A. Yes, sir.

15 Q. And can you tell the ladies and gentlemen of the jury  
16 what you did when you responded to American Mobile Home  
17 Park.

18 A. Yes, sir. Friday evening I was headed northbound on  
19 441, pouring down rain. We were actually gonna go get  
20 something to eat. A call comes out to BOLO for a shooting  
21 at American Motor Home Park. We turn around, head back  
22 towards American. We see Sergeant Allen actually pulling  
23 out of bingo. He pulls in, we pull in behind him on the  
24 right side of the residence, get out, go into the home.  
25 There's a gentleman on the floor hollering. It was pitch

1 -- it was dark. You can't see. There was a child on the  
2 couch. I remember asking the child are you okay and the  
3 child said yes, he tried to kill my daddy. We then get  
4 on the floor and begin assessing the male subject on the  
5 floor. Blood everywhere. It's pretty bad. Don't -- don't  
6 really know where he's been shot. We just start feeling on  
7 him, you know, trying -- just trying to figure out where  
8 he's been shot. Sergeant Allen's actually hand me this,  
9 hand me that, I need this, and we pack wounds and hold  
10 pressure until EMS gets there. They get there. I go  
11 outside. I remember helping them get the stretcher to  
12 the door. We get the male subject out. I don't know who  
13 he is at this point. We get him in the ambulance. Again,  
14 there's a -- people saying that there's a mother and a  
15 child in the house behind this one that are shot, so we  
16 get --

17 Q. When you say "we", who are you referring to?

18 A. Myself, Sergeant Allen. I don't remember who else was  
19 in the residence with us. I remember Staff Sergeant Ardis  
20 passing -- going past us on the couch out the back door to  
21 the adjacent trailer. The kid on the couch is screaming he  
22 tried to kill my daddy. I don't know what went on in the  
23 trailer next door. I was more concerned with the guy, you  
24 know, that was in front of me at the time.

25 Q. So you didn't go to Lot [REDACTED]?

1     A.     I did not. Like I said, we worked on the male subject  
2     until EMS got there. I went outside and helped them get  
3     the stretcher to the door. It's a panic, of course. He's  
4     shot, you know, we don't know where he's shot, so we help  
5     -- help get the stretcher to the door, we get him loaded up  
6     and then do we need another ambulance, no, just put whoever  
7     we can in the ambulance, so we put -- the child actually  
8     got in the ambulance with us. I don't know if the mother  
9     did or not, but I drove the ambulance to the hospital so  
10    EMS could work and, you know, try to save the child and the  
11    father.

12   Q.     So you actually drove the ambulance so EMS could  
13   continue working?

14   A.     I did.

15   Q.     Was there another bus out there, another --

16   A.     I can't remember.

17   Q.     Okay. And do you -- Mr. Graham, can you stand up? Is  
18   this the individual you worked on?

19   A.     It's him.

20   Q.     Okay. And did your involvement in this case end when  
21   you got to the hospital?

22   A.     It did.

23           MR. MEADORS: Thank you, Corporal.

24           THE WITNESS: Yes, sir.

25           MR. MEADORS: That's all. Thank you.

1           (Recess taken at 11:13 AM.)

2           (Back on the record at 11:31 AM.)

3           (State's Exhibit Number 7, 8 and 9 were marked  
4 for identification.)

5           BAILIFF: All rise.

6           THE COURT: Thank y'all. Please have a seat.

7           Okay. Are we ready for the jury?

8           MR. MEADORS: Your Honor, just one second, please.

9 I'm sorry.

10          THE COURT: No problem.

11          MR. MEADORS: Judge, we've got -- Mr. Griffith and  
12 I have reviewed these pictures. I've narrowed them down  
13 to three of the victim. State's, at this point, 7, 8  
14 and 9. I've shown them to Mr. Griffith during the break  
15 and he may have an objection.

16          THE COURT: Okay. I'm looking at 7, 8 and 9. Is  
17 there a 6 I need to look at?

18          MR. MEADORS: No, ma'am. 6 is something else.

19          THE COURT: Okay.

20          MR. GRIFFITH: Your Honor, I would object in that  
21 these are unnecessarily graphic depictions not necessary  
22 to establish the fact that Mr. Graham was shot. He was  
23 shot. Witnesses -- Mr. Graham will be -- is here and  
24 can testify that he was shot, injured, but we would  
25 argue they're unduly prejudiced to the jury against the

1 defendant.

2 THE COURT: What I would say is that you can use 9.  
3 It looks like 7 and -- well, no, it looks like 8 shows  
4 the two on his lower -- the lower part of his legs.  
5 8 also looks like it's showing his femur. It appears  
6 to be broken in that picture, but 8 doesn't show the  
7 arm. So let's do 7 and 8, but not 9.

8 MR. MEADORS: Can I see what 9 is? I can't  
9 remember.

10 Okay. I understand. I think we'd offered 9  
11 because it showed the entrance and exit on that, the  
12 two bullet holes, and you may be able to see those in  
13 -- okay, that's fine. So not 9.

14 Thank you, ma'am.

15 MR. GRIFFITH: Thank you, Your Honor.

16 MR. MEADORS: And, Your Honor, I just have for --

17 MR. GRIFFITH: Oh, I'm sorry.

18 MR. MEADORS: It's the same picture.

19 Could you mark that?

20 (State's Exhibit Number 10 was marked for  
21 identification.)

22 MR. MEADORS: I'm just gonna offer that. That's  
23 just a picture of the hallway.

24 Thank you.

25 THE COURT: Okay. You can bring the jury in.

1 (Whereupon, the jury returns to the courtroom at  
2 11:37 AM.)

3 BAILIFF: All -- the jurors all seated, Your Honor.

4 THE COURT: Thank you.

5 And I understand Juror Number 41, Mr. Creede --

6 JUROR NUMBER 41: Yes, ma'am.

7 THE COURT: -- is the foreperson. Thank you, sir.

8 Okay. Mr. Meadors.

9 MR. MEADORS: If it please the Court? Your Honor,  
10 at this time the State of South Carolina would call  
11 Mr. Willie Graham.

12 BAILIFF: Raise your right hand. State your name.

13 THE WITNESS: Willie Graham.

14 (Whereupon, Willie Graham was sworn by the bailiff.)

15 BAILIFF: State your name and spell your last name,  
16 please. Pull your mask down and talk into the mic.

17 THE WITNESS: Willie Graham, G-R-A-H-A-M.

18 WILLIE GRAHAM,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. MEADORS:

22 Q. Mr. Graham, the Court has given us permission when  
23 you're back there that you can take your mask off. That  
24 will assist and help us hear you. And if you wouldn't  
25 mind just pulling up to it and make sure -- I know with



1 your leg, but as much as you can, if you'd just talk in  
2 there so the court reporter and everybody can hear you,  
3 please, sir.

4 Mr. Graham, tell the ladies and gentlemen about  
5 yourself. Where are you from?

6 A. From Kingstree, South Carolina.

7 Q. You were born and raised there?

8 A. Born and raised. Yes, sir.

9 Q. Where did you go to school?

10 A. C. Murray High School in Greenville, South Carolina.

11 Q. C. Murray High School where?

12 A. In Greenville, South Carolina.

13 Q. And when did you get out of high school?

14 A. 2003.

15 Q. What did you do after that?

16 A. Sports really.

17 Q. I'm sorry?

18 A. Played sports.

19 Q. Okay. What did you play?

20 A. Baseball.

21 Q. And who did you play with?

22 A. Who did I play baseball with?

23 Q. Yes, sir.

24 A. They had a night league in Charleston I was playing  
25 with, the Bulldogs. I stopped playing that because I had

1 kids.

2 Q. Okay. And how many kids did you have or do you have?

3 A. I had one at that time.

4 Q. All right. And after baseball, did you work after  
5 that?

6 A. After baseball -- after I stopped playing baseball,  
7 I went to softball and I played softball for five years.

8 Q. Who did you stay softball with?

9 A. I played for a league called -- you'd probably call it  
10 a night league. Right there in West Columbia. I played  
11 ball -- for a nightlife softball team and -- Millwoods,  
12 that was the name of the team.

13 Q. In August of 2019 -- when did you move to Sumter? Let  
14 me ask you this much. In August of 2019, where were you  
15 living?

16 A. August of 2019 I was in Sumter, South Carolina.

17 Q. Okay. Where were you living?

18 A. American Mobile Home, [REDACTED] Broad Street, Lot [REDACTED].

19 Q. Slow down again. American Mobile Home --

20 A. Mobile Home Plaza, Lot [REDACTED].

21 Q. Okay. And that's in Sumter county?

22 A. Yes, sir.

23 Q. Who were you living there with?

24 A. It was me, Shamika Bracey, my baby mother, and our two  
25 kids, A.G. and C.G. .

- 1 Q. Okay. And tell me about Shamika Bracey. That's  
2 your --
- 3 A. My baby mother, yes, sir.
- 4 Q. A.G. 's and C.G. s mother?
- 5 A. Yes.
- 6 Q. Okay. How long had y'all been to together at the  
7 time?
- 8 A. About fourteen years.
- 9 Q. Okay. And y'all have how many children?
- 10 A. Two.
- 11 Q. All right. Where were you working in August of 2019?
- 12 A. At the old sewing plant on 441.
- 13 Q. The old sewing --
- 14 A. Sewing plant. Yes, sir.
- 15 Q. All right. And what were you doing there?
- 16 A. Maintenance.
- 17 Q. Now do you remember this incident we're here about?
- 18 A. Yes, sir.
- 19 Q. Okay. And did you work the day -- prior to this  
20 happening, did you work that day earlier?
- 21 A. Yes, sir.
- 22 Q. Okay. And what time did you get off work?
- 23 A. 3:30.
- 24 Q. Okay. And what did you do after you got off work?
- 25 A. After I got off work, I got home and the house was a

1 little hot, so --

2 Q. It was what? I'm sorry?

3 A. The house was a little hot, so I needed to go get a  
4 fan and get us something to eat and some cleaning supplies  
5 from the store, so I asked the neighbor if I give her some  
6 gas money could she take me to the store.

7 Q. And who was the neighbor who took you?

8 A. Ms. Cynthia.

9 Q. Cynthia. What's her last name?

10 A. I forgot her last name.

11 Q. And what store did you go to?

12 A. To the Dollar General on 441.

13 Q. Okay. And you say you bought a fan?

14 A. Yes, sir. I bought a floor fan.

15 Q. And --

16 (State's Exhibit Number 11 was marked for  
17 identification.)

18 BY MR. MEADORS:

19 Q. I'm gonna show you what's State's 11. Do you  
20 recognize that?

21 A. Yes, sir.

22 MR. MEADORS: Your Honor, we'd offer State's 11  
23 without objection, I believe.

24 MR. GRIFFITH: No objection, Your Honor.

25 THE COURT: It is admitted.

1           (State's Exhibit Number 11, a photograph, was  
2 admitted into evidence.)

3 BY MR. MEADORS:

4 Q.    What is State's 11?

5 A.    That's the box fan I bought.

6 Q.    Okay. You get back with Ms. Cynthia. What happened  
7 when you got back to your -- your home?

8 A.    That's when Kwodel pulled up.

9 Q.    That's when who pulled up?

10 A.    Kwodel Johnson.

11 Q.    Kwodel Johnson?

12 A.    A boy I know.

13 Q.    How long had you known Kwodel Johnson?

14 A.    It was probably about -- about a month. It was off  
15 and on. He'll come through when he gets off work and me  
16 and him sit the yard, might throw something on the grill,  
17 have a little drink or two.

18 Q.    Okay. So y'all had socialized previously?

19 A.    Yes.

20 Q.    Okay. And was it a planned meeting that day or how  
21 did Kwodel get over there?

22 A.    It wasn't planned. He just came. When I got off  
23 work, he was pulling in.

24 Q.    Okay. Were there other folks there also?

25 A.    Yes, sir.

- 1 Q. Okay. And what -- what did y'all do?
- 2 A. So that's when I decided to go get something to drink
- 3 for us to sit the yard and chill.
- 4 Q. Okay. And what did you go to get to drink?
- 5 A. It's a store at the end of the road right there by the
- 6 bingo.
- 7 Q. Okay.
- 8 A. American Grocery.
- 9 Q. Okay. And how did you get there?
- 10 A. Walked.
- 11 Q. Okay. And what did you get at the store to drink?
- 12 A. Some Bud Lights.
- 13 Q. And you brought that back to your house?
- 14 A. Yes, sir.
- 15 Q. Okay. And did everybody drink?
- 16 A. Yes, sir.
- 17 Q. All right. And what were y'all doing?
- 18 A. Just sitting around socializing.
- 19 Q. I think you said you got off at 3:30, so how long did
- 20 y'all stay outside socializing?
- 21 A. Until the rain came.
- 22 Q. Okay. And did -- was there anybody with Kwodel
- 23 Johnson?
- 24 A. Yes, sir.
- 25 Q. Had you ever seen that person before?

1 A. No, sir.

2 Q. And was this person in the yard with you that  
3 afternoon?

4 A. Yes, sir.

5 Q. Okay. Did you have the ability to see him?

6 A. Yes, sir.

7 Q. All right. Did you talk with him?

8 A. No, sir.

9 Q. Okay. And how long was he in the backyard or the yard  
10 with Kwodel and whoever else was there before it started  
11 raining; do you remember?

12 A. I don't know exactly how long it'd been.

13 Q. Okay. And how would you describe -- this new fella  
14 and you, were y'all -- you say you didn't talk?

15 A. No, he wasn't -- I mean, he wasn't saying nothing. He  
16 was just quiet.

17 Q. And before it started raining was it clear outside?

18 A. Yes, sir.

19 Q. Could you see?

20 A. Yes, sir.

21 Q. All right. And what interaction did you have with  
22 this other fella with Kwodel before the rain at all?

23 A. He was just walking around my house and I didn't know  
24 who he was and had been looking at him strange like who's  
25 this guy here not saying nothing.

1 Q. And you say he was walking around your house?

2 A. Yes, sir. Just from the side to the front, back and  
3 forth.

4 Q. Did that -- you didn't like that?

5 A. No, sir, I didn't. Especially someone I don't know.

6 Q. And before it started raining, okay, had you asked  
7 anybody to leave?

8 A. Before it started raining, no.

9 Q. Okay. All right. Well, there's a picture of a --  
10 there's a picture of a large knife or what some folks might  
11 call a machete outside your house. Do you know what I'm  
12 talking about?

13 A. Yes, sir.

14 MR. MEADORS: All right. I'll stop and we'll let  
15 the court reporter mark it.

16 (State's Exhibit Number 12 was marked for  
17 identification.)

18 BY MR. MEADORS:

19 Q. I'll show you what's marked State's 12. Do you  
20 recognize that?

21 A. Yes, sir.

22 Q. What is that?

23 A. That's the machete.

24 Q. All right.

25 MR. MEADORS: Your Honor, State's 12 without



1 objection.

2 THE COURT: It's admitted.

3 (State's Exhibit Number 12, a photograph, was  
4 admitted into evidence.)

5 BY MR. MEADORS:

6 Q. Prior to it raining, did you ever pull that knife out  
7 of the ground?

8 A. No, sir.

9 Q. And why is it outside?

10 A. I had it stuck in the ground because I was feeling  
11 like this strange guy was walking around my house and I  
12 don't who he is, I don't know if he might try anything.

13 Q. So when did you stick it in the ground?

14 A. As soon as I grabbed it, I just put it in the ground.

15 Q. I'm sorry. I couldn't understand you.

16 A. When I grabbed it, I just stuck it in the ground.

17 Q. Okay. And was anybody there? Did anybody see you do  
18 that?

19 A. My family was there. All of us was still there.  
20 Everybody was in the yard.

21 Q. Okay. Did you want this person to leave?

22 A. Yes, because I don't who he is and he's not saying  
23 nothing.

24 Q. Okay. Did you do anything else with that knife?

25 A. Oh, no, sir.

1 Q. Okay. And where on your house was that knife?

2 A. Say it again.

3 Q. That was a terrible question. I apologize. Where was  
4 the knife in relation to your front door?

5 A. That's the back.

6 Q. Okay. So was it at the back of your house?

7 A. Yes, sir.

8 Q. Okay. All right. Well, Mr. Graham, when it starts  
9 raining what happens?

10 A. That's when the crowd started to spread away and my  
11 friend Willie Taylor, he went home.

12 Q. Your friend who?

13 A. Willie Taylor.

14 Q. Okay. And you say he went home?

15 A. Yes, sir.

16 Q. Okay. Well, is it fair to say that all the other  
17 folks besides Kwodel and this person with him were from the  
18 neighborhood?

19 A. Everybody else, yes, sir.

20 Q. Okay. So when it started raining, everybody else went  
21 home?

22 A. Yes, sir, they walked home.

23 Q. What happened after that?

24 A. I would say Willie went home and I hollered at my  
25 neighbor, Wiley Rufus.

- 1 Q. And where does Wiley Rufus live?
- 2 A. Behind me.
- 3 Q. Okay. Do you know his lot number?
- 4 A. Lot [REDACTED].
- 5 Q. Okay. Did you go see Mr. Rufus?
- 6 A. Yes, sir.
- 7 Q. And how long were you at Mr. Rufus's?
- 8 A. About five or ten minutes.
- 9 Q. Okay. And what did you do after that?
- 10 A. That's when I went back to the house to un -- open the
- 11 back -- go through the back door to open the front door.
- 12 Q. All right. And why did you do that?
- 13 A. I wanted to go check and see if they'd already left.
- 14 Q. Had you asked them to leave prior to that?
- 15 A. I did say -- I had to repeat to him to get out of my
- 16 yard.
- 17 Q. You did?
- 18 A. Yes, sir.
- 19 Q. Did he hear you?
- 20 A. He had to. I was loud.
- 21 Q. All right. And when prior -- was that prior to going
- 22 to see Mr. Rufus that you asked him to leave?
- 23 A. That was after.
- 24 Q. And what -- did they say -- did he say anything back
- 25 to you when you said leave?

- 1 A. He didn't say nothing.
- 2 Q. So you go through your house and what happened?
- 3 A. That's when we get into an altercation out front and
- 4 me and him are arguing back and forth.
- 5 Q. What were you arguing about?
- 6 A. Because they weren't leaving. Get out of my house,
- 7 get out of my yard.
- 8 Q. Where were you?
- 9 A. Standing in my front door.
- 10 Q. All right. And where were they?
- 11 A. Kwodel was sitting in the car I believe and he was
- 12 down at the bottom of my step. Like we could have been
- 13 like seeing eye to eye.
- 14 Q. Did your front door open from the front?
- 15 A. No, sir.
- 16 Q. Okay. So you had to open it --
- 17 A. You have to go to the back door to open the front. It
- 18 was jammed on the outside.
- 19 Q. So you're at -- you're inside your house?
- 20 A. Yes, sir.
- 21 Q. Is it raining?
- 22 A. Yes, sir.
- 23 Q. All right. This other person, where's he?
- 24 A. Standing like at the bottom of the step --
- 25 Q. Okay.

1 A. -- about five feet from me.

2 Q. And you had asked them to leave?

3 A. Yes, sir.

4 Q. They weren't -- they didn't leave?

5 A. No, sir.

6 Q. How much money had you spent that day? You said you  
7 went to Dollar General, then you went back down and walked  
8 to the store, I think. How much money did you spend?

9 A. The fan, the food from McDonald's and the cleaning  
10 supplies from the dollar store, altogether with that and  
11 the beers, honestly I don't know.

12 Q. I'm not looking for an exact figure. So you --

13 A. About fifty or sixty dollars. Fifty dollars.

14 Q. Had you gotten paid that day?

15 A. Yes, sir.

16 Q. Okay. And I missed the McDonald's. When did you go  
17 to McDonald's?

18 A. Right after I got the fan.

19 Q. Okay. Did you lose your wallet?

20 A. Yes, sir.

21 Q. Okay. When did that happen?

22 A. When all that altercation was going on.

23 Q. Okay. Did you know what happened to your wallet?

24 A. No, sir.

25 Q. Okay. Did you think somebody had stolen it?

- 1 A. Yes, sir, because I just had it when I bought the  
2 beers and stuff.
- 3 Q. Okay. Did you ask anybody if they had taken it?
- 4 A. No, sir.
- 5 Q. All right. Did you ever find your wallet?
- 6 A. No, sir.
- 7 Q. Did you think Kwodel or this other fella had taken  
8 your money?
- 9 A. I don't know.
- 10 Q. Did you think --
- 11 A. That's what I was thinking, yes.
- 12 Q. Okay. You're at the front of your door. What  
13 happened after that?
- 14 A. I got into that altercation, me and him, and that's  
15 when he started shooting me.
- 16 Q. Did you have a gun?
- 17 A. No, sir.
- 18 Q. And you say that's when he started shooting you. Can  
19 you tell the jury how that happened?
- 20 A. He was arguing with me and it just happened so fast.  
21 Everything just happened quick.
- 22 Q. Where did you -- when did you first see the gun?
- 23 A. After he pulled it out.
- 24 Q. Can you stand up and show us?
- 25 A. (Demonstrating.)

- 1 Q. So you saw him with the gun?
- 2 A. And he started shooting.
- 3 Q. And -- and what did you do then?
- 4 A. Stand there like this right here.
- 5 Q. All right. Why did you put your hands up?
- 6 A. Because my family was behind me.
- 7 Q. So stand up and show us what you did, please.
- 8 A. (Demonstrating.)
- 9 Q. And how many times did you get shot?
- 10 A. I wasn't sure how many times, but the first couple of
- 11 shots I felt it when -- when it came through my stomach.
- 12 Q. How close to you was this person when he shot you?
- 13 Just stop me when I -- when I get that close.
- 14 A. About right there.
- 15 Q. Five to seven feet?
- 16 A. Yes, sir.
- 17 Q. Was there anything obstructing -- anything blocking
- 18 your view between you?
- 19 A. No, sir. The door was wide open.
- 20 Q. All right. Could you see his face?
- 21 A. Yes, sir.
- 22 Q. Was that the same face you'd seen earlier in the day
- 23 in the yard?
- 24 A. Yes, sir.
- 25 Q. All right. Do you remember what happened after he

- 1 shot you?
- 2 A. I know I just fell because my leg was broke.
- 3 Q. Your leg was broke?
- 4 A. Yes, sir.
- 5 Q. Do you remember where this person went after that?
- 6 A. No, sir. I didn't know. Nobody knew.
- 7 Q. Who all was in the room with you when you got shot?
- 8 A. Just me and my family was all in the house.
- 9 Q. I couldn't hear that last part.
- 10 A. Me and my family.
- 11 Q. Okay. And so who was in the room? I need you to say.
- 12 I know your family, but tell me again who was in the room.
- 13 A. It was me, A.G. and C.G. , my daughter
- 14 and son, and Shamika Bracey, my baby mother.
- 15 Q. And did you know that Shamika and A.G. had gotten
- 16 shot?
- 17 A. No, sir. I wasn't aware.
- 18 Q. When did you learn that?
- 19 A. When I woke up in the hospital.
- 20 Q. And -- and how many hospitals did you go to?
- 21 A. Two.
- 22 Q. Which ones?
- 23 A. Toomey Memorial -- Toomey and Richland Memorial in
- 24 Columbia.
- 25 Q. Okay. Now do you remember an Investigator Nelson



1 Rosario coming to see you?

2 A. Yes, sir.

3 Q. Okay. And do you remember he showed you a lineup?

4 Did you tell him you knew one of the people?

5 A. Yes, sir.

6 Q. And who did you tell him you knew?

7 A. Kwodel Johnson.

8 MR. MEADORS: I beg the Court's indulgence.

9 (State's Exhibit Number 13, 14, 15 and 16 were  
10 marked for identification.)

11 BY MR. MEADORS:

12 Q. Did you, and I'm not saying if you did or not, tell  
13 Investigator Rosario you knew who Kwodel was?

14 A. Yes, sir.

15 Q. Okay. Did he show you a group of pictures and ask you  
16 if you could pick out Kwodel?

17 A. Yes, sir.

18 Q. Okay. Did he try to suggest to you who to pick out or  
19 point out anybody?

20 A. No, sir.

21 Q. Okay. And were you able to pick out -- and, Your  
22 Honor -- just first of all, I want to ask you if you  
23 recognize State's 13?

24 A. Yes, sir.

25 Q. Okay. And that was shown to you by Investigator

- 1 Rosado -- Rosario? Excuse me.
- 2 A. Yes, sir.
- 3 Q. And did you show him who Kwodel Johnson was?
- 4 A. Yes, sir.
- 5 Q. Okay. And what number did you pick?
- 6 A. Number 3.
- 7 Q. Okay. And you knew Kwodel, right?
- 8 A. Yes, sir.
- 9 Q. And did you sign on there that you knew who he was?
- 10 A. Yes, sir.
- 11 Q. Okay. And did he also give you what's marked now
- 12 State's 14 and did you indicate on there that you had
- 13 picked out the person you knew as Kwodel Johnson?
- 14 A. Yes, sir.
- 15 Q. Okay. What number did you pick?
- 16 A. Number 3.
- 17 Q. Okay. And did you initial on both State's 13 and 14?
- 18 A. Yes, sir.
- 19 Q. Okay. And that is who you picked out?
- 20 A. Yes, sir.
- 21 Q. And what kind of hair does Kwodel have?
- 22 A. Dreadlocks.
- 23 Q. Okay. And are they long or shot?
- 24 A. Kind of long.
- 25 Q. Okay. And is that -- is that how he looked that day?

1 A. Yes, sir.

2 MR. MEADORS: Your Honor, State's 13 and 14.

3 MR. GRIFFITH: Without objection, Your Honor.

4 THE COURT: They are admitted.

5 (State's Exhibit Number 13, a photo lineup, and  
6 State's Exhibit Number 14, an ID statement, were admitted  
7 into evidence.)

8 BY MR. MEADORS:

9 Q. And that was -- I'll let you tell me. What's that  
10 date say on State's 14 when this was shown to you?

11 A. 8-19-2019.

12 Q. August 19th. Did you remember seeing Rosario the next  
13 day also?

14 A. Yes, sir.

15 Q. Okay. Mr. Graham, when you're -- you testified you  
16 saw this other person in the yard that afternoon and you  
17 saw him five to seven feet from you in the doorway. Can  
18 you describe -- was he a black man or white man?

19 A. Black.

20 Q. Can you describe his hair?

21 A. He had little plaits in it.

22 Q. I'm sorry?

23 A. Little plaits.

24 Q. Plaits?

25 A. Little dreads.

- 1 Q. And do you remember when -- when the investigator and  
2 Ms. Jennings showed you what's marked as State's 15 and  
3 asked you if you recognized anybody?
- 4 A. Yes, sir.
- 5 Q. Okay. And you were in the hospital?
- 6 A. Yes, sir.
- 7 Q. Okay. And who did you pick out and tell them you  
8 recognized, if anybody?
- 9 A. Number 2.
- 10 Q. Okay. And did you indicate on there that you picked  
11 out Number 2?
- 12 A. Yes, sir.
- 13 Q. And you had picked out Number 2 as what? Why did you  
14 pick him out?
- 15 A. That's the one who shot us.
- 16 Q. The one who shot us?
- 17 A. Yes.
- 18 Q. And did you -- what's marked State's 16, did the  
19 investigators also ask you to mark on there what number  
20 you'd picked out?
- 21 A. Yes, sir.
- 22 Q. And what number did you mark?
- 23 A. Number 2.
- 24 Q. And did you sign that also?
- 25 A. Yes, sir.

1 Q. All right.

2 MR. MEADORS: Your Honor, we'd offer State's 15  
3 and 16.

4 MR. GRIFFITH: Without objection, Your Honor.

5 THE COURT: They are admitted.

6 (State's Exhibit Number 15, a photo lineup, and  
7 State's Exhibit Number 16, an ID statement, were admitted  
8 into evidence.)

9 BY MR. MEADORS:

10 Q. State's 15 you picked out Number 2?

11 A. Yes, sir.

12 Q. Where were you shot?

13 A. My stomach, my leg, my arm -- both legs and my arm.

14 Q. Okay. I tend to get in trouble if I try to touch  
15 people and I'm not gonna touch you, but can you show us  
16 right there? Can you roll up -- can you show us where your  
17 injury was?

18 A. That's when I was holding my arms up.

19 Q. Stand up like you were then.

20 A. (Demonstrating.)

21 Q. That's when you were what?

22 A. Holding my arms up to protect my kids in the back.

23 Q. All right. And where else were you shot? Can you  
24 show me?

25 MR. MEADORS: Your Honor, can I approach?

1 THE COURT: Sure.

2 BY MR. MEADORS:

3 Q. Can you show me, point out the bullet wounds?

4 A. One, two, three. That's three. Some of them came  
5 out, so.

6 Q. Some of them went out?

7 A. Yes, sir. On the back.

8 Q. But you've got one down here?

9 A. This one.

10 Q. And I'm gonna show you what's marked State's 7 and  
11 State's 8. Do you recognize those?

12 A. Yes, sir.

13 Q. And is that you?

14 A. Yes, sir.

15 MR. MEADORS: Your Honor, we now offer State's 7  
16 and State's 8.

17 MR. GRIFFITH: We would renew our objection, Your  
18 Honor.

19 THE COURT: State's 7 and 8 are admitted.

20 (State's Exhibit Number 7 and State's Exhibit  
21 Number 8, photographs, were admitted into evidence.)

22 BY MR. MEADORS:

23 Q. What is that, Mr. Graham?

24 A. That's my leg and my arm.

25 Q. Is that your arm?

1 A. Yes, sir. And my leg.

2 Q. And then State's -- does that show the injuries to  
3 your leg?

4 A. Yes, sir.

5 Q. Now was your femur broken?

6 A. Yes, sir.

7 Q. And do you have trouble walking today?

8 A. Yes, sir.

9 Q. How many times were you shot?

10 A. I was hit everybody say by five or six.

11 Q. Did you have a gun?

12 A. No, sir.

13 Q. Had you had any bad blood with that person before this  
14 day?

15 A. No, sir.

16 Q. Okay. Had you had any bad blood with Kwodel?

17 A. No, sir.

18 MR. MEADORS: Your Honor, we'd ask the defendant  
19 to remove his mask with your permission.

20 THE COURT: I'd ask you to lower your mask, sir.

21 BY MR. MEADORS:

22 Q. Based on the time you spent the yard at your house  
23 with the person that came with Kwodel and the opportunity  
24 you had to view then and based on the time that you had to  
25 look at the person in your doorway, is the person that shot

1     you multiple times in this courtroom today?

2     A.     Yes, sir.

3     Q.     Would you please let the ladies and gentlemen of the  
4     jury know who it is?

5     A.     He's right there.

6     Q.     Mr. Nikeen Johnson next to Mr. Griffith?

7     A.     Yes, sir.

8     Q.     Does he look different today than when you saw him?

9     A.     Yes, sir.

10    Q.     Okay. Is his hair different?

11    A.     Yes, sir.

12    Q.     But is that the individual that shot you?

13    A.     Yes, sir.

14           MR. MEADORS: We'd ask the record to reflect he's  
15    ID'd Mr. Nikeen Johnson.

16           I beg the Court's indulgence.

17    BY MR. MEADORS:

18    Q.     Do you recognize State's 10?

19    A.     Yes, sir.

20           MR. MEADORS: Your Honor, State's 10 without  
21    objection.

22           MR. GRIFFITH: Without objection, Your Honor.

23           THE COURT: 10 is admitted.

24           (State's Exhibit Number 10, a photograph, was  
25    admitted into evidence.)



1 BY MR. MEADORS:

2 Q. What does State's 10 depict? What does that show?

3 A. The hallway to get to the back door.

4 Q. Okay. The hallway to get to the back door?

5 A. Yes, sir.

6 Q. Okay. And how did you go from Mr. Rufus's when you  
7 went back in your house?

8 A. When I went from?

9 Q. After you left Mr. Rufus's.

10 A. Through that back door.

11 Q. Through the back door?

12 A. (Nods head.)

13 MR. MEADORS: Judge, that's all we have. Thank  
14 you.

15 THE COURT: Mr. Griffith.

16 MR. GRIFFITH: If it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. GRIFFITH:

20 Q. Mr. Graham, you testified that Mr. Nikeen Johnson  
21 didn't really say anything; is that correct?

22 A. Yes, sir.

23 Q. And so you didn't have an argument with him, did you?

24 A. Say that again, sir.

25 Q. You were not arguing with Mr. Nikeen; isn't that

1 correct?

2 A. Yes, sir.

3 Q. But you were having a little bit of an argument with  
4 Kwodel; isn't that correct?

5 A. I can't remember that, sir.

6 Q. Okay. And isn't it true that they were inside -- all  
7 the way inside your house at one point?

8 A. No, sir. I'm not aware of it.

9 Q. Excuse me?

10 A. I said no, sir, I'm not aware of that.

11 Q. All right. Isn't it also true that at one point you  
12 had asked them to leave; isn't that correct?

13 A. Yes, sir.

14 Q. Okay. And at one point you told them that you were  
15 gonna go get your gun; isn't that correct?

16 A. No, sir. I didn't have no weapon. I never had a  
17 weapon.

18 Q. Isn't it true that Mr. Nikeen Johnson and Ms. Brantley  
19 {sic} were also asking you to cool it when you were arguing  
20 with Kwodel?

21 A. I'm not sure, sir. I'm not sure. I can't remember  
22 that.

23 Q. You don't remember that?

24 A. No, sir.

25 Q. Okay. And so do you remember carrying around the

1 machete during that party in a threatening way?

2 A. No, sir. I can't remember carrying it, but I -- no,  
3 sir, I remember it being in the ground.

4 Q. Do you remember calming down and handing that weapon  
5 to Mr. Nikeen Johnson?

6 A. I'm not remembering, sir. I just remember it being in  
7 the ground.

8 Q. So when you came back from Mr. Rufus's house, you --  
9 you said you came in the back door?

10 A. Yes, sir.

11 Q. And -- and where -- you walked then through the  
12 hallway; isn't that correct?

13 A. Yes, sir.

14 Q. That's what you said. And so at any time did you go  
15 from the -- the front living room back down that hallway?

16 A. No, sir.

17 Q. Okay. Do you remember whether you did or not?

18 A. I remember I didn't run back.

19 Q. Okay. You don't remember that?

20 A. I said I didn't run back. I was standing at the  
21 front.

22 Q. Okay. But a lot of it you don't remember, do you?

23 A. I remember some, but some I don't remember.

24 Q. Okay. So now do you remember that you were arguing  
25 with Mr. Kwodel?

1 A. No, I don't remember that because I never had a  
2 problem with Kwodel.

3 Q. Okay. You don't remember that.

4 A. I never had a problem with Kwodel.

5 Q. Okay. But you do remember that you never really  
6 talked to Mr. Nikeen Johnson, don't you?

7 A. I remember the argument. The argument we did have.  
8 We just -- basically I'm talking to him saying get out of  
9 my F'ing yard and all this.

10 Q. But you earlier testified that he didn't say anything;  
11 isn't that correct?

12 A. Yes, sir.

13 Q. Okay. And so when you were shot, isn't it true that  
14 you were standing -- you were coming up the hallway when  
15 you were shot?

16 A. No, sir.

17 Q. Okay. All right.

18 MR. GRIFFITH: No further questions at this time.

19 REDIRECT EXAMINATION

20 BY MR. MEADORS:

21 Q. Did you have an argument with Nikeen at the house?

22 A. Yes, sir.

23 Q. Prior to that y'all hadn't said anything to each  
24 other, correct?

25 A. Yes.

1 Q. And when you came back inside, was the machete -- when  
2 you came back inside, the machete was still outside?

3 A. Yeah, it was still right there.

4 MR. MEADORS: Thank you. That's all.

5 MR. GRIFFITH: Nothing further, Your Honor.

6 THE COURT: Thank you, sir. You can step down.

7 (Witness excused.)

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

9 MR. MEADORS: Thank you, Your Honor.

10 MR. GRIFFITH: Thank you.

11 THE COURT: Okay. Ladies and gentlemen, this is  
12 a good time for us to break for lunch. I'm gonna give  
13 you a little bit longer for lunch today than we normally  
14 would. We have a matter of law we're gonna take up  
15 outside of your presence after we dismiss you and then  
16 I've got to step next door and conduct a hearing at  
17 2:00, so I'm gonna ask that you be back at 2:30 and  
18 we'll resume the testimony at 2:30.

19 Once again, please don't begin discussing the case  
20 with anyone during the break.

21 Thank you.

22 (Whereupon, the jury was excused for lunch at  
23 12:15 PM.)

24 MR. MEADORS: Can you give us about seven minutes?

25 THE COURT: Yes. Yes, take your time. We'll do

1 the competency hearing before we break for lunch.

2 MR. MEADORS: Thank you.

3 (Recess taken at 12:15 PM.)

4 (Back on the record at 12:35 PM.)

5 BAILIFF: Come to order.

6 MR. MEADORS: Are we ready?

7 THE COURT: Yes, sir.

8 MR. MEADORS: Thank you, Judge.

9 I was just talking with Mr. Griffith.

10 THE COURT: And let me stop y'all. The microphones,  
11 I don't think, are working, so you're gonna have to --

12 MR. MEADORS: Okay.

13 THE COURT: Just to make sure you speak up so I can  
14 hear and Ms. Johnson can hear.

15 MR. MEADORS: I think Mr. Griffith was objecting  
16 to me using the video forensic interview, and I'm not  
17 planning on doing that and I'm not planning on calling  
18 the --

19 MR. GRIFFITH: Forensic interviewer.

20 MR. MEADORS: -- forensic interviewer. I think he  
21 thought I was when he objected. I'm not doing that.

22 THE COURT: The forensic interview of the child?

23 MR. MEADORS: Right. I'm not trying to do that.

24 And so then, I guess, back from old school in talking  
25 with Ms. Held and some others, I'd been -- still had

1 to show competency if it was objected to. I don't know  
2 if it has been actually, but his objection was to those  
3 two things. I didn't realize that. I'm not offering  
4 those, so we're planning on calling her this afternoon.  
5 I don't know if he's still objecting to her in general  
6 or not.

7 MR. GRIFFITH: I would object to her as being --  
8 we would want to find out if she was competent to  
9 testify and she was only seven years old at the time.

10 MR. MEADORS: I just needed that on the record.

11 THE COURT: I think that would be appropriate.

12 MR. MEADORS: I do, too.

13 THE COURT: Even if he was not objecting frankly.

14 MR. MEADORS: I do, too. I agree.

15 THE COURT: She's of tender age, so.

16 MR. MEADORS: That's how I've always done it. I  
17 just wanted to make sure.

18 THE COURT: Are you gonna question her or do you  
19 want me to question her?

20 MR. MEADORS: Well, I'd like to start and then if  
21 Your Honor would -- I know Your Honor will take over.

22 THE COURT: That's perfectly fine.

23 MR. MEADORS: A.G. . The State would now call  
24 A.G. .

25 BAILIFF: Can I get you to raise your right hand.

1 State your name. Pull your mask down.

2 THE COURT: Can you hear?

3 THE COURT REPORTER: No.

4 THE COURT: I'm gonna come around.

5 Hi there. Tell me your name, sweetheart.

6 THE WITNESS: A.G. .

7 THE COURT: A.G. . What's your last name?

8 THE WITNESS: A.G. .

9 THE COURT: Do you promise that you're gonna tell  
10 the whole truth today?

11 THE WITNESS: (Nods head.)

12 (Whereupon, A.G. was sworn by the  
13 Court.)

14 THE COURT: Okay. I'm gonna let you just sit  
15 right here, okay?

16 I don't know if we'll be able to see her very  
17 well over there.

18 I'm Judge Curtis, okay? I'm gonna sit and listen  
19 to what you have to say and he's gonna ask you some  
20 questions, okay? You're doing great.

21 A.G. ,

22 having been duly sworn, testified as follows:

23 EXAMINATION (In-Camera)

24 BY MR. MEADORS:

25 Q. Do you want to take that off or are you okay?



- 1 A. I'm okay.
- 2 Q. What grade did you just finish in school; do you know?
- 3 A. First grade.
- 4 Q. Where do you go to school?
- 5 A. Shaw Heights.
- 6 Q. I'm sorry?
- 7 A. Shaw Heights.
- 8 Q. Okay. What grade are you gonna be in next year?
- 9 A. Third grade.
- 10 Q. You just finished what grade?
- 11 A. First grade.
- 12 Q. Okay. And what grade are you gonna be in next year?
- 13 A. Second grade.
- 14 Q. Okay. And what school will you be going to?
- 15 A. Crosswell.
- 16 Q. Okay. Crosswell. Do you have any favorite subjects,
- 17 anything you like in school? Do you like a certain thing
- 18 or like a certain type study or subjects?
- 19 A. Math.
- 20 Q. Math?
- 21 A. (Nods head.)
- 22 Q. Okay. Do you know the difference between a truth and
- 23 a lie?
- 24 A. (Nods head.)
- 25 Q. Is that yes? You do know the difference?

1 A. Yes.

2 Q. Okay. And is it good to tell the truth?

3 A. Yes.

4 Q. Is it good to lie?

5 A. No.

6 Q. Okay. If I told you this cup was not there, that cup  
7 is not there, is that the truth or the lie?

8 A. A lie.

9 Q. That's a lie. If I said the cup is there, is that the  
10 truth or a lie?

11 A. Truth.

12 Q. Okay. Have you ever told a lie?

13 A. (Nods head.)

14 Q. You have?

15 A. (Nods head.)

16 MR. MEADORS: Judge, I think that's all I have  
17 right now.

18 THE COURT: Mr. Griffith, anything you want me to  
19 ask her?

20 MR. GRIFFITH: I have no other questions, Your  
21 Honor.

22 THE COURT: I'm Judge Curtis. A.G. , are you  
23 gonna tell us the truth today?

24 (Nods head.)

25 THE COURT: Will you answer out loud for me.

1 THE WITNESS: Yes.

2 THE COURT: I don't have any other questions.

3 MR. MEADORS: Thank you.

4 THE COURT: Okay.

5 (Witness excused.)

6 THE COURT: All right. Anything else before we  
7 break?

8 MR. MEADORS: No, ma'am.

9 MR. GRIFFITH: Nothing, Your Honor.

10 THE COURT: You know we're on generated power. I  
11 don't think we have the AC going right now.

12 MR. MEADORS: I missed all that. I didn't know.

13 THE COURT: We had a -- a storm system came  
14 through. We're the only lights on on the block. We're  
15 on generator power. This is not working, the electronics  
16 are not working. We're on battery power on our laptops.  
17 I think that our court reporter's on battery power as  
18 well. So hopefully by the time we come back, I don't  
19 know, maybe things will have remedied. It's gonna start  
20 to get hot in here, so we're just gonna play it by ear.  
21 I'm gonna assume it's all gonna be good by the time we  
22 come back from lunch. Just be thinking about the fact  
23 that if you have anything that requires electronics, we  
24 have nothing going right now, okay?

25 MR. MEADORS: So we can't play anything?

1 find the witness A.G. competent to testify  
2 in this case.

3 Anything else before we bring the jury in?

4 MR. MEADORS: Just three pictures that won't be  
5 through A.G. , but an EMT or paramedic. We have  
6 proposed State's 17, 18 and 19, and I have shared them  
7 with Mr. Griffith. 17 just shows A.G. 's injuries,  
8 A.G. s. 17 and 18 shows Ms. Bracey's  
9 injuries, and I would withdraw 18, but the witness knows  
10 that 17 -- excuse me, 18 -- knows that 19 is 18 because  
11 it shows her face, but we're willing to withdraw 18 if  
12 -- I think he's willing to stipulate that's Ms. Bracey  
13 if Your Honor wanted to keep the picture out that shows  
14 her whole face and body.

15 MR. GRIFFITH: But, of course, Your Honor, we would  
16 object to all of the pictures due to their graphic nature  
17 and the prejudice that it would bring to the jury as far  
18 as the graphic nature of the pictures themselves and the  
19 witness is here and can testify to the fact that she has  
20 injuries and -- and both could testify actually, but in  
21 lieu of keeping them out we would ask that Number 19 be  
22 kept out.

23 THE COURT: I mean, certainly there's -- there's  
24 some prejudicial value to it because they're, you know,  
25 difficult to look at, but they are probative and they

1 do show the injuries. I'm gonna allow 17 and 19, but  
2 not 18.

3 MR. MEADORS: And I think your objection was to  
4 18, so.

5 MR. GRIFFITH: My objection was to 18, correct.  
6 Yes, Your Honor.

7 THE COURT: Yeah, I don't find them gratuitous  
8 or overly graphic.

9 MR. GRIFFITH: Thank you, Your Honor.

10 MR. MEADORS: Thank you.

11 THE COURT: Are we ready for the jury?

12 MR. MEADORS: Yes, ma'am.

13 (Whereupon, the jury returns to the courtroom at  
14 3:02 PM.)

15 BAILIFF: Jurors all seated, Your Honor.

16 THE COURT: Thank you.

17 Mr. Meadors.

18 MR. MEADORS: May it please the Court? Your  
19 Honor, at this time the State of South Carolina would  
20 call A.G.

21 BAILIFF: Raise your right hand. There you go.  
22 State your name.

23 THE WITNESS: A.G.

24 (Whereupon, A.G. was sworn by the  
25 bailiff.)

1 BAILIFF: Thank you very much. If you will walk  
2 around and take a seat.

3 Say hello to the mic.

4 THE WITNESS: Hello.

5 BAILIFF: Speak a little louder.

6 THE WITNESS: Hello.

7 BAILIFF: A little bit louder.

8 THE WITNESS: Hello.

9 BAILIFF: What I'd like you to do is state your  
10 name, okay? Could you spell your last name?

11 THE WITNESS: Yeah.

12 BAILIFF: Go ahead and do it for me, darling.

13 THE WITNESS: Spell my last name?

14 BAILIFF: Yeah, speak -- speak your whole name and  
15 spell your last name.

16 THE WITNESS: A-N-A-S-T-A-S-I-A G-R-A --

17 BAILIFF: Okay. Just pronounce your last name then.

18 THE WITNESS: Graham.

19 THE BAILIFF: Thank you.

20 A.G. ,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. MEADORS:

24 Q. Hello, Ms. Graham.

25 A. Hello.

- 1 Q. How old are you?
- 2 A. Nine.
- 3 Q. And what grade did you just get out of?
- 4 A. First grade.
- 5 Q. Okay. What school did you go to?
- 6 A. Oakland. Shaw Heights.
- 7 Q. Shaw Heights?
- 8 A. (Nods head.)
- 9 Q. And what grade are you going to next year?
- 10 A. Third grade.
- 11 Q. You just got out of your first grade?
- 12 A. Yeah.
- 13 Q. What are you going next year to?
- 14 A. Second.
- 15 Q. Second grade?
- 16 A. Uh-huh.
- 17 Q. What do you like in school, Ms. -- Ms. A.G. .?
- 18 A. Math.
- 19 Q. If you'd speak in there a little bit. What did you
- 20 say?
- 21 A. Math.
- 22 Q. You like math?
- 23 A. Uh-huh.
- 24 Q. Okay. Now I want you to tell the folks of this jury,
- 25 Ms. A.G. , do you know the difference between a

1 truth and a lie?

2 A. Yes.

3 Q. Okay. Is it good to tell the truth?

4 A. Yes.

5 Q. Is it good to lie?

6 A. No.

7 Q. Is that no?

8 A. No.

9 Q. If I told you there is not a cup there, is that the  
10 truth or a lie?

11 A. A lie.

12 Q. Okay. If I told you there is a cup there, is that the  
13 truth or a lie?

14 A. Truth.

15 Q. All right. Have you ever told a lie?

16 A. Yes.

17 Q. You have?

18 A. (Nods head.)

19 Q. Do you remember when you got shot?

20 A. Yes.

21 Q. Ma'am?

22 A. Yes.

23 Q. And do you know where you got shot?

24 A. Yes.

25 Q. And where was that?



- 1 A. On my arm.
- 2 Q. On your arm?
- 3 A. (Nods head.)
- 4 Q. Okay. Do you know how old you were when you got shot?
- 5 A. Seven.
- 6 Q. Okay. Who were you living with when you got shot?
- 7 A. My mom and my dad and my brother.
- 8 Q. Your mother, your dad and your brother?
- 9 A. Yeah.
- 10 Q. What's your brother's name?
- 11 A. C.G.
- 12 Q. Okay. How old is C.G. ?
- 13 A. Seven.
- 14 Q. Okay. Is your daddy in the courtroom?
- 15 A. Yes.
- 16 Q. Could you point him out for us?
- 17 Mr. Graham, will you -- is that your daddy?
- 18 A. Yes.
- 19 Q. Thank you. Is your mom in the courtroom right now?
- 20 A. No.
- 21 Q. She's not?
- 22 A. (Shakes head.)
- 23 Q. Can you tell the ladies and -- these people, do you
- 24 remember how many people were at your house besides your
- 25 family when you got shot?

- 1 A. Yes.
- 2 Q. How many?
- 3 A. Two people.
- 4 Q. Okay. And do you know which one of those two people
- 5 shot you?
- 6 A. The little dread -- with the little braids.
- 7 Q. The one with the little braids?
- 8 A. (Nods head.)
- 9 Q. And what was the other man's hair like?
- 10 A. Dreads. Long dreads.
- 11 Q. Long dreads?
- 12 A. (Nods head.)
- 13 Q. So the person with the short braids shot you --
- 14 A. (Nods head.)
- 15 Q. -- or shot your house?
- 16 A. (Nods head.)
- 17 Q. Where were you in the house, do you remember, when you
- 18 got shot?
- 19 A. Inside the house.
- 20 Q. You were inside?
- 21 A. (Nods head.)
- 22 Q. Where were you sitting?
- 23 A. On the couch.
- 24 Q. Okay. Who else was inside there of your family?
- 25 A. My little brother.

1 Q. Was your mom in there?

2 A. Yes, and my dad and my brother.

3 Q. Okay. Your dad and your brother C.G. ?

4 A. (Nods head.)

5 Q. After you got shot, what did you do? Do you remember  
6 what happened after you got shot?

7 A. Me and my mom ran next door and tell them to call the  
8 police.

9 Q. You ran next door and told them to call the police?

10 A. (Nods head.)

11 MR. MEADORS: Your Honor, with the Court's  
12 permission, I'd like Ms. Sophia Whitaker, her aunt, to  
13 come down and assist me. I'm gonna ask her to just to  
14 show her injury with her help so I won't have to assist  
15 her. Is that okay?

16 THE COURT: Come around here just a minute.

17 Mr. Griffith.

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

19 MR. MEADORS: Ms. Aunt, will you come forward.

20 Ms. Whitaker.

21 MR. GRIFFITH: Your Honor, first I'd object to  
22 subjecting her to a showing of the --

23 THE COURT: Thank you, Mr. Griffith. I'll note  
24 it for the record.

25 BY MR. MEADORS:

1 Q. Ms. A.G. , Ms. -- the Court's allowing me to let  
2 your aunt just show the jury where you were injured, okay?  
3 Can you take your jacket -- can you show --

4 MS. WHITAKER: It went here, grazed. Went through  
5 here and came out here.

6 MR. MEADORS: Can you -- can you just stand her  
7 up right there. You don't have to bring her --

8 MS. WHITAKER: Stand up.

9 MR. MEADORS: Turn around the side of the arm.

10 MS. WHITAKER: You want to see this part here?

11 MR. MEADORS: The side of the arm right there,  
12 that's where you're pointing to? That's a wound?

13 MS. WHITAKER: That's where it came out.

14 MR. MEADORS: And there was another wound up here?

15 MS. WHITAKER: It grazed -- came through here, down  
16 here.

17 MR. MEADORS: Okay. We'll let somebody else  
18 describe what happened, but those -- I just wanted to  
19 show the injuries. That's all.

20 MS. WHITAKER: Okay. And the other one is right  
21 here.

22 MR. MEADORS: Okay. Thank you.

23 Thank you, Judge. That's all.

24 MR. MEADORS: I beg the Court's indulgence.

25 Ms. Graham, that's all I have for you. Please --

1 THE COURT: Hang on just a minute, sweetheart.

2 THE WITNESS: Huh?

3 THE COURT: Hang on just a minute. Have a seat  
4 for just a minute.

5 Do you have some questions, Mr. Griffith?

6 If you'll answer any of Mr. Griffith's questions,  
7 okay?

8 CROSS-EXAMINATION

9 BY MR. GRIFFITH:

10 Q. Hello, A.G. . Do they call you Asia?

11 A. Ana -- no.

12 Q. No? Well, what do they call you?

13 A. Ana.

14 Q. Ana. Okay. So you remember that day and you remember  
15 the men who were in your house. Remember?

16 A. (Nods head.)

17 Q. Were they inside your house or were they outside your  
18 house?

19 A. Inside.

20 Q. Inside?

21 A. (Nods head.)

22 Q. Okay. So were they in the kitchen or were they in the  
23 living room or where were they?

24 A. They was by the door.

25 Q. I'm sorry?

1 A. In the living room.

2 Q. In the living room. Okay. Okay. And so when they  
3 shot -- when you got shot, you were all in the living room;  
4 is that right?

5 A. (Nods head.)

6 Q. Okay.

7 MR. GRIFFITH: Okay. I don't have any more  
8 questions for you. Thank you so much for helping us.

9 REDIRECT EXAMINATION

10 BY MR. MEADORS:

11 Q. How many of those men shot?

12 A. Huh?

13 Q. How many people shot? You said the shorthaired or  
14 longhaired shot?

15 A. The little -- the one that had braids.

16 Q. So there was one shooter. He asked you they shot.  
17 Was there just one shooter?

18 A. (Nods head.)

19 MR. MEADORS: Okay. Thank you.

20 MR. GRIFFITH: No redirect {sic}, Your Honor.

21 THE COURT: Thank you, Ms. A.G. . You can  
22 step down.

23 (Witness excused.)

24 MR. MEADORS: Your Honor, the State would call  
25 Daren Avins.

1 (Whereupon, Daren Avins was sworn by the bailiff.)

2 BAILIFF: If you'll pull your mask down. State  
3 your name for record and spell your last name, please.

4 THE WITNESS: Daren Avins, A-V-I-N-S.

5 DAREN AVINS,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. MEADORS:

9 Q. Good afternoon.

10 A. Good afternoon.

11 Q. Tell this jury -- do you want to take your mask off?

12 A. I can.

13 Q. Do you mind? I'm sorry.

14 Tell the jury about yourself. Where you're from,  
15 your background, your training and what are you doing now.

16 A. I'm --

17 MR. GRIFFITH: Your Honor, I would object to this  
18 witness. First, he's not on the witness list unless,  
19 you know, the Court would add him.

20 MR. MEADORS: If he's not, it's a -- he's one of  
21 the EMTs. If he's not on there, it's an error on my  
22 part and I would ask the judge to ask any of the jurors  
23 if they know him. And I apologize.

24 THE COURT: Can I get y'all to approach just a  
25 minute.

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

2 THE COURT: Okay. Ladies and gentlemen of the  
3 jury, we did not ask you during jury selection about  
4 this particular witness, so let me ask now if there  
5 is any juror who's related by blood or marriage or who  
6 has a close personal or business relationship with  
7 Mr. Daren Avins.

8 Mr. Avins is formerly of Sumter County EMS?

9 THE WITNESS: Yes, ma'am.

10 And, sir, who are you currently employed by?

11 THE WITNESS: I still work for Sumter County, as  
12 well as Prisma Health.

13 THE COURT: Anyone who knows Mr. Avins, is related  
14 by blood or marriage or has a close personal or business  
15 relationship?

16 Okay. Thank you.

17 MR. MEADORS: I apologize, too, to the Court and  
18 to the jury.

19 BY MR. MEADORS:

20 Q. Where are you from?

21 A. From right here in Sumter.

22 Q. And what do you -- what have you done as your  
23 profession? What do you do?

24 A. I'm an EMT for Sumter County EMS, as well as a  
25 respiratory therapist for Prisma Health.



1 Q. How long have you been in that business?

2 A. I've been in respiratory for eight years and EMS for  
3 twelve.

4 Q. And where have you worked as -- at EMS?

5 A. Sumter County.

6 Q. Exclusively?

7 A. Yes, sir.

8 Q. All right. And the respiratory therapy?

9 A. I've worked at Palmetto Health Richland, I worked in  
10 Dearborn, Michigan, and now at Toomey.

11 Q. Okay. Tell the folks about your training to get into  
12 those fields.

13 A. I have a bachelor's degree in respiratory. I'm  
14 nationally and state certified for respiratory, as well  
15 as EMS, and I also hold several advanced certificates for  
16 EMS as well.

17 Q. And how many calls do you think you've been on?

18 A. A lot.

19 Q. Probably hundreds, thousands?

20 A. I'd probably venture to say close to thousands.

21 Q. Okay. Now on August 16th of 2019, were you working  
22 for Richland County EMS?

23 A. No, sir. I was working for Sumter County.

24 Q. Okay. Why did I say Richland?

25 A. I don't know.

1 Q. So many years of working there. I'm sorry. Sumter  
2 County EMS?

3 A. Yeah.

4 Q. Okay. And what was your role?

5 A. I was an EMT.

6 Q. Do you remember responding to American Mobile Home  
7 Park that evening?

8 A. Yes, sir.

9 Q. Okay. Tell the folks what you remember.

10 A. It was getting dark outside. It was starting to cloud  
11 up and thunderstorm and we got dispatched to a gunshot  
12 wound at American Mobile Home Park.

13 Q. And do you remember where you went specifically?

14 A. Yeah, we went -- when we turned in, there was two  
15 trailers and there were people -- there were injured people  
16 in both trailers on a little dirt road right past the bingo  
17 parlor.

18 Q. What did you do first?

19 A. Me and my partner, we split. I went to the rear  
20 mobile home where there was two patients inside of it.

21 Q. Do you remember who they were or can you describe  
22 them?

23 A. It was a young female. I'd say she's probably six or  
24 seven. And there was a middle aged female inside. And  
25 there was also another bystander who was there, but was not

1 injured.

2 Q. Okay. And the young female you just described, was  
3 that Ms. A.G. who just testified?

4 A. Yes, sir.

5 Q. What did you do first?

6 A. When I got there, the other female that was not  
7 injured was sitting with her in the chair and had a towel  
8 wrapped round her right upper arm and I removed it. She  
9 had a gross injury to the right arm, a through and through,  
10 as well as she had a wound here in the center of her chest.

11 Q. When you say a gross injury, what do you mean?

12 A. It was obviously deformed. It was bleeding. It was  
13 nasty.

14 Q. Okay. And you said that was a through and through?

15 A. This was obviously through and through.

16 Q. Okay. A gunshot wound?

17 A. Gunshot wound. No doubt.

18 Q. Underneath you said there was another one?

19 A. There was a little one up under her armpit and one on  
20 her chest, but neither one could really have a finger stuck  
21 in them, so it was not considered a gunshot wound. It  
22 could come from multiple different things.

23 Q. What else?

24 A. Shrapnel from the bullet, bone fragments.

25 Q. And I'm gonna show you what's marked as State's 17.

1 Do you recognize this?

2 A. Yes, sir. That's the wound in the center of her chest  
3 and right up under her armpit.

4 MR. MEADORS: Okay. State's 17, Your Honor.

5 MR. GRIFFITH: No objection, Your Honor.

6 THE COURT: 17's admitted.

7 (State's Exhibit Number 17, a photograph, was  
8 admitted into evidence.)

9 BY MR. MEADORS:

10 Q. So this 17 is the body of A.G. ?

11 A. As best I can tell from the picture.

12 Q. Okay. And the through and through, is that where  
13 the --

14 A. Covered up with that ACE wrap.

15 Q. Okay. And the other injury here and here is what you  
16 described as what?

17 A. I mean, it could be from shrapnel. It could be from  
18 several different things. At the time of the assessment,  
19 it didn't appear to be anything that was life or death.

20 Q. What did you do when you saw her?

21 A. She was my first priority just because of this injury,  
22 as well as I couldn't tell because of lighting in the house  
23 exactly what this was, so I took her out to the truck that  
24 arrived right behind us to go ahead so they could start  
25 care on her.

1 Q. And did they?

2 A. Yes.

3 Q. What did you do next?

4 A. I went back with another EMT off the second truck for  
5 the other female that was laying on the floor and we got  
6 her loaded up on our stretcher and put her in our bus.

7 Q. And when you say "bus", that's your --

8 A. That's our ambulance.

9 Q. -- ambulance? And can you describe this injury to  
10 this other female or person you said?

11 A. The other female, she had a hole, a GSW, to the left  
12 lower quadrant or right above her belt line on her left  
13 side. Her abdomen -- her abdomen was very distended. She  
14 was what we call diaphoretic, which is cool, clammy,  
15 sweating.

16 Q. What does that mean?

17 A. Usually it's signs of shock.

18 Q. Were you able to communicate with her?

19 A. She wouldn't talk. The only thing she would respond  
20 to is painful stimuli and she'd just kind of mumble  
21 something and that was it. There was no communication that  
22 took place.

23 Q. And when you say the only thing she would respond to  
24 is painful stimuli, what do you mean?

25 A. Anything -- sometimes we'll kind of pinch them a

1 little bit to see if we can get them to respond. You can  
2 do sternal rubs. Anything to elicit a response.

3 Q. Okay. But based on your observation that was a  
4 gunshot --

5 A. Correct.

6 Q. -- wound? I'm gonna show you what's marked as  
7 State's 19. Does that relate to your testimony?

8 A. Yes, sir.

9 MR. MEADORS: State's 19, Your Honor.

10 MR. GRIFFITH: Of course, we renew our objection,  
11 Your Honor.

12 THE COURT: 19 is admitted. Your objection is  
13 noted, sir.

14 (State's Exhibit Number 19, a photograph, was  
15 admitted into evidence.)

16 BY MR. MEADORS:

17 Q. State's 19 depicts the injury to Ms. Shamika Bracey?

18 A. Yes, sir.

19 Q. Okay.

20 A. That's that left lower quadrant.

21 Q. That's the gunshot wound you described?

22 A. Yes, sir.

23 Q. What's y'all's job, paramedics, EMTs, when you first  
24 get to a scene?

25 A. Do a rapid trauma assessment. There's only two of us

1 on truck at that time, there was three people, so we have  
2 to go through to see who's the worst and who's not as bad  
3 and treat from that standpoint.

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

5 BY MR. MEADORS: \

6 Q. And you were riding -- who were you riding with?

7 A. Scott Lupori.

8 Q. Was law enforcement also there and did they assist in  
9 treating and/or driving the bus?

10 A. Yes, sir. There were several law enforcement officers  
11 already got there -- got there before us. They have to  
12 clear the scene before we can go in and there was one with  
13 my partner and there was also one with me and then several  
14 more arrived along with the fire department.

15 Q. So y'all, EMS, can't go in until --

16 A. Law enforcement clears the scene, correct.

17 Q. And that's standard practice?

18 A. That's standard practice.

19 MR. MEADORS: Thank you. That's all I have.

20 MR. GRIFFITH: Please the Court, Your Honor?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. GRIFFITH:

24 Q. So basically you arrived on the scene, there were  
25 three people wounded?

1 A. That's correct.

2 Q. You and others treated those wounded and loaded them  
3 into ambulances; is that correct?

4 A. And continued to treat them.

5 Q. And you didn't get any kind of statement from them or  
6 anything like that, did you?

7 A. No, sir.

8 Q. You didn't see anybody -- any of this stuff happen or  
9 anything like that?

10 A. No, sir.

11 MR. GRIFFITH: Okay. Thank you.

12 MR. MEADORS: That's all. Thank you.

13 THE COURT: You can step down, sir.

14 (Witness excused.)

15 MR. MEADORS: The State calls Scott Lupori.

16 BAILIFF: Sir, raise your right hand. State your  
17 name.

18 THE WITNESS: Scott Lupori.

19 (Whereupon, Scott Paul Lupori was duly sworn by the  
20 bailiff.)

21 BAILIFF: Thank you very much. Pull your mask down.  
22 State your name for the record and spell your last  
23 name, please.

24 THE WITNESS: Scott Paul Lupori. Last name is  
25 L-U-P-O-R-I.



1 SCOTT PAUL LUPORI,  
2 having been duly sworn, testified as follows:  
3 DIRECT EXAMINATION  
4 BY MR. MEADORS:  
5 Q. Good afternoon.  
6 A. Good afternoon.  
7 Q. Where are you from?  
8 A. Right here in Sumter.  
9 Q. Born and raised?  
10 A. No, sir. I was born in the military. Lived all over.  
11 Moved here in '85.  
12 Q. And just generally your background and training?  
13 A. Right after high school, went to paramedic school.  
14 Been a paramedic for thirty-four years. Recently retired.  
15 Hold multiple certifications in advanced life support and  
16 also hazmat, fire department.  
17 Q. Have you been a paramedic anywhere else besides Sumter  
18 County?  
19 A. Paramedic for Sumter County, mostly most of my career,  
20 but recently came back approximately a year ago from  
21 Clarendon County. Was working Clarendon County for about  
22 fifteen years.  
23 Q. How many calls have you responded to? Do you have any  
24 idea?  
25 A. Tens of thousands.

1 Q. And on August 16th of 2019, did you respond to  
2 American Mobile Home Park?

3 A. Yes, I did.

4 Q. And do you remember what the weather was like?

5 A. It was -- it was raining tremendously.

6 Q. What did you do when you got -- who drives the bus?  
7 The EMT or the paramedic or both?

8 A. It's really a race to see who gets there first, but,  
9 you know, Daren drove that night in the rain. When we  
10 received the call of a gunshot out at American Mobile Home  
11 Park, we responded and during the response we -- we  
12 listened to the radios. We have our radion on scan,  
13 especially something of this nature, we monitor the police  
14 channels so we get in a direct line as to if the scene's  
15 safe for us to enter or not, and we heard multiple officers  
16 come across the radio saying that they had multiple victims  
17 that sustained gunshot wounds and at that time that's when  
18 we called for backup before we even got there anticipating  
19 that we'd have more than we could handle.

20 Q. Called for more than one bus?

21 A. Correct.

22 Q. And what did you do when you got there?

23 A. When we pulled up on the scene, me and my partner  
24 split up. My partner went to the back trailers and I went  
25 to the first trailer that we pulled up actually in front of

1 and when I went inside there was a couple of deputies in  
2 there rendering aid to a gunshot victim that was laying on  
3 the ground. It was a male subject. I kind of got a quick  
4 report from the officer that was treating. Of course, I've  
5 worked with this officer before in Clarendon county,  
6 Officer Lenell, and he had his jump bag there and he was  
7 rendering aid, doing what he could, and I did a quick  
8 survey of the patient and seen that he had multiple gunshot  
9 wounds to his leg and to his chest and not knowing what my  
10 partner had, he was stable enough and Lenell was providing  
11 first aid, and I left out of the trailer and went to go  
12 find my partner to find out exactly what he had and met up  
13 with him and he told me about his victims, and that's why I  
14 called for a third ambulance to come.

15 Q. And what do you call it when you -- like you checked  
16 the male in this case real quick, what do you call it when  
17 you do that?

18 A. That's rapid trauma assessment.

19 Q. Rapid trauma assessment?

20 A. Right.

21 Q. And as a result of that assessment you determined how  
22 many gunshot wounds did he have approximately?

23 A. About four or five that I could actually count  
24 visually. Now whether they were exit wounds or entrance  
25 wounds I don't know, but I counted about four or five.

1 Q. Well, this is what's been entered as State's 8. Does  
2 that show injuries on that body that are consistent with  
3 what you counted?

4 A. Yes, the one on the -- the one right here at the  
5 buttocks. I don't remember seeing that one right there  
6 on the knee, but I do remember seeing that one on the  
7 buttocks.

8 Q. Okay. And was his arm -- did his arm also receive a  
9 gunshot wound?

10 A. He had -- I don't remember seeing the gunshot wound to  
11 his arm, I don't believe. I think it was the chest and  
12 there was multiple gunshot wounds on both legs.

13 Q. Okay.

14 MR. MEADORS: I beg the Court's indulgence.

15 BY MR. MEADORS:

16 Q. When you left Mr. Graham, you said you went to check  
17 on your partner?

18 A. Correct.

19 Q. Because he had two?

20 A. Correct.

21 Q. Did somebody else come and replace you?

22 A. When I was at the scene talking to my partner, after  
23 I left him the second ambulance had already pulled up and  
24 their crews had split up and they went to my partner  
25 because he had two patients. In the process, while Lenell

1 -- Deputy Lenell was still in the house treating, I went to  
2 the truck, got the stretcher and the backboard and stuff  
3 like that to extricate Mr. -- I can't remember his name.  
4 I'm sorry.

5 Q. Mr. Graham.

6 A. Mr. Graham out of the house and get him loaded up in  
7 the ambulance. In that process, Mr. Hodge had already come  
8 and I gave him a report as to what was going on and he'd  
9 had a patient already in the back of his truck and then we  
10 loaded -- me and Deputy Carter loaded Mr. Graham up onto  
11 the backboard onto the stretcher and then put him into the  
12 ambulance with Mr. Hodge.

13 MR. MEADORS: That's all I have. Thank you very  
14 much for being here.

15 MR. GRIFFITH: If it please the Court, Your Honor?

16 CROSS-EXAMINATION

17 BY MR. GRIFFITH:

18 Q. Mr. Lupori?

19 A. Yes.

20 Q. Okay. And so you arrived on the scene, rendered aid  
21 and there were three persons wounded there; is that  
22 correct?

23 A. That is correct.

24 Q. And you didn't take a statement from any of them?

25 A. No.

1 Q. You didn't see any of this that happened ahead of  
2 time?

3 A. No.

4 Q. And I will ask you one more question.

5 A. Okay.

6 Q. When you went into the house where Mr. Graham was  
7 laying in the floor, where was he? He was -- he was in the  
8 living room; is that correct?

9 A. Correct. As soon as you -- as soon as you walked in  
10 the door, he was laying straight right there in front of  
11 the door.

12 Q. Okay. All right.

13 MR. GRIFFITH: No other questions. Thank you.

14 MR. MEADORS: I have just one follow-up on that  
15 question.

16 REDIRECT EXAMINATION

17 BY MR. MEADORS:

18 Q. I'm showing you what's marked State's 4. When you  
19 just answered Mr. Griffith, you said as soon as you walked  
20 in the door he was laying there?

21 A. Yes.

22 Q. Okay. Is -- is that depicted in State's 4?

23 A. Well, without the body being there, yes.

24 Q. Okay.

25 MR. MEADORS: All right. Thank you. That's all.

1 3:56 PM.)

2 BAILIFF: Jurors are all seated, Your Honor.

3 THE COURT: Mr. Meadors.

4 MR. MEADORS: Terry Hodge.

5 THE COURT: Come right up, Mr. Hodge.

6 BAILIFF: Raise your right hand. State your name.

7 THE WITNESS: Terry Hodge.

8 (Whereupon, Terry Dale Hodge was sworn by the  
9 bailiff.)

10 BAILIFF: Thank you very much. State your name  
11 for the record and spell your last name, please.

12 THE WITNESS: Terry Dale Hodge, H-O-D-G-E.

13 TERRY DALE HODGE,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MEADORS:

17 Q. Good afternoon. Will you tell the folks about Terry  
18 Hodge. You know, where you're from, your background and  
19 your training that led you to the field of being a  
20 paramedic, please.

21 A. I'm from Manning, South Carolina, born and raised.  
22 Been in EMS twenty years. I've worked for several  
23 different counties; Berkeley County, Lee County,  
24 Williamsburg, Clarendon, and now Sumter. I've been here  
25 for almost seven years.

1 THE COURT: If you'll --

2 MR. MEADORS: I'm sorry. Would you mind speaking  
3 into --

4 THE WITNESS: Is that better?

5 THE COURT: If you would, a little closer to the  
6 mic.

7 Thank you.

8 THE WITNESS: I've been in Sumter county now for  
9 just about seven years, so I enjoy doing what I do.

10 BY MR. MEADORS:

11 Q. Did you work your way -- I mean, were you an EMT?

12 A. I did. I started off as a basic EMT and worked my way  
13 up to an intermediate and then went to paramedic school.

14 Q. And totally you've been in how long?

15 A. Twenty-one years.

16 Q. Twenty-one. Okay. And do y'all -- who decides  
17 whether or not to call in a helicopter? Whose decision is  
18 that?

19 A. Who decides whether we call it?

20 Q. Uh-huh.

21 A. The medic on-scene.

22 Q. Okay. So y'all -- you on-scene make that  
23 determination?

24 A. Yes.

25 Q. Was that in your thought process this night or, if



1 not, why not?

2 A. It was a thought; however, a helicopter doesn't fly  
3 in the rain. Due to torrential downpours, it was a waste  
4 of time.

5 Q. So the weather is why a helicopter wasn't called in?

6 A. Right.

7 Q. And can you -- and we've had testimony about  
8 Ms. A.G. and I know you saw both of them. I wanted  
9 to focus on Mr. Graham. Did you take over from him --  
10 after Scott?

11 A. I did. Mr. Lupori turned him over to me and I took  
12 care of him onto the hospital.

13 Q. Can you describe his injuries?

14 A. Mr. Graham had several bullet holes, some entries,  
15 some exits, one through and through on the left arm, a  
16 couple in the upper abdomen, left leg. Overall he had lost  
17 copious amounts of blood and they were life-threatening  
18 injuries.

19 Q. And can you tell me about some of his vitals? I mean,  
20 do you -- is that something you take when you're there on  
21 the scene?

22 A. Yes, and his initial blood pressures were in the low  
23 seventies, so he had -- essentially was getting close to  
24 bled out, he was in shock. On the way to the hospital, we  
25 were able to get them to come up a little, not a lot.

1 Q. And Ms. A.G. , what bus was she in?

2 A. Mine.

3 Q. She was in your bus also?

4 A. (Nods head.)

5 Q. And you took them to Toomey?

6 A. Yes.

7 Q. I still say Toomey. Toomey Hospital?

8 A. (Nods head.)

9 Q. Mr. Graham, will you stand up again.

10 Is that the gentleman you worked on back in August?

11 A. It is.

12 MR. MEADORS: Thank you. That's all.

13 THE COURT: Hang on just a minute, Mr. Hodge. If  
14 you'll answer any questions Mr. Griffith has for you.

15 CROSS-EXAMINATION

16 BY MR. GRIFFITH:

17 Q. Sorry about that, Mr. Hodge, but just to make sure,  
18 you didn't get any kind of statement from any of these  
19 folks that you carried?

20 A. No.

21 Q. You didn't see what occurred or anything like that,  
22 you have no knowledge of what happened at the scene?

23 A. Prior -- prior to my arrival, no.

24 Q. Okay.

25 MR. GRIFFITH: Nothing else. Thank you.

1 THE COURT: Anything further of this witness,  
2 Mr. Meadors?

3 MR. MEADORS: No, ma'am. Thank you.

4 THE COURT: Thank you, sir. You can step down.

5 (Witness excused.)

6 MR. MEADORS: The State would now call Nelson  
7 Rosario.

8 BAILIFF: Raise your right hand. State your name.

9 THE WITNESS: Nelson Rosario.

10 (Whereupon, Nelson Rosario, was sworn by the  
11 bailiff.)

12 BAILIFF: Thank you very much. Step around.

13 State your name for the record and spell your last  
14 name, please.

15 THE WITNESS: Nelson Rosario, R-O-S-A-R-I-O.

16 NELSON ROSARIO,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. MEADORS:

20 Q. Good afternoon.

21 A. Good afternoon, sir.

22 Q. You're Senior Corporal Nelson Rosario?

23 A. Yes, sir. That's correct.

24 Q. Like I do with all my witnesses, will you please tell  
25 them a little bit about yourself, where you're from and

1 your training and what led you to law enforcement, please?

2 A. Yes, sir. Born in New Haven, Connecticut. I came  
3 down to Florida. As a young child, I enjoyed law  
4 enforcement, watching it on TV and just hearing it. I did  
5 law enforcement in Florida seven years. I entered the  
6 military late in my life, ended up here in Sumter, and got  
7 back into law enforcement. In total I've been in fifteen  
8 years right now in law enforcement.

9 Q. And in Sumter you've been with the sheriff's  
10 department the whole time?

11 A. For six years.

12 Q. And prior to that who were you with?

13 A. I was with the city of Sumter for two years.

14 Q. I'm gonna take you back as we are to what we're here  
15 about to August 16, 2019. What involvement did you have in  
16 this case?

17 A. When I was called the evening of the incident by my  
18 former lieutenant, Investigator Lieutenant Monahan, he  
19 directed me to the hospital to the emergency room, to  
20 Toomey. Once I arrived I saw the male victim, Mr. Graham.  
21 I was able to get to him and talk to him a little bit  
22 while they were prepping him, I guess, for transportation  
23 to the Richland trauma center. I did get a little bit of  
24 information from Mr. Graham to contact his sister. After  
25 that, Saturday, I met up with Investigator Stewart,

1 Lieutenant Monahan and Lieutenant Hawkins, he's a  
2 lieutenant now, at the incident where we were canvassing  
3 and talking to neighbors, so I was secondary just assisting  
4 the lead investigator, Investigator Stewart.

5 Q. How many times did you go see Mr. Graham in the  
6 hospital at Richland?

7 A. At Richland I saw him two times. Two days.

8 Q. Would that be August 19th?

9 A. August 19th and August 20th.

10 Q. Of 2019?

11 A. Correct.

12 Q. Now at some point in the investigation had the name  
13 of Kwodel Johnson come up? Kwodel Johnson.

14 A. Yes, it did.

15 THE COURT: Officer Rosario, if I can get you to  
16 speak up just a little louder.

17 THE WITNESS: Yes, ma'am.

18 BY MR. MEADORS:

19 Q. And did you have an occasion to show Mr. Graham,  
20 Willie Graham, a photo array or a photo lineup with  
21 Mr. Kwodel Johnson included in it?

22 A. Yes, that was provided to me by Investigator Stewart  
23 who asked me to show the six-person -- the SLED six-person  
24 photo lineup to the victim, Mr. Graham.

25 Q. And did you know at that point that Mr. Graham knew

1 Mr. Kwodel by name and sight or did you know that?

2 A. The name had come up, but I did not know the full  
3 story in the investigation as of yet.

4 Q. Okay. And just -- and Investigator Stewart may  
5 testify to this later, but can you describe what -- in law  
6 enforcement when a lineup's requested, what are -- what are  
7 you looking for? What's an ideal lineup, if you will?

8 A. We're looking for similar features, what would be  
9 hair, eyes, bone structure, any type of facial hair whether  
10 it be a mustache or a goatee or a full beard, something's  
11 that's going to -- there's five other pictures that are  
12 gonna depict some type of similarity to the suspect that  
13 we're looking for.

14 Q. Do you want anybody to stand out in a photo lineup or  
15 do you want it to be as neutral and fair as it can be?

16 A. You want it to be as neutral and as fair for it to be,  
17 yes, sir.

18 Q. For example, if I was a suspect and the suspect's  
19 white, would I be put -- would it be fair to put me in a  
20 lineup with five African Americans?

21 A. No, sir.

22 Q. Or vice versa?

23 A. No, sir.

24 Q. Okay. Now looking at State's 13, which has been  
25 admitted in evidence, did you have an occasion to show this

1 lineup to Mr. Willie Graham in the hospital on August 19th?

2 A. Yes, sir, we did.

3 Q. And who else was there with you?

4 A. At the time I was training another investigator,  
5 Investigator Jennings, who she -- I allowed her to initiate  
6 the photo lineup to Mr. Graham.

7 Q. Okay. Was anything suggested to Mr. Graham about who  
8 he should pick out or any indication or did you put your  
9 finger on a picture?

10 A. Absolutely not.

11 Q. Okay. And after he was shown this lineup, did he pick  
12 somebody out that he knew?

13 A. Yes, he did.

14 Q. And what number was that?

15 A. This photo lineup, it's going to be Number 3.

16 Q. Did he initial that indicating he picked Number 3?

17 A. He did initial, yes, sir.

18 Q. And as a part of Sheriff Dennis's forms, do you also  
19 have a sheet where I guess you further document that he  
20 picked out Number 3?

21 A. Yes, sir, we do.

22 Q. Okay. And did Mr. Graham fill that out, State's -- is  
23 that 14? State's 14, did he indicate on there he picked  
24 out Number 3?

25 A. Yes, sir, he did.

- 1 Q. Did he sign it?
- 2 A. Yes, sir, he did.
- 3 Q. Now was he in the hospital room when he did this?
- 4 A. Yes, sir, he was.
- 5 Q. Did you go back on August 20th of 2020 -- 2019? I'm
- 6 sorry.
- 7 A. Yes, sir.
- 8 Q. Okay. And at that point did you have another lineup
- 9 that you showed to Mr. Graham?
- 10 A. Yes, sir, we did.
- 11 Q. Okay. And, again, who prepared these lineups?
- 12 A. It would be the lead investigator or the lieutenant
- 13 that requests it from SLED and SLED -- we send them a name,
- 14 date of birth, drivers license number, and they generate on
- 15 their -- on their -- and they're computer generated.
- 16 Q. So you send them someone that may be a suspect?
- 17 A. Correct.
- 18 Q. And they -- they put the lineup together?
- 19 A. That's correct.
- 20 Q. Okay. Now showing you -- showing you what's marked
- 21 State's 15 or entered as State's 15, do you recognize that
- 22 lineup?
- 23 A. Yes, sir, I do.
- 24 Q. Did you and Investigator Jennings show that lineup to
- 25 Mr. Willie Graham?



- 1 A. Yes, sir, we did.
- 2 Q. Okay. And what, if anything, was said to him, him  
3 being Mr. Graham, prior to viewing that lineup? Did y'all  
4 suggest anybody to pick out?
- 5 A. There was no suggestion, no, sir.
- 6 Q. Okay. Was the lineup just shown to him?
- 7 A. Yes, sir.
- 8 Q. Okay. Did you ask if he recognized anybody?
- 9 A. Yes, sir, we did. The only thing we say take is your  
10 time -- here's a photo lineup, take your time and point out  
11 who you believe is the suspect.
- 12 Q. And did Mr. Graham pick anybody out of State's 15?
- 13 A. Yes, sir, he did.
- 14 Q. And what number did he pick out?
- 15 A. This one would be Number 2.
- 16 Q. Okay. And did he initial that he had picked out  
17 Number 2?
- 18 A. Yes, sir.
- 19 Q. And looking at State's 16, the same form as previous,  
20 did he indicate on State's 16, him being Mr. Graham, that  
21 he picked out Number 2?
- 22 A. Yes, sir.
- 23 Q. And did he sign that?
- 24 A. Yes, sir.
- 25 Q. Okay. Did you see all this?

- 1 A. Yes, sir, I was present for -- for both.
- 2 Q. Okay. And it was actually recorded, correct?
- 3 A. Correct.
- 4 Q. And who is Number 2?
- 5 A. Number 2, I don't know the actual names. I think
- 6 Kwodel would be the --
- 7 Q. Kwodel would be the other one.
- 8 A. Right.
- 9 Q. Number 2, was that Nikeen Johnson?
- 10 A. Nikeen Johnson, yes, sir.
- 11 Q. And after he had picked out Mr. Nikeen Johnson, did
- 12 you inform Investigator Stewart that he had picked out
- 13 Nikeen Johnson?
- 14 A. Yes, sir.
- 15 Q. Okay. Did you also receive a bullet at some point
- 16 from the hospital from the body of Mr. Graham?
- 17 A. Yes, sir, we did. The head nurse, the floor nurse
- 18 as they call it, stated to us that the -- there was a
- 19 projectile bullet recovered from Mr. Graham and, of course,
- 20 we always ask save it for us, we're gonna need that for
- 21 evidence, and they did put it in a jar or bag and submit it
- 22 and gave it to us.
- 23 Q. And we'll have that all here tomorrow, but you
- 24 collected that and took it where?
- 25 A. I took that right back to our office here in Sumter

1 county to the sheriff's office.

2 Q. Thank you.

3 MR. MEADORS: I beg the Court's indulgence.

4 BY MR. MEADORS:

5 Q. I can't remember if I did it or not, did --

6 Mr. Graham, would you stand up? Is this the individual  
7 that you showed the lineup to of Mr. Kwodel and Nikeen  
8 Johnson?

9 A. Yes, sir, it is.

10 MR. MEADORS: Thank you, sir.

11 Thank you, ma'am. That's all.

12 MR. GRIFFITH: If it please the Court?

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. GRIFFITH:

16 Q. Mr. Rosario, when you went to interview Mr. Graham he  
17 was still in the hospital, correct?

18 A. Yes, sir.

19 Q. He was still suffering from his injuries; isn't that  
20 correct?

21 A. Yes, sir.

22 Q. Isn't it also correct to assume that he was being  
23 treated for those injuries; isn't that correct?

24 A. That's correct.

25 Q. Probably being treated for pain; isn't that correct?

1 A. Yes, sir.

2 Q. How many bullets did you actually receive from the  
3 hospital that were recovered from Mr. Graham?

4 A. Just one.

5 Q. Just one. Did you receive any bullets from any other  
6 victims?

7 A. Not me. That was a different investigator that  
8 recovered a bullet from one of the other victims. I just  
9 recovered from Mr. Graham.

10 Q. Okay. So you recovered one bullet from Mr. Graham?

11 A. Yes.

12 Q. And another bullet was recovered from another of the  
13 victims? Is that what you're telling me?

14 A. That's correct.

15 Q. Okay. Thank you.

16 MR. MEADORS: May we approach?

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

18 MR. MEADORS: Would you mark that the next one.

19 (State's Exhibit Number 20 was marked for  
20 identification.)

21 REDIRECT EXAMINATION

22 BY MR. MEADORS:

23 Q. Mr. Rosario, Mr. Griffith asked you about, I guess,  
24 the condition of Mr. Graham when you showed him this  
25 lineup.

1 A. Yes.

2 Q. And that he was in the hospital?

3 A. Yes, sir.

4 Q. And on medication?

5 A. Yes, sir.

6 Q. Did you have your body camera, your BWC?

7 A. (Nods head.)

8 Q. And did you film when Mr. Graham looked at the lineup?

9 A. Yes, sir, I did activate my body-worn camera to audio  
10 and video record the interview.

11 Q. Okay. Have we previously looked at that?

12 A. We have.

13 Q. Does that accurately reflect what was on your  
14 body-worn camera, what we reviewed in this courtroom  
15 actually?

16 A. Yes, sir.

17 Q. Okay.

18 MR. MEADORS: Your Honor, at this time we'd offer  
19 State's 20.

20 MR. GRIFFITH: Just renewing my objection as out  
21 of order, Your Honor.

22 THE COURT: Yes, sir. Thank you. I'm gonna allow  
23 it.

24 (Whereupon, State's Exhibit Number 20, a body cam  
25 video, was admitted into evidence.)

1 (Whereupon, State's Exhibit Number 20 was played.)

2 BY MR. MEADORS:

3 Q. Okay. There's a female coming in. This is your body  
4 recorder?

5 A. Yes, sir.

6 Q. And who is this female, the female detective?

7 A. That would be Investigator Jennings.

8 Q. Okay. And did we hear her talking to start with, that  
9 I'm gonna show you a lineup?

10 A. Yes, sir, you do.

11 Q. Thank you.

12 (Whereupon, State's Exhibit Number 20 continued  
13 playing.)

14 BY MR. MEADORS:

15 Q. After he picked out the number in the lineup, you  
16 asked him about how he was feeling, how his sister was?

17 A. Yes, sir.

18 Q. And did he give you a timely response to that  
19 question?

20 A. Yes, sir, he did.

21 Q. Did he appear -- was it subject matter appropriate?  
22 Was the response appropriate to your question?

23 A. Absolutely. Yes, sir.

24 Q. So he appeared to understand what you were talking to  
25 him about and why you were there?

1 A. Yes, sir.

2 Q. Okay. And this was a day after the incident?

3 A. This was on --

4 Q. Excuse me, strike that. I apologize to everybody.  
5 The incident was August 16th?

6 A. Yes, it was.

7 Q. And this was August 20th?

8 A. Yes, sir.

9 Q. Four days after the incident. My mind was just --  
10 there was a reference in there just like yesterday. Y'all  
11 had been there the day before to show Kwodel?

12 A. Yes.

13 Q. Is that what that reference was?

14 A. Yes, it was.

15 MR. MEADORS: That's all we have. Thank you.

16 MR. GRIFFITH: Nothing further, Your Honor.

17 THE COURT: Thank you, sir. You can step down.

18 THE WITNESS: Thank you, Your Honor.

19 (Witness excused.)

20 MR. MEADORS: I beg the Court's indulgence.

21 May we approach, Your Honor?

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

23 THE COURT: Okay. Ladies and gentlemen, we're  
24 at a good stopping point for today. We're gonna go  
25 ahead and release you for the day. If you'll please

1 Mr. Meadors.

2 MR. MEADORS: Thank you, Your Honor. May it  
3 please the Court? We call Sergeant Michael McCauley.

4 BAILIFF: Raise your right hand. State your  
5 name.

6 THE WITNESS: Sergeant Michael Thomas McCauley.

7 (Whereupon, Michael Thomas McCauley was sworn by  
8 the bailiff.)

9 BAILIFF: State your name for the record and spell  
10 your last name, please.

11 THE WITNESS: Michael Thomas McCauley. Last name is  
12 M-c-C-A-U-L-E-Y.

13 MICHAEL THOMAS McCAULEY,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MEADORS:

17 Q. Good morning, Sergeant. Are you Sergeant McCauley?

18 A. Yes.

19 Q. Would you please tell the ladies and gentlemen  
20 about yourself, where you're from, your education and  
21 specifically your training in law enforcement, please.

22 A. My name is Mike McCauley. I'm originally from Enid,  
23 Oklahoma. My dad was Air Force and we moved here in the  
24 early eighties. We bounced back and forth, but ended up  
25 coming back and retiring here. I graduated from high



1 school here, went to the University of South Carolina,  
2 graduated in 2002. After that, I was a security guard  
3 for two years in Columbia, then a position opened up at  
4 the sheriff's office. I joined the sheriff's office in  
5 January of 2004. I was on uniformed patrol until August  
6 of 2014 where I moved into the crime scene unit. Since  
7 April of 2019 I have been in charge of the unit after my  
8 lieutenant retired.

9 Q. Tell us about some of your training you've got in  
10 the field of crime scene examination and reconstruction.

11 A. I'm trained in basic crime scene reconstruction,  
12 basic ballistic pathing and blood pattern analysis. I was  
13 not trained in blood pattern analysis at this time.

14 Q. And tell us about your other training in law  
15 enforcement.

16 A. Just general uniformed patrol. I was certified as  
17 a Datamaster operator, standardized field sobriety test  
18 and basic accident reconstruction.

19 Q. Okay. And you've been to the criminal justice  
20 academy?

21 A. I have.

22 Q. And y'all -- when I say "y'all", law enforcement,  
23 do you have periodic training that you have to attend  
24 to?

25 A. Yes, we're updated every few months to every year.

1 Q. And how many crime scenes have you been called to?

2 A. As a crime scene investigator or altogether?

3 Q. Give us both.

4 A. About a thousand.

5 MR. MEADORS: Your Honor, at this time we're  
6 gonna offer Michael McCauley as expert in crime scene  
7 investigation.

8 VOIR DIRE EXAMINATION

9 MR. GRIFFITH: I would ask how many crime scene  
10 investigations he has attended.

11 THE WITNESS: As crime scene investigator, sir?

12 MR. GRIFFITH: Yes, as an investigator.

13 THE WITNESS: Approximately six hundred.

14 MR. GRIFFITH: Okay. No further questions.  
15 without objection.

16 THE COURT: Ladies and gentlemen, ordinarily a  
17 witness is not permitted to give opinion testimony.  
18 Ordinarily a witness will testify about things that  
19 they have personally observed through their five senses,  
20 but an exception to this is an expert witness. This  
21 is someone who has been qualified by either education  
22 or experience or some combination of the two in a  
23 particular field of study and they are allowed to give  
24 opinion testimony. You can accept it, you can reject  
25 it, you can give it whatever weight you think it's

1     entitled to.

2                             CONTINUED DIRECT EXAMINATION

3     BY MR. MEADORS:

4     Q.     Sergeant, in August of 2019 what was your job with  
5     Sheriff Dennis?

6     A.     I was the lead crime scene investigator.

7     Q.     And generally, forget this case for a second, but when  
8     you go to a crime scene what do you do when you first get  
9     there?

10    A.     The first thing you do is take an assessment of the  
11    scene.  You go around, make contact with somebody who was  
12    already there.  You do an initial walkthrough, you find  
13    anything that is of interest that seems to be pertinent to  
14    the case itself.  After that, you go back, you take  
15    pictures of it as it is.  You go back and anything you saw  
16    earlier or you notice later that seems to be something I  
17    want to pay attention to later on, I'll I put a marker on  
18    it.  I'll go back and take a picture with the marker and  
19    then we'll work -- we'll work back and find anything that  
20    wasn't immediately obvious.  We'll move furniture, we'll  
21    open bags, we'll look in trash cans and anything else we  
22    find we'll mark and take pictures of.  After that, we'll  
23    usually collect the items for later processing or storage  
24    as needed.  We'll also -- in the case of any kind of  
25    ballistics, we'll try to determine the trajectory of the

1 rounds.

2 Q. And are you always -- are you usually the first person  
3 at a scene?

4 A. No. In fact, I'm one of the last people to show up.

5 Q. All right. So prior to that would law -- a first  
6 responder be there?

7 A. Yes.

8 Q. And perhaps EMS?

9 A. Yes.

10 Q. And part of -- and then you would show up after that  
11 at some point?

12 A. Yes, normally.

13 Q. And you're trying to document the scene as best you  
14 can as to what it might have been or was when the incident  
15 happened?

16 A. Well, the scene's always gonna be altered slightly by  
17 the first responders and victims if they were still alive.  
18 I only document it to the point where I actually came  
19 on-scene. Anything else has to be testified to by those  
20 who were there prior to it. It's always gonna be altered  
21 slightly, but preservation of life always trumps  
22 preservation of evidence.

23 MR. MEADORS: Your Honor, as previously offered,  
24 just for the record for the jury's edification, and  
25 we're offering 21 through 94 without objection.

1 THE COURT: 21 through 94 are admitted.

2 MR. GRIFFITH: Without objection, Your Honor.

3 THE COURT: Thank you.

4 BY MR. MEADORS:

5 Q. Would it aid you in your testimony to look at these  
6 pictures to tell the jury what you did?

7 A. As long as you show them to me as I produced.

8 Q. And is your monitor on?

9 A. It is.

10 Q. Okay. Can you see that?

11 A. Yes.

12 Q. Okay. Can you tell the jury what this is?

13 A. This is just an initial panoramic showing the area  
14 as a whole prior to actually making entry into the scene  
15 proper. You always want to try to put it in perspective  
16 as to where it was in the relationship to the rest of the  
17 neighborhood.

18 Q. And where is this?

19 A. This is just at the entrance of American Mobile Home  
20 Park.

21 Q. That's State's 21. We're gonna move to State's 22.

22 A. This is panning to the left. This is showing the  
23 right -- the side of the victim's house.

24 Q. State's 23.

25 A. This is approaching the front door.

1 Q. And that is Lot ■?

2 A. It is.

3 Q. Where did you first start your examination or your  
4 crime scene investigation?

5 A. I start during the pana -- panoramic just to see if  
6 there's anything from the outside and then slowly work my  
7 way in.

8 Q. 24.

9 A. This is standing on the front steps looking initially  
10 in at the house through the living room through the front  
11 door.

12 Q. Okay. And I don't know if it's pla-cards or placards,  
13 but what are these; 1, 2, 3 and 5?

14 A. These are little evidence markers, placards. These  
15 are actually not mine. One of the initial investigators  
16 put those down simply so that people would see these shell  
17 casings that were around, nobody would step on them and  
18 move them around.

19 Q. So these are shell casings?

20 A. Yes.

21 Q. And so they're still on the ground at this point near  
22 these placards?

23 A. Yes, they are.

24 Q. Okay. And after you take a picture, do you collect  
25 the shell casings?

1 A. Usually we'll take some close-ups just to show what  
2 they are in better detail.

3 Q. This is State's 25.

4 A. This is just inside the victim's front doorway. You  
5 can see the front steps on the right and another overhead  
6 shot of several placards.

7 Q. And 1, 2 and 4 depict what?

8 A. Those were all shell casings.

9 Q. And you say you try to take close-up shots of them?

10 A. Yes.

11 Q. And State's 26, what is that?

12 A. That's a close-up of Number 1.

13 Q. State's 27.

14 A. A close-up of Number 2.

15 Q. In close-up Number 2, what's depicted in there?

16 A. That's a 9mm shell casing and minor blood spatter.

17 Q. And 28.

18 A. That is a closer close-up of the shell casing.

19 Q. And are you trying to document this so you can come in  
20 and do what we're doing right now?

21 A. Yes.

22 Q. Just to show the jury?

23 A. (Nods head.)

24 Q. State's 29.

25 A. A close-up of Number 3.

1 Q. State's 30.

2 A. That's a close-up of a -- it's actually in the corner  
3 by Number 4, the shell casing that was there. There were  
4 several other later located in that bag.

5 Q. And is that what you're talking about in State's 31?

6 A. Yes.

7 Q. Okay. And that's the shell casing?

8 A. Yes. That's Number 4 itself.

9 Q. State's 32.

10 A. That's a shot of them in a cluster showing how close  
11 they are in proximity to each other.

12 Q. And the front door, can you point on yours and show  
13 it?

14 A. Sure. The front door is right over there by one on  
15 the right.

16 Q. Here's State's 33. Do you recognize that?

17 A. Yes, that's a close-up of a shell casing marked  
18 Number 5.

19 Q. And I'm going -- now I'll go to State's 34.

20 A. This is a shot from a different angle showing from the  
21 inside of the living room pointing out back towards the  
22 front door.

23 Q. And there appears to be blood in the middle of the  
24 room there?

25 A. Yes.



1 Q. All right. Mr. Graham was gone by the time you got  
2 there?

3 A. Yes, everyone was.

4 Q. And I notice it's in the middle there, what is that  
5 pla-card there -- or placard?

6 A. That's Number 6 marking the blood spatter itself.

7 Q. Okay. So that's what the 6 was for?

8 A. Yes.

9 Q. And here's a closer up of that in 35?

10 A. Yes.

11 Q. We've got a couple more here. State's 36.

12 A. Yes. The center glare is actually on 6, but this is  
13 it from a different angle.

14 Q. And do you see the Number 3 in there? Does that come  
15 through on the screen?

16 A. Yes, it's at the very bottom.

17 Q. And that's Number 3 there. Oh, it does come through.  
18 Well, this is -- this is State's 36. That's 35 down there  
19 now. This was 36. It just didn't come clear. Does that  
20 show Number 3 on there?

21 A. Yes, it does.

22 Q. Okay. All right.

23 MR. MEADORS: May I approach?

24 THE COURT: Yes, sir.

25 MR. MEADORS: Thank you.

1 BY MR. MEADORS:

2 Q. I'll show you what's already been entered as 87, 88,  
3 89, 90, 91, 92, and then 86. I missed it. So 86 through  
4 92, can you tell me what these are?

5 A. These are the actual shell casings pictured. They  
6 have been put in cans to -- originally to keep them from  
7 being dented in transit to SLED for further analysis.

8 Q. Okay. So all of these were -- who collected these?

9 A. I did.

10 Q. You collected all of them?

11 A. Yes.

12 Q. Okay. And then what do you do with them after you  
13 collect them?

14 A. First I examine them just to see the make and the --  
15 the caliber and then I -- I'll can them up, mark them as  
16 I need to and send them off to SLED for them to do IBIS  
17 imaging on them.

18 Q. To do what?

19 A. The Integrated Ballistic Identification System. It's  
20 basically -- long story short, it looks under an imaging  
21 microscope to see microfractures in the -- where the firing  
22 pin struck the primer and where the casing itself expanded  
23 inside the lead of the barrel. It uses those and it  
24 matches them to each other.

25 Q. And we'll have somebody from SLED -- actually they're

1 on their way -- to testify to that, correct?

2 A. Yes.

3 Q. Okay. State's 37.

4 A. That is a slightly different angle just showing the  
5 edge of the bed.

6 Q. Did you also take pictures just of the inside?

7 A. Yeah, you do a panoramic of the inside just so you can  
8 see the actual room. It's limited by the angle lens of the  
9 camera itself.

10 Q. 38.

11 A. Yes. This is the edge of the couch in the living  
12 room. The shell casings are clustered on the bottom right.

13 Q. And -- and you say clustered on the bottom right.  
14 Here's State's 39. What do you mean?

15 A. This is that they're all pretty much within a few feet  
16 of each other, which is not unusual.

17 Q. But what is -- okay. Let me get down here and let's  
18 go straight through it. State's 40.

19 A. Again, another -- most of these are showing the actual  
20 bag itself. If you notice, Number 14 is by Number 5. We  
21 work -- we work logically. We go with the stuff we see  
22 first. If something comes in later on, we don't try to  
23 reorganize the numbers, we just add a new number, so you'll  
24 have numbers that are wildly different from each other  
25 placed down as we find the items themselves.

1 Q. So you may have found 2 through 5 and later on you  
2 find something, but you've already used 6 through 13, so  
3 you have to go back and use 14?

4 A. Yes.

5 Q. Is that maybe not artfully what you're talking about?

6 A. Yes.

7 Q. Okay.

8 A. We're gonna move on before we go in-depth. Once we go  
9 in-depth, we'll start marking things as we see those. So  
10 if it's not immediately obvious, we don't focus on a small  
11 thing, we focus on the wide area finding all the obvious  
12 things and then go back and look for details.

13 Q. Now State's 41, is this a close-up of the bag --

14 A. Yes.

15 Q. -- that we saw in State's 40?

16 A. Yes. That's the close-up of that yellow bag from, I  
17 believe, Dollar General.

18 Q. And inside that bag is what?

19 A. Those are two shell casings.

20 Q. So in total you found how many shell casings?

21 A. Seven.

22 Q. And they were all approximately where?

23 A. They're all in an area just inside the doorway all  
24 together just slightly smaller than the stand I'm sitting  
25 in right now.

1 Q. State's 43.

2 A. That is actually the living room. It's hard to see  
3 from there, but if you notice the curtain on the top center  
4 right behind the TV, that is actually the beginning of the  
5 hallway.

6 Q. And you're talking about here?

7 A. Yes.

8 Q. State's 44, what is that?

9 A. That's a shot of the base of the bed just showing  
10 the trickle pattern of the blood running down one of the  
11 headboards.

12 Q. And State's 45.

13 A. Again, a close-up of the actual far wall itself.  
14 There were several bullet holes in the back wall.

15 Q. So where is the front door in relation to State's 45?  
16 I know it's not depicted, but where would it be?

17 A. The front door would be just a few feet behind me  
18 taking the picture itself.

19 Q. Back in this direction inside?

20 A. Yes.

21 Q. And what is this down here?

22 A. That's actually the hallway.

23 Q. Okay. All right. You made your observations in  
24 pictures when you first came in Lot [REDACTED]. What did you do  
25 after that?

1 A. After there was nothing else immediately in the living  
2 room, we start marking out the trajectory of the bullets.  
3 We use ballistic trajectory rods for the pathing of them  
4 trying to figure out where they went after they left the  
5 weapon.

6 Q. A trajectory rod?

7 A. Yes, sir.

8 Q. Is there another word for it?

9 A. They're also known as a ballistic pathing rod.  
10 Normally we just call them rods. If you ever hear that the  
11 scene was rodded, that means that we push them through.  
12 There is one by Deputy Cubbage as an example.

13 Q. Is this what you're talking about is a --

14 A. Yes. They're a little less than a meter long.  
15 They're made of fiberglass. They're slightly flexible  
16 simply because bullets don't always travel in a straight  
17 line after they strike something so sometimes you have  
18 to kind of wiggle them through. They're made out of  
19 fiberglass as after a while wood tends to warp and bend  
20 and it doesn't show an approximate straight line. We use  
21 these to go ahead and probe through any holes we have to  
22 find out where exactly it is hopefully to locate a  
23 projectile. If not, to figure out where it went when it  
24 struck an object.

25 Q. How do you do that? How did you do it in this case?

1 A. In this case, we just went to the outside and you  
2 usually just give it a firm, gentle -- and give it  
3 approximately a 90 degree, push around until you get push  
4 through and then push through. You'll -- after that you'll  
5 take pictures of them as they are to show the trajectory as  
6 they left and then you put markers on them. After that  
7 you'll go outside if they went through something and then  
8 try to determine their paths from there.

9 Q. So you had how many shell casings?

10 A. Seven.

11 Q. And do you know if you found all the shell casings?

12 A. No, I can't tell that.

13 Q. But what does -- as an expert in crime scene  
14 investigation, if you've got seven shell casings what does  
15 that at least tell you?

16 A. At least seven shots were fired.

17 Q. I'm gonna show you what's marked 46. Does this kind  
18 of relate to what you were just talking about?

19 A. Yes. This is the far wall and the window. These are  
20 the initial rods going through the curtain and the window  
21 itself.

22 Q. 47.

23 A. These are the rods going down the hallway.

24 Q. 48.

25 A. Another angle of the rods from the hallway.

1 Q. Now in one of the previous pictures, I'm sorry I don't  
2 have the number, but there was mention of a curtain. Do  
3 you see that in here?

4 A. The curtain's on the far right. It's just in the edge  
5 of the picture.

6 Q. Is this the curtain here?

7 A. That's the curtain hanging from the wall that marked  
8 -- that delineated the hallway from the living room.

9 Q. If I said curtain, I meant where the hallway was.

10 A. Yes.

11 Q. If I said certain, strike that from the record,  
12 please.

13 You mentioned this earlier being near the hallway. Is  
14 that what you were talking about?

15 A. Yes.

16 Q. And what is that?

17 A. That's just a curtain that divides the hallway from  
18 the living room.

19 Q. 49. State's 49.

20 A. Again, these are the same ones from another angle.

21 Q. State's 50.

22 A. From -- that's from a closer angle to the wall itself  
23 showing the angle of the rods against the actual wall.

24 Q. And you put these in there?

25 A. I did.



1 Q. And what does that tell you and based on your  
2 experience and training?

3 A. The bullets tracked along the wall from a -- in a  
4 pattern left to right or right to left, that couldn't be  
5 determined at the time, but came approximately from the  
6 same area radiating out as it went along.

7 Q. State's 51.

8 A. That is actually -- that is actually some blood  
9 spatter from the hallway showing the back door where it  
10 was.

11 Q. Okay. So the back door of Lot ■?

12 A. Yes.

13 Q. Okay. State's 52.

14 A. That is a shot from the back of the hallway. On the  
15 left is the back door and you can see the rods, they're  
16 kind of blurry from my end, but that's, you know, looking  
17 back towards the living room.

18 Q. So this -- this is the back door in this area?

19 A. Yes.

20 Q. And this is toward the living room?

21 A. Yes.

22 Q. Okay. You put the rods in there. How do you preserve  
23 the fact -- or what do you? Do you mark the rods?

24 A. Yes. The easiest thing to do is just to hang a little  
25 marker placard off of them. If they're able to sustain,

1 we'll just let them free float. If not, we'll have  
2 somebody hold them up while we're taking the picture.

3 Q. And State's 53, does that depict that?

4 A. Yes, that's working from the back of the hallway in.

5 Q. State's 54.

6 A. Another shot from a slightly different angle.

7 Q. State's 55.

8 A. Those are -- that's a shot almost directly alongside  
9 of the wall showing the rods -- rods poking out from there.

10 Q. 56.

11 A. Another shot from a slightly upper angle.

12 Q. 57.

13 A. Again, the same to reduce glare.

14 Q. And each one of these holes in your opinion in  
15 examining the house trailer this day are what?

16 A. These were all bullet holes.

17 Q. 58.

18 A. That is actually looking back in the living room from  
19 the last rod.

20 Q. And in your -- you may have said it previously, but  
21 in your opinion the origin of these shots was where  
22 generally?

23 A. Approximately the front door or just outside of it.

24 Q. State's 59.

25 A. Again, an overhead shot of the rods through the

1 window.

2 Q. 60.

3 A. Those are the two that went through the back window of  
4 the living room.

5 Q. Say that again.

6 A. Those are two that went through the back window of the  
7 living room. What you're seeing are the curtains they went  
8 through.

9 Q. Okay. 61.

10 A. This is everything with the markers on them from  
11 almost a direct off angle.

12 Q. Say that last part. Direct markers for what?

13 A. These are the markers -- these are the markers for the  
14 rods from an almost 90 degree angle from them.

15 Q. I apologize. 62.

16 A. That is from the hallway looking back in towards the  
17 living room showing the angle -- showing the rods from  
18 another angle.

19 And that's a close-up starting in from the ones at the  
20 window working back towards Number 12, which was the last  
21 one.

22 Q. So -- and this is State's 63. I'm sorry. So 7,  
23 that's the curtain?

24 A. Yes, 7 and 8 are both in the curtain. 9 is actually  
25 below past the curtain.

1 Q. I've just got a few more of these. 64.

2 A. From another angle.

3 Q. And 65.

4 A. That's from further back in the hallway. That's right  
5 past the second hallway window just before the back door.

6 Q. 66.

7 A. That's another, I believe, shot of the markers as  
8 they were.

9 Q. And finally on this group, 67.

10 A. That's just a shot of the back hallway from  
11 approximately the last marker just showing the back of  
12 the hallway and the back door.

13 Q. Were you able to determine if any of -- did any shots  
14 go through Lot ■ and -- through the wall and go out?

15 A. Yeah. After we're done inside the victim's house  
16 itself and we've marked that the rods -- that most of the  
17 bullets actually did pass through the house, we'll go  
18 outside the house and begin trying to figure out where  
19 they went. In this case, yes, several did pass completely  
20 through the house and went in the neighbor's house.

21 Q. Are you -- do you -- do you depict -- like if Number 7  
22 went through, do you have Number 7 marked on the outside  
23 also?

24 A. As often as possible you're gonna try to -- if you  
25 have a through and through like that, you're gonna try to

1 mark it all the way through and keep it with the same  
2 numbers so you can prove the path.

3 Q. Did you do that in this case?

4 A. Yes.

5 Q. Now what is this?

6 A. This is the outside of the rear of the victim's house  
7 showing the same numbers that were just shown from the  
8 inside on the outside.

9 Q. 7 and 8 would be the curtain, if you will, the window?

10 A. Yeah, we take the markers one at a time from the  
11 outside and make sure it matches with the corresponding  
12 inside ones and then we'll picture them as they are.

13 Q. And you do that by using the rods?

14 A. Yes, the rod is simply pushed through.

15 Q. Okay. So the 7 inside, did it match the 7 outside?

16 A. Yes.

17 Q. That was the same hole?

18 A. Yes.

19 Q. Along with all of these others that are depicted on  
20 State's 79?

21 A. (Nods head.)

22 Q. Was that a yes?

23 A. Yes.

24 Q. Okay. Thank you. And 80.

25 A. These are the same markers from the outside looking

1 straight on at them.

2 Q. Now were you able -- State's 81, what is that?

3 A. That is the neighbor's house directly to the back of  
4 the house. That's just an overall shot before we did any  
5 marking of them.

6 Q. Give these folks an idea how far are we talking about  
7 from 66 to 65?

8 A. A little bit less from my stand to the far end of  
9 counsel.

10 Q. So if -- you're the expert, how far is that?

11 A. If you take about five steps back, sir.

12 Q. About how far is?

13 A. That's gonna be approximately fifty feet.

14 Q. 82.

15 A. Again, panning across. The marker is where Number 9  
16 actually continued on and struck the neighbor's vehicle.

17 Q. Is that what you're talking about right there?

18 A. Yes.

19 Q. 85.

20 A. This is a close-up of the neighbor's front door.

21 Q. And I can't because I messed it up on my -- sorry  
22 about that.

23 Now in State's 85, is this a close-up of Number 9?

24 A. Yes.

25 Q. What is Number 9 again?

1 A. Number 9 is where one of the projectiles actually  
2 struck the neighbor's car.

3 Q. 84.

4 A. 84 is the first rod put in the -- excuse me -- in the  
5 neighbor's outside wall just to the right of their door.

6 Q. That was 84. Did I say 84? This is 85. I'm sorry.

7 A. That's the other one on the other side of the door  
8 from a different angle.

9 Q. Were you able to track any particular bullet holes  
10 from Lot ■ to Lot ■?

11 A. Besides Number 9, which stopped in the neighbor's  
12 vehicle. At the time we wanted to try some of the other  
13 ones before we actually started trying to tear apart their  
14 car. We were able to track Number 7 and Number 8 through  
15 the living room window of the victim's house into the  
16 neighbor's house.

17 Q. Does that depict Number 7 on 75?

18 A. Yes. That's 7 from the outside of the window.

19 Q. And Number 76?

20 A. And that 7 corresponding where it struck just to the  
21 right of the neighbor's door.

22 Q. And did that go through the wall?

23 A. Yes.

24 Q. Okay. And were you able to determine where it came  
25 out of the inside wall?

1 A. Yes. It wound up in the living room, just -- came  
2 through just above one of the living room couches and  
3 actually went to the far end where it struck another seat.

4 Q. That's 77 we're showing the jury and here's 78.

5 A. That's a close-up of Number 7 just over the top of the  
6 couch.

7 Q. Did you collect that projectile?

8 A. Number 7 was actually found later on as I was moving  
9 out. I found Number 8 first.

10 Q. Okay. Is 93, which is in evidence, is that projectile  
11 Number 7?

12 A. That is Projectile Number 7.

13 Q. Okay. And hold that right there for a minute, please.  
14 We're gonna go back a minute. So State's 68, that's  
15 where 7 entered?

16 A. That's a picture of 7 and 8 from the inside of the  
17 victim's living room.

18 Q. And you tracked it through your rods through to the  
19 neighbor's?

20 A. Yeah. In this case since we didn't have any string  
21 or lasers to measure them, I would stand on the outside  
22 and form a straight -- I had Ron Solomon, the other  
23 investigator that was there at the time, stand at it until  
24 we could measure the right line, straight line, from the  
25 one outside the victim's house to the neighbor's house and



1   that way would move -- we would translocate the rod from  
2   that house to the next one and remark them.

3   Q.   Let's -- let's track Number 8, State's 69.  What does  
4   that depict?

5   A.   That's Number 8 from the outside of the victim's  
6   window.

7   Q.   So 68 --

8   A.   That's the inside.

9   Q.   -- leaving 66.  69.

10   A.   That's from the other end outside the window.

11   Q.   70.

12   A.   That's where it struck just to the left facing of the  
13   neighbor's door.

14   Q.   Inside the neighbor's?

15   A.   Yeah.  That's the outside of the house.

16   Q.   71.

17   A.   That is actually where it came to rest in a counter  
18   in the kitchen.

19   Q.   And 72, is that -- is that you pointing to it?

20   A.   Yes.  I'm holding the marker up because there's  
21   nothing that's actually able to hold the marker to it.  The  
22   little cutout in the very top of the marker is where the  
23   actual damage to the drawer is, and that's a close-up of  
24   it.

25   Q.   That's 73 there, correct?

1 A. Yes.

2 Q. And here's finally 74.

3 A. Yes. That was the actual projectile after I got  
4 permission from the neighbor to remove it from their drawer  
5 and that's just a close-up of the projectile showing it is  
6 actually what it is.

7 Q. And State's 94 is --

8 A. The projectile.

9 Q. Okay. And just for clarification, you said State's 7  
10 was turned in later?

11 A. Yes. I did not initially find it on the other chair.  
12 I moved out to do a -- canvass the area and the lady of the  
13 house later found it sitting on her chair and notified me  
14 and I came back in and collected it.

15 Q. So you collected it then?

16 A. Yeah. By that time she'd already picked it up  
17 herself, so I simply took it from her.

18 MR. MEADORS: I beg the Court's indulgence.

19 BY MR. MEADORS:

20 Q. Sergeant McCauley, based on your background and your  
21 expertise in this particular field, what do the bullet  
22 holes and the rods and the trajectory, what's your opinion  
23 about where the shots came from?

24 A. All the shots came from a common point of origin.  
25 Again, either just at the front door or just outside of it.

1 They went in a slightly radial pattern striking through the  
2 -- travelling through from -- again, moving either from  
3 the left to the right or the right to the left where they  
4 proceeded to where -- after they struck anybody inside the  
5 house, they proceeded through and went outside the house  
6 where they -- several of them hit the neighbor's house.

7 Q. And -- and there were some projectiles that were  
8 actually found in some of the victims?

9 A. I believe one was.

10 Q. Could there have been another one?

11 A. There could have.

12 Q. And is it unusual not to find all the projectiles in  
13 a case?

14 A. That's quite common.

15 Q. Were there any bullet holes going back toward the  
16 front door?

17 A. None that we could find.

18 MR. MEADORS: Thank you, Sergeant. That's all.

19 CROSS-EXAMINATION

20 BY MR. GRIFFITH:

21 Q. Sergeant McCauley, let me ask you a few questions. So  
22 you recovered how many shell casings?

23 A. Seven.

24 Q. Okay. And how many bullet holes went through the  
25 walls? Was it --

1 A. Five that -- five that we found.

2 Q. Was it six?

3 A. Five that we found. 7, 8, 9, 10, 11 and 12.

4 Q. All right. And so -- then, of course, one was  
5 recovered from Mr. Graham. Are you aware of that?

6 A. Yes, I'm aware of that.

7 Q. Also one was recovered from his wife. Is that --

8 MR. GRIFFITH: Am I saying that correctly?

9 MR. MEADORS: Yes, sir. That's right.

10 THE WITNESS: Yes, sir.

11 BY MR. GRIFFITH:

12 Q. So two were recovered from there, so how -- but how  
13 many bullets did you recover excluding those two?

14 A. At that time I recovered two.

15 Q. Pardon?

16 A. At that time I recovered two projectiles.

17 Q. No. I mean, you recovered -- how many projectiles did  
18 you recover at the scene?

19 A. Two.

20 Q. Only two?

21 A. Only two.

22 Q. Okay.

23 A. A third one is accounted for in the neighbor's  
24 vehicle, but since we had the first two and they were  
25 in good shape I opted not to start tearing apart the

1 neighbor's car.

2 Q. Okay. So where would all the other bullets go? I  
3 mean, why weren't they recovered?

4 A. I couldn't find them. As they lost power, they may  
5 have stopped trying to go through things and may have  
6 bounced off them.

7 Q. Were you able to determine what kind of gun it was?

8 A. The firearm itself, no. I can only tell you the  
9 caliber was 9 millimeter.

10 Q. And so looking at Number -- State's 48 and 57, if I  
11 may, if I can find them here. I don't believe they're in  
12 order.

13 MR. MEADORS: They're in reverse order. Sorry.

14 MR. GRIFFITH: I'm looking for 57.

15 BY MR. GRIFFITH:

16 Q. Okay. This is State's Evidence Number 57 and I'm  
17 looking at this one that's way down the hall down here.  
18 You see right there?

19 A. Yes, sir.

20 Q. And -- but it's down the hall, isn't it?

21 A. No, sir. That's actually closer in than you think.

22 Q. Okay.

23 A. That is Marker -- that will be marked as Number 12  
24 later on.

25 Q. Okay. Well, let me look at -- let me put this back

1 where it was. This is Number -- State's Number -- I  
2 believe that says 51. You told us that was back near the  
3 back door; isn't that correct?

4 A. Yes, sir.

5 Q. And you said that was blood spatter; is that correct?

6 A. Yes, sir.

7 Q. Near the back door?

8 A. Yes, sir.

9 Q. This is Number 48, State's 48, and looking down at the  
10 ground here, here we can see -- this is where it looks like  
11 some OSB starts in the hallway; is that right?

12 A. OSB, sir?

13 Q. Like -- it's like plywood.

14 A. Okay.

15 Q. Is that what --

16 A. Yes, sir.

17 Q. Is that basically --

18 A. That's the divider where -- from the hallway.

19 Q. From the beginning of the hallway?

20 A. Yes, sir.

21 Q. Okay. And looking down there, it looks like it's --  
22 the back door is right about here; isn't that correct?  
23 This is kind of the hinge for it up here? I'm sorry. The  
24 back door is way up here?

25 A. That's actually the back window, sir, just before the

1 back door.

2 Q. So the back door is even further back?

3 A. Yes, sir.

4 Q. Great. And then so -- but looking at this, this  
5 little distance here where this is, that looks like it's  
6 about maybe about four or five feet back, isn't it?

7 A. I'd put it about three.

8 Q. Three. So how wide do you think that hallway is? Do  
9 you think that's at least a standard three-foot hallway?

10 A. Yes, sir.

11 Q. Okay. That's three feet wide and it looks like a good  
12 bit further back than that it is wide to me, but...

13 Okay. And so -- oops -- as far as the crime scene  
14 investigation and crime scene reconstruction, when you  
15 found that -- did you deal with blood spatter or anything  
16 like that yourself?

17 A. At the time of this I was not actually trained for  
18 blood spatter analysis.

19 Q. Oh, okay.

20 A. I simply documented it.

21 Q. So we wouldn't be able to ask you why there was blood  
22 spatter all the way back to the back door; isn't that  
23 right?

24 A. Yes, sir. Only that it was.

25 Q. Okay.

1 MR. GRIFFITH: I have no further questions at  
2 this time.

3 MR. MEADORS: Just a couple of quick questions.  
4 Thank you.

5 MR. GRIFFITH: I put them back. I'm sorry.

6 REDIRECT EXAMINATION

7 BY MR. MEADORS:

8 Q. I think he was asking you about Rod Number 12 from the  
9 hallway, correct?

10 A. Yes.

11 Q. Okay. I'm gonna show you -- do you recognize that?

12 A. Yes.

13 Q. Okay. What direction does the rod indicate Number 12  
14 is coming from?

15 A. Number 12 is actually coming from back towards the  
16 front door.

17 Q. And in your opinion after putting that rod in there  
18 and being there, could the Number 12 have been shot from  
19 the front door?

20 A. Yes. Had it passed -- had it been further in the  
21 hallway, it would have to pass through that corner in the  
22 living room and we would have had to rod that out, too.  
23 We did check for that and found no corresponding hole.

24 Q. Okay. And I think he -- well, I know he asked you  
25 about some blood near the back door. Are you aware where



1 Ms. Shamika and A.G. ran after they were shot?

2 A. No, sir.

3 Q. Okay.

4 MR. MEADORS: Thank you, Judge. That's all.

5 MR. GRIFFITH: Just one redirect {sic}.

6 RECROSS EXAMINATION

7 BY MR. GRIFFITH:

8 Q. So to clarify, in your opinion as an expert on crime  
9 scene investigation, crime scene reconstruction, then these  
10 shots would have come from someone who was standing inside  
11 the front door; is that correct?

12 A. The front door or just outside of it.

13 Q. Well, all of the casings were found inside the  
14 trailer; isn't that correct?

15 A. All the ones I found, yes, sir.

16 Q. Okay. Did anybody look outside for casings?

17 A. Yes, sir.

18 Q. Okay. So no -- none were found outside then?

19 A. Yes, or we would have taken pictures of them if we  
20 did.

21 Q. So in your opinion as an expert, would it appear that  
22 most of the shots were -- were not shot like straight front  
23 from the door, but rather toward that hallway; is that  
24 correct?

25 A. Sir, they were shot from the doorway and went back

1     towards the hallway.

2     Q.     So basically going toward that hallway?

3     A.     Yes, sir. From -- they were shot from just outside  
4     the house going into the house.

5     Q.     Well, you can't say that they were shot from just  
6     outside the house, can you? You can say that they were  
7     shot from near that doorway; isn't that correct?

8     A.     Yes.

9     Q.     Okay. So they were shot from someone who could have  
10    been standing inside the house in a -- in a manner kind of  
11    crossing that living room; is that right? Kind of going  
12    toward that back hallway?

13    A.     No, sir.

14    Q.     Toward the back door?

15    A.     No, sir.

16    Q.     Okay. Well, the question would be how did blood  
17    splatter get to the back door, but okay.

18           MR. GRIFFITH: No further questions.

19           THE COURT: Thank you, sir. You can step down.

20           (Witness excused.)

21           MR. MEADORS: If I can --

22           MR. GRIFFITH: I'm sorry?

23           MR. MEADORS: I want to approach, please.

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

25           THE COURT: Ladies and gentlemen, we're gonna

1 take about a ten minute break. Please don't begin  
2 discussing the case during the break.

3 (Whereupon, the jury retires to the jury room at  
4 10:56 AM.)

5 (Recess taken at 10: 57 AM.)

6 (Back on the record at 11:09 AM.)

7 MR. MEADORS: Your Honor, our next witness is  
8 coming up with his attorney.

9 The State's ready.

10 MR. GRIFFITH: Ready, Your Honor.

11 (Whereupon, the jury returns to the courtroom at  
12 11:15 AM.)

13 BAILIFF: Jurors all seated, Your Honor.

14 THE COURT: Thank you.

15 Mr. Meadors.

16 MR. MEADORS: May it please the Court? The State  
17 of South Carolina calls Kwodel Johnson.

18 BAILIFF: Over here, sir. Raise your right hand.  
19 State your name.

20 THE WITNESS: Kwodel Johnson.

21 BAILIFF: Speak a little louder.

22 THE WITNESS: Kwodel Johnson.

23 (Whereupon, Kwodel Johnson was duly sworn by the  
24 bailiff.)

25 BAILIFF: Thank you. Step around, pull your mask

1 down and talk into the mic.

2 State your name and spell your last name, please.

3 THE WITNESS: Kwodel.

4 BAILIFF: Come in and talk to the mic.

5 State your name and spell your last name.

6 THE WITNESS: Kwodel. J-O-H-N-S-O-N.

7 KWODEL JOHNSON,

8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. MEADORS:

11 Q. Mr. Johnson, if you'll just please speak up and into  
12 that microphone so the court reporter and the judge and all  
13 the ladies and gentlemen of the jury can --

14 THE COURT: Mr. Meadors and Mr. Griffith, can I get  
15 you-all to approach just a second?

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

17 THE COURT: Ladies and gentlemen, we're gonna send  
18 you out for just a very brief moment while we take up a  
19 quick issue of law before we move on to this witness.  
20 Please don't begin discussing the case.

21 (Whereupon, the jury retires to the jury room at  
22 11:17 AM.)

23 THE COURT: Okay. Mr. Johnson, I'm Judge Curtis.  
24 Sir, I understand that there are criminal charges  
25 pending as a result of this accident -- or as a result

1 of this incident?

2 MR. MEADORS: Yes, ma'am.

3 THE COURT: And you're represented by Attorney  
4 Michael Routzong and he is in the courtroom today with  
5 you, correct?

6 THE WITNESS: Yes.

7 THE COURT: So I just need to advise you of your  
8 rights. The Fifth Amendment guarantees you a right  
9 against self-incrimination and that right applies when  
10 you are a witness in a trial. Even though this trial  
11 is not your trial, you're a witness in this criminal  
12 trial and that means that you cannot be forced to give  
13 testimony that will incriminate yourself.

14 So that Fifth Amendment right applies to you now  
15 during the course of this testimony, both direct  
16 examination and cross-examination. Your attorney's  
17 here in the courtroom. If you need to consult with him  
18 during the course of the trial, I'm gonna give you the  
19 ability to do that.

20 Mr. Routzong, occasionally we have the attorney  
21 actually sit next to him and I'm happy if you want to  
22 do that. I assume though that you've discussed with  
23 him his rights with respect to his testimony today?

24 MR. ROUTZONG: That's fine with me, Your Honor.  
25 That might be a good idea.

1           THE COURT: Okay. Just so we don't have to -- it  
2 might go a little easier if we let you just take a seat  
3 up there next to him.

4           So, Mr. Johnson, if you intend to exercise that  
5 right when you're asked a question, you have the right  
6 to refuse to answer any question that would cause you  
7 to incriminate yourself by invoking that right if you  
8 choose to not answer on the grounds that it might  
9 incriminate you.

10          Ultimately, I get to make the determination of  
11 whether a -- a question is one that would tend to  
12 incriminate you, but, again, I want to make sure you  
13 understand that you have the right to invoke that and  
14 you cannot be compelled to be a witness against yourself.

15          Anything else that you want me to cover with him,  
16 Mr. Routzong?

17          MR. ROUTZONG: I can't think of anything, Your  
18 Honor.

19          THE COURT: Mr. Meadors and Mr. Griffith?

20          MR. MEADORS: Can Mr. Routzong just move a little  
21 bit to the right?

22          MR. ROUTZONG: Is this fine?

23          THE COURT: Okay. Now we're ready for the jury.

24          (Whereupon, the jury returns to the courtroom at  
25 11:22 AM.)

1 BAILIFF: Jurors all seated, Your Honor.

2 THE COURT: Okay. Thank you.

3 Ladies and gentlemen, you'll see Mr. Routzong has  
4 joined us. Mr. Routzong is Mr. Johnson's attorney and  
5 so he's -- that's the reason that Mr. Routzong is up  
6 there with him during the testimony.

7 Mr. Meadors.

8 MR. MEADORS: May it please the Court?

9 CONTINUED DIRECT EXAMINATION

10 BY MR. MEADORS:

11 Q. Good morning, Mr. Johnson.

12 A. Good morning.

13 Q. Good morning.

14 A. Good morning.

15 Q. Can you tell these folks where you're from,  
16 Mr. Johnson?

17 A. I'm from Minnesota.

18 THE COURT: Mr. Johnson, you can go ahead and take  
19 your mask off while you're testifying.

20 Thank you, sir.

21 BY MR. MEADORS:

22 Q. Born and raised in Minnesota?

23 A. Yes.

24 Q. And where did you graduate high school from?

25 A. Bethune Bowman.

1 Q. Bethune Bowman?

2 A. Yes.

3 Q. What year?

4 THE COURT: And if you'll speak up a little bit  
5 for us so Mr. Griffith can hear you all the way over  
6 there.

7 THE WITNESS: Bethune Bowman.

8 BY MR. MEADORS:

9 Q. And why -- why were you in Bowman?

10 A. I came down here years ago to take care of my  
11 grandfather before he passed away and he passed away upon  
12 me coming down here and I've been down here since.

13 Q. Okay. I'm sorry about your grandfather. What year  
14 was that?

15 A. 2010 he passed.

16 Q. And you stayed here in South Carolina since?

17 A. Yes.

18 Q. Okay. What have you done since then?

19 A. School and work.

20 Q. And you graduated Bowman in 2012?

21 A. Yes.

22 Q. Where did you work after that?

23 A. I worked at North American in a plant stock department  
24 stacking.

25 Q. Stacking?



1 A. Yes.

2 THE COURT: And, Mr. Johnson, I'm gonna need you  
3 to speak up, sir. Your --

4 THE WITNESS: Okay.

5 THE COURT: -- your voice is real faint. You can  
6 either adjust that microphone closer to you or move  
7 closer to it and maybe speak up a little bit.

8 BY MR. MEADORS:

9 Q. Did you have any other jobs, Mr. Johnson, after that?  
10 What did you do after that?

11 A. I worked at Husqvarna.

12 Q. Say it again. I'm sorry.

13 A. My next job I worked at Husqvarna.

14 Q. What did you do there?

15 A. Build tractors from start to finish.

16 Q. Husqvarna?

17 A. Yes.

18 Q. And where did you work after that?

19 A. Allied Air.

20 Q. Allied Air?

21 A. Yes.

22 Q. How long did you work there?

23 A. A year.

24 Q. And where did you work after that?

25 A. I went back to North American for a while for a couple

1 of months.

2 Q. Did you ever work at Continental?

3 A. Yes.

4 Q. When was that?

5 A. 2019.

6 Q. What did you do there?

7 A. I was doing janitorial work.

8 Q. And what's Dixie Cups? Why is that -- why do I ask  
9 you about Dixie Cups?

10 A. Repeat the question.

11 Q. Where did you -- did you ever work with Dixie Cups?

12 A. Yes, I worked there before.

13 Q. Where's that?

14 A. That's in Darlington.

15 Q. Did you ever work at Mohawk Industry -- Industrial?

16 A. Yes.

17 Q. Are you working now?

18 A. I'm transitioning to another job currently.

19 Q. Back in August of 2019, were you working?

20 A. Yes.

21 Q. Where were you working?

22 A. Continental.

23 Q. That's when you were working at Continental?

24 A. Yes.

25 Q. Okay. And how long did you work there?

1 A. A month.

2 Q. When you were in Sumter -- well, when did you first  
3 move and begin living in Sumter, Mr. Johnson?

4 A. Back at my mother's place at Metts Trailer Park.

5 Q. Which one?

6 A. Metts Trailer Park.

7 Q. And what year was it that you came to Sumter and  
8 started living here?

9 A. 2019.

10 Q. Where's Metts Trailer Park?

11 A. I'm not real familiar with the area. I just pretty  
12 much only know the grocery store and home and back and to  
13 work. I don't really do nothing else.

14 Q. Did you ever live in Windsor Mobile Home Park?

15 A. Yes.

16 Q. When was that?

17 A. Oh -- yes.

18 Q. Was it Windsor and not Metts where you lived?

19 A. Yes, it's Windsor, sir. I'm sorry. Not Metts.

20 Q. Who did you live with there?

21 A. My mom, my sister, my girlfriend and a friend.

22 Q. Mr. Willie Graham, do you remember knowing him back in  
23 August of 2019? Did you know Mr. Graham? Willie Graham?

24 A. Yes.

25 MR. MEADORS: Mr. Graham, will you stand up and take

1 your mask off, please.

2 Is that the Willie Graham you knew?

3 THE WITNESS: Yes.

4 MR. MEADORS: Thank you, sir.

5 BY MR. MEADORS:

6 Q. Prior to August 16th of 2019, Mr. Johnson, had you  
7 been to Mr. Graham's house before that?

8 A. Yes.

9 Q. Okay. And why had you gone over there before that?

10 A. Hanging out with friends.

11 Q. Socialize?

12 A. Yes.

13 Q. Okay. You and Mr. Graham had a friendly relationship?

14 A. Yes.

15 Q. Okay. Mr. Nikeen Johnson, how do you know him?

16 A. He's my cousin.

17 Q. Okay. And in August of 2019, do you remember when you  
18 saw Mr. Nikeen Johnson? How is it he came to the Sumter  
19 area?

20 A. Needing help with a job.

21 Q. Say it again, sir.

22 A. Needing help with a job and somewhere to stay.

23 Q. And where was he staying in August of 2019 when he was  
24 in Sumter?

25 A. At the trailer park with me.

1 Q. He was with you?

2 A. Yes.

3 Q. Now on August 16th of 2019, did you and Mr. Nikeen  
4 Johnson go to Mr. Willie Graham's trailer at American  
5 Mobile Home Park?

6 A. Yes.

7 Q. Okay. That's a yes?

8 A. Yes.

9 Q. Okay. Whose car were you in?

10 A. My car.

11 Q. Okay. And what kind of car were you driving then?

12 A. A Ford Focus.

13 Q. I'm sorry, sir, a Ford Focus?

14 A. Yes.

15 Q. All right. Do you remember what time you got to  
16 Mr. Graham's house?

17 A. No, I'm not sure of the time exactly.

18 Q. Had you worked that day?

19 A. Yes.

20 Q. Okay. And where had you worked?

21 A. Continental.

22 Q. What time had you gotten off?

23 A. I got off at like 3:00 and it takes me like forty-five  
24 minutes to get home.

25 Q. Okay. So approximately how long after did you and

1 Nikeen Johnson -- how long was it before y'all went over to  
2 see Mr. Graham?

3 A. A couple of hours.

4 Q. Had Mr. Nikeen Johnson ever met Mr. Graham before --

5 A. No.

6 Q. -- as far as you know?

7 A. No.

8 Q. Okay. And why had you gone to Mr. Graham's house on  
9 October 16th? It was a Friday, wasn't it?

10 A. Yes.

11 Q. Why had you gone over there that day?

12 A. I was invited.

13 Q. And what was your -- your purpose in going over there?

14 A. To hang out and barbecue.

15 Q. And when you got there though, Mr. Johnson met  
16 Mr. Graham, correct, Mr. Nikeen Johnson?

17 A. Yes.

18 Q. I mean, did you introduce him?

19 A. Yes.

20 Q. Okay. Where did y'all hang out when you first got  
21 there?

22 A. The yard.

23 Q. And what were y'all doing in the yard?

24 A. Talking.

25 Q. Sir?

- 1 A. Talking.
- 2 Q. Everything fine?
- 3 A. Yes.
- 4 Q. Okay. What happened after that?
- 5 A. After a while everybody started going their own  
6 separate ways and everybody was going in the house.
- 7 Q. Did pretty much all of the locals go back to their  
8 places?
- 9 A. Yes.
- 10 Q. I mean, you understand the folks that stayed in the  
11 trailer park?
- 12 A. Yes.
- 13 Q. And what was the weather like then; do you remember?
- 14 A. It was cool, like cool outside, and it was dim. It  
15 was dim.
- 16 Q. Dim?
- 17 A. Yes, light.
- 18 Q. Had you been outside with Mr. Nikeen and Mr. Graham  
19 and other folks several hours before you left?
- 20 A. Yes, about an hour before.
- 21 Q. Okay. And y'all could see each other out there? I  
22 mean, you didn't have any trouble seeing anybody, did you?
- 23 A. No.
- 24 Q. Okay.
- 25 A. No.

1 Q. After most of the locals left, what did you and  
2 Mr. Nikeen Johnson do?

3 A. We sat and talked with Willie.

4 Q. With Mr. Willie Graham?

5 A. Yes.

6 Q. Okay. Now, Mr. Kwodel Johnson, did you shoot Willie  
7 Graham?

8 A. No, sir.

9 Q. Say it again.

10 A. No, sir.

11 Q. Okay. Who shot Willie Graham?

12 A. I do not know.

13 Q. Excuse me?

14 A. I don't know.

15 Q. Why do you not know?

16 A. Because I didn't see.

17 Q. Well, explain that to me. How did you not see?

18 A. Because my back was turned.

19 Q. Were you at the doorway with Mr. Nikeen Johnson at  
20 Mr. Graham's house?

21 A. Yes.

22 Q. And had -- you knew Mr. Nikeen -- did you know  
23 Mr. Nikeen Johnson had a gun?

24 A. No.

25 Q. You did not know he had a gun?



- 1 A. No, I did not know he had one on him.
- 2 Q. Did you see it after the shots were fired?
- 3 A. No.
- 4 Q. He didn't get in the car and you saw the gun in his
- 5 lap?
- 6 A. No, not really.
- 7 Q. Okay. It's not a not really answer. I mean, did you
- 8 see the gun or not?
- 9 A. No.
- 10 Q. What did you see?
- 11 A. I remember seeing just like flashes.
- 12 Q. Coming from where?
- 13 A. From inside the -- the trailer.
- 14 Q. And that's where Nikeen Johnson was, correct?
- 15 A. Yes, he was at the doorway.
- 16 Q. He was at the doorway?
- 17 A. Yes.
- 18 Q. Okay. And you had been at the doorway at some point,
- 19 correct?
- 20 A. Running from the doorway, yes.
- 21 Q. Running from the doorway?
- 22 A. Yes.
- 23 Q. And was your hair like it is? Could you take your
- 24 hair down for a minute? Was your hair long then?
- 25 I just want to show you your picture. Is that the way

1 your hair was then? Was it longer in braids? And I'm not  
2 trying to put you on -- is that how you looked that day?

3 A. I don't remember.

4 Q. You don't remember?

5 A. No.

6 Q. Have you cut your hair recently?

7 A. No.

8 Q. I'm gonna show you what's marked State's 13 and  
9 Number 3. Is -- is that you?

10 A. Yes.

11 Q. Okay. And is that just a picture here with your hair  
12 down? Does that show your hair down?

13 A. Yes.

14 Q. And is that the way you usually wear your hair if  
15 you're out socializing? I love your hair by the way, I'm  
16 not trying to make fun of it, but is that the way you wear  
17 it when you're out?

18 A. Sometimes.

19 Q. Okay. So your hair could have been that way this  
20 night, correct?

21 A. Yes.

22 Q. And I'm gonna show you what's entered as State's 16  
23 and is that Nikeen Johnson there?

24 A. Yes.

25 Q. And his hair is kind of in short -- short braids,

1 correct?

2 A. Yes.

3 Q. And is that the way he was wearing his hair that day?

4 A. Yes.

5 Q. Yes?

6 A. Yes.

7 Q. Okay. So y'all were both at the doorway at some  
8 point, correct?

9 A. Yes.

10 Q. Your hair's down?

11 A. Yes.

12 Q. His hair's like that?

13 A. Yes.

14 Q. Okay. You say you didn't shoot?

15 A. No, I did not.

16 Q. After you heard these -- well, did you hear gunshots?

17 A. Yes, I heard.

18 Q. How many did you hear?

19 A. About seven.

20 Q. And what happened after you heard the gunshots?

21 A. After -- well, during the situation I was running.

22 I was running because I was -- I heard them. I heard the  
23 shots.

24 Q. During the situation you were running?

25 A. Yes.

1 Q. What do you mean by that?

2 A. I was scared, so I didn't know what was going on and  
3 I didn't see anything, sir, but hearing all the noise I  
4 started running.

5 Q. And after you heard the noise, what did Nikeen Johnson  
6 do?

7 A. I don't know, sir.

8 Q. You don't know what he did?

9 A. No. I was running.

10 Q. Do --

11 A. My back was turned, so I wasn't thinking about  
12 anything else.

13 Q. Okay. Well, I'm asking you to think about it now.  
14 When you got to your car, what did you see Nikeen Johnson  
15 doing after you heard the shots, please?

16 A. I don't know. I guess he was falling from the  
17 stairway.

18 Q. He was what?

19 A. Falling.

20 Q. Okay. He wasn't shot, was he?

21 A. No, he wasn't. No.

22 Q. And he ran back to the car, right? I mean, you're a  
23 -- you're a smart fella. Do you remember him running back  
24 to the car?

25 A. Could you repeat? I'm sorry.

1 Q. What did Mr. Nikeen Johnson do after the shots were  
2 fired?

3 A. Um --

4 Q. Are you looking over there at the --

5 A. No. No.

6 Q. Okay. I mean, I know he's your cousin, correct?

7 A. Yes.

8 Q. And you don't want to be here today, do you?

9 A. No.

10 Q. And you're under subpoena, aren't you?

11 A. Yes.

12 Q. And that's your attorney, Mr. Routzong, behind you,  
13 isn't it?

14 A. Yes.

15 Q. And you've been charged in this also, haven't you?

16 A. Yes.

17 Q. And you don't want to say anything that's gonna hurt  
18 your cousin, do you?

19 A. I don't know how to answer that. I said I don't know  
20 how to answer that.

21 Q. You don't know how to answer that?

22 A. Yes.

23 Q. Okay. But you did tell Investigator Randy Stewart  
24 that Nikeen Johnson's the one who shot Willie Graham. Do  
25 you remember that?

1 A. No, I don't remember that. I'm sorry.

2 Q. Well --

3 A. I don't.

4 Q. Okay. But that's the only way we knew about Nikeen  
5 Johnson. You've never had bad blood with Willie Graham?

6 A. No, sir.

7 Q. Been socializing before?

8 A. Yes.

9 Q. Going there to socialize this day?

10 A. Yes.

11 Q. Mr. Graham didn't have a gun?

12 A. I don't know.

13 Q. You never saw him with a gun?

14 A. No. I didn't see. That's why I ran. I wasn't trying  
15 to see nothing, so.

16 Q. Okay. You weren't in fear of anything. You weren't  
17 afraid.

18 A. I was.

19 Q. You were afraid?

20 A. Yes.

21 Q. Mr. Graham didn't have a gun, correct?

22 A. I don't know.

23 Q. Do you remember telling Investigator Stewart last week  
24 that when the defendant, Nikeen Johnson, got in the car he  
25 had a gun in his lap and he was angry? Do you remember

1     telling him that last week in this courthouse?

2     A.     Huh?

3     Q.     In this courthouse do you remember telling him that  
4     last week?

5     A.     (No verbal response.)

6     Q.     Have you talked to your cousin since, Nikeen Johnson,  
7     since this incident?

8     A.     No, sir.

9     Q.     Have you had any indirect conversations with him  
10    through family members?

11    A.     No, sir.

12    Q.     Didn't you actually let the police know that you had  
13    heard your name come up in this and you wanted to say hey,  
14    I didn't have anything to do with it?

15    A.     Yes.

16    Q.     Do you remember that?

17    A.     Yes.

18    Q.     Okay. And is that when you said it was Nikeen Johnson  
19    who did it?

20    A.     I did not say that.

21    Q.     You did not tell him the name of Nikeen Johnson, that  
22    he shot him?

23    A.     No, I did not say that.

24    Q.     What did you say to him?

25    A.     I told them that -- that I didn't do anything and I

1 wanted to clear my name about that whole situation because  
2 I didn't do anything.

3 Q. Look, I don't want to be here any more than you do,  
4 okay?

5 A. Uh-huh.

6 Q. I'm not trying to put you on the spot. That's my job.  
7 Did you give them Nikeen Johnson's name?

8 A. No.

9 Q. You're telling me you didn't even give them the name?

10 A. No.

11 Q. Who did you tell them you were with then?

12 A. Huh? You talking the morning I got picked up?

13 Q. Any time when you talked to Investigator Stewart.  
14 Because you talked to him for a while, didn't you, back in  
15 August, September of 2019? Do you remember that?

16 A. Yes.

17 Q. And you told him that Nikeen was with you. Are you  
18 denying that?

19 A. Okay. Um --

20 (Discussion between the witness and his counsel.)

21 THE COURT: Mr. Meadors, if you will repeat your  
22 question, sir.

23 BY MR. MEADORS:

24 Q. If I'm wrong, I apologize. I think it was what did  
25 you see Nikeen do when he came down the stairs and did you



1 -- well, excuse me, did you tell Investigator Stewart,  
2 either before or after your arrest, that Nikeen Johnson had  
3 shot Mr. Graham?

4 A. No, I did not.

5 Q. You never told him that?

6 A. No.

7 Q. So you deny that?

8 A. (No verbal response.)

9 Q. And do you deny that you told Investigator Stewart  
10 that you saw Nikeen coming out the door behind him firing  
11 multiple times?

12 A. I did not say that.

13 Q. You did not say that to Investigator Stewart?

14 A. I don't remember saying anything like that.

15 Q. Well, what did you say close to that then? Did you  
16 ever tell him you saw Nikeen firing into Mr. Graham's home?

17 A. No, I did not say that.

18 Q. What did you tell him you saw Nikeen Johnson doing?

19 A. Falling from the stairway. Falling backwards like he  
20 was trying to catch his self.

21 Q. And you did not see a gun, is that what you're telling  
22 this jury?

23 A. I did not see it.

24 Q. Did you ever see a gun after that?

25 MR. GRIFFITH: Can he speak in the microphone,

1 please?

2 THE COURT: Can you -- speak up, Mr. Johnson.

3 BY MR. MEADORS:

4 Q. What was your last answer?

5 A. Huh? I did not.

6 THE COURT: Mr. Johnson, I need you to speak up,  
7 sir. We can't hear you.

8 THE WITNESS: I did not see it.

9 BY MR. MEADORS:

10 Q. Okay. So I think that my question was last week do  
11 you deny telling him, Investigator Stewart, in this  
12 courthouse you saw Nikeen Johnson with a gun in his lap and  
13 he was angry after the shots? Do you deny telling him that  
14 last week?

15 A. Um, okay.

16 Q. And your attorney was present. Do you deny that?

17 A. Um...

18 MR. MEADORS: Your Honor, could you instruct him  
19 just to answer yes or no, please.

20 THE COURT: Mr. Johnson, I need you to answer the  
21 question, sir.

22 THE WITNESS: I'm trying to think. No.

23 BY MR. MEADORS:

24 Q. Did you say no, you don't deny that?

25 A. Yes.

1 Q. Where did you and Mr. Johnson go after you left  
2 American Mobile Home Park?

3 A. I don't know.

4 Q. You don't know? You didn't call the police, did you?  
5 Did you call the police?

6 A. Yes.

7 Q. When did you call the police?

8 A. I don't remember.

9 Q. And Mr. Nikeen Johnson left, didn't he?

10 A. Um, yes.

11 Q. And he left the State, didn't he?

12 A. I don't know.

13 Q. But you didn't see him again?

14 A. No.

15 Q. And you knew there had been a shooting, correct?

16 A. Yes.

17 Q. You took him from the scene, correct?

18 MR. GRIFFITH: Objection, Your Honor. He's leading  
19 the witness.

20 THE COURT: Sustained.

21 BY MR. MEADORS:

22 Q. Did you take him from the scene, Mr. Nikeen Johnson?  
23 Did y'all leave American Mobile Home Park after the  
24 shooting?

25 A. Um...

1 THE COURT: Mr. Johnson, answer the question, sir.

2 All right. Ladies and gentlemen, we're gonna take  
3 a short break. If you'll please don't begin discussing  
4 the case during the break.

5 (Whereupon, the jury retires to the jury room at  
6 11:56 AM.)

7 THE COURT: Okay. Mr. Johnson, you can answer a  
8 question or you can take the Fifth, but you can't just  
9 refuse to answer, okay? So you either need to answer  
10 the questions asked of you or you can invoke your right  
11 under the Fifth Amendment, but you can't just not  
12 respond at all. Do you understand that?

13 THE WITNESS: Yes, ma'am. Yes.

14 THE COURT: Is there any other question you have  
15 about what I'm asking you to do?

16 THE WITNESS: No.

17 THE COURT: Do you need to consult with your  
18 attorney about what you're required to do today?

19 THE WITNESS: No.

20 MR. ROUTZONG: Your Honor, would you be -- would  
21 it be okay if I talked to him in the back in the  
22 conference room? Just a couple of minutes. If you'd  
23 rather I not, I can understand. He's under oath and  
24 he's a witness, but...

25 THE COURT: He's under oath, he is a witness, so

1 you can't discuss the substance of his testimony or  
2 tell him what to testify to; however, if you want to  
3 advise him of his rights as an officer of the court  
4 I'll give you that opportunity. You understand the  
5 parameters. You can't coach him as to his testimony,  
6 but you can advise him as to his rights.

7 MR. ROUTZONG: I was not gonna discuss the  
8 substance of his testimony, but I wanted to kind of --  
9 I believe there may be issues based on -- these were  
10 issues that came up that I did not know about until  
11 relatively recently. Most of my conversations with  
12 Mr. Johnson, maybe once at the jail, and the rest of  
13 them have been over the phone and his affect is  
14 different when he's on the phone.

15 And I've spoken to his mother. She tells me he  
16 had lead poisoning when he was a child because I had  
17 -- last week I got to spend a lot of in-person time  
18 with him and I was able to observe and I started to  
19 wonder if he was somewhat autistic and, of course,  
20 lead poisoning can lead to those kinds of symptoms.

21 He has never had a diagnosis and I asked his mom  
22 about that. I just think there are some issues that  
23 questions have to be -- I'm learning that the questions  
24 have to be framed in a different way. Mr. Meadors is  
25 doing a very good job. I think he tries to answer

1 questions thoughtfully and that's why he's -- I've  
2 observed him actually thinking out loud. When he's  
3 asked a question, he will -- he will actually speak to  
4 himself when he's thinking about what he's gonna answer  
5 and it's a very odd affect.

6 So I guess I would ask -- let the Court know that  
7 I think there may be many some issues like that and --  
8 I think he's capable of following your instructions  
9 however.

10 And I know, Mr. Johnson, and I will re-enforce,  
11 that, Mr. Johnson, you just have to answer these  
12 questions as best you can and as honestly as you can.

13 That -- that's just to let the Court know I think  
14 there may be some issues. It's not -- not just an  
15 issue of reticence to -- to answer the questions.

16 MR. MEADORS: I don't have much more.

17 THE COURT: Okay. While they're out, let's just  
18 take like five minutes.

19 MR. MEADORS: Thank you.

20 THE COURT: And you're fine to stay there, that's  
21 fine. You're welcome to use the facilities. Just don't  
22 discuss your testimony with anyone, okay?

23 THE WITNESS: Okay.

24 MR. ROUTZONG: Thank you, Your Honor.

25 (Recess taken at 11:59 AM.)

1 (Back on the record at 12:12 PM.)

2 BAILIFF: All rise. You may be seated.

3 THE COURT: Okay. Are we ready for the jury? I  
4 guess we need our witness.

5 (Whereupon, the witness retakes the witness stand.)

6 THE COURT: Okay. We're ready for the jury.

7 (Whereupon, the jury returns to the courtroom at  
8 12:13 PM.)

9 BAILIFF: Jurors all seated, Your Honor.

10 THE COURT: Thank you.

11 Mr. Meadors.

12 MR. MEADORS: May it please the Court?

13 CONTINUED DIRECT EXAMINATION

14 BY MR. MEADORS:

15 Q. Mr. Johnson, did you drive Nikeen Johnson away from  
16 American Mobile Home Park after the shooting on August 16th  
17 of 2019?

18 A. Um...okay.

19 Q. Mr. Johnson?

20 A. Huh?

21 Q. Did you or did you not?

22 A. Um, can I plead the Fifth?

23 Q. You plead the Fifth?

24 A. Yes.

25 Q. Who's -- who are the folks back here on this side of

1 the room? The gentleman in the red shirt, do you know who  
2 that is?

3 A. No.

4 Q. You don't know who that is?

5 A. No.

6 Q. Do you know anybody else in the courtroom on either  
7 side?

8 A. I only know Willie Graham.

9 Q. Willie Graham?

10 A. Yes.

11 Q. And do you know the lady in the front row on this  
12 side? Can you see her?

13 A. No, not from where I'm sitting.

14 Q. Can you stand up and take a look and see if you  
15 recognize her?

16 A. (Witness stands.) No. No.

17 Q. Has anybody contacted you about your testimony  
18 today --

19 A. No.

20 Q. -- besides --

21 A. No.

22 Q. So you're pleading the Fifth to whether or not you  
23 drove him away from the scene? Is that what you're saying?

24 A. (No verbal response.)

25 Q. Do you remember having Mr. -- was Mr. -- do you



1 recognize what's not marked --

2 MR. MEADORS: Will you mark this, please.

3 (State's Exhibit Number 95 was marked for  
4 identification.)

5 MR. MEADORS: Your Honor, at this time 95 for  
6 identification.

7 BY MR. MEADORS:

8 Q. Do you recognize this billfold?

9 A. No.

10 Q. Was this billfold in your car?

11 A. Um, I don't recognize that.

12 MR. MEADORS: Your Honor, for ID --

13 A. I don't --

14 Q. You don't recognize that?

15 A. No.

16 Q. Okay. And when you look inside, whose license is  
17 that?

18 A. It says Nikeen.

19 Q. Nikeen Johnson?

20 A. Yes.

21 Q. And you don't know if this was in your car or not?

22 A. No, I don't remember.

23 MR. MEADORS: Okay. Your Honor, this is 95 for  
24 ID at this point.

25 BY MR. MEADORS:

1 Q. Do you remember whether or not a gun was found in your  
2 car? When law enforcement looked in it, was a gun found in  
3 your car?

4 A. Yes.

5 Q. And --

6 A. Well, not -- not in my car.

7 Q. Okay. Where was it found?

8 A. It was under my bed space.

9 Q. You're not having trouble answering that question. It  
10 was found where?

11 A. Under the bed.

12 Q. And you didn't use that gun to shoot Willie Graham,  
13 did you?

14 A. No.

15 Q. So that gun had nothing to do with this case, did it?

16 A. No.

17 Q. And where did -- Mr. Nikeen Johnson, what did he do  
18 with the gun that he shot Willie Graham with? Do you know  
19 what happened to that?

20 A. No, I do not know.

21 Q. Did you see him with a gun on August 16, 2019, at  
22 American Mobile Home Park?

23 A. Did I see him?

24 Q. With a gun.

25 A. No. Not there, no.

1 Q. Are you scared right now?

2 A. Um, no.

3 Q. Are you keeping -- looking over at the defendant when  
4 you're testifying?

5 A. No, sir.

6 MR. MEADORS: Thank you. That's all.

7 THE COURT: Mr. Griffith.

8 MR. GRIFFITH: If it please the Court, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. GRIFFITH:

11 Q. Mr. Kwodel Johnson?

12 A. Yes.

13 Q. All right. You're Nikeen's uncle -- I mean, cousin;  
14 isn't that correct?

15 A. Yes.

16 Q. Okay. Now you do remember having a -- talking to  
17 Investigator Randy Stewart, don't you? You remember  
18 talking to him?

19 A. Yes.

20 Q. Okay. And isn't it true that you told him that you  
21 heard -- you thought you heard Mr. Willie Graham say that  
22 he was going back to get his gun? Isn't that true?

23 A. Yes. Um, yes.

24 Q. Okay. Yes. So you told that to Investigator Stewart  
25 that you thought you heard Willie Graham say he was going

1 back to get his gun, correct?

2 A. Yes.

3 Q. Okay.

4 MR. GRIFFITH: I have no further questions, Your  
5 Honor.

6 REDIRECT EXAMINATION

7 BY MR. MEADORS:

8 Q. You remember that, but you don't remember telling  
9 Investigator Stewart he had a gun in his lap after the  
10 shots?

11 A. No, I don't remember.

12 MR. MEADORS: That's all. Thank you, Your Honor.

13 MR. GRIFFITH: No further questions, Your Honor.

14 THE COURT: You can step down, sir.

15 (Witness excused.)

16 THE COURT: Ladies and gentlemen, I think this is  
17 a good time for us to break for lunch.

18 Is that -- tell me what your timing is, Mr. Meadors.

19 MR. MEADORS: That's fine. Yes, ma'am. Thank you.  
20 That's fine.

21 THE COURT: Do y'all want to approach for just a  
22 minute.

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

24 THE COURT: Okay. Ladies and gentlemen, we're  
25 gonna break for lunch. If you will please be back at

1 2:00 and we'll continue with the testimony. Please  
2 don't begin discussing the case.

3 (Whereupon, the jury was excused for lunch at  
4 12:24 PM.)

5 THE COURT: Okay. We're at recess until two.

6 MR. MEADORS: Thank you.

7 (Whereupon, a luncheon recess was taken at  
8 12:25 PM.)

9 (Back on the record at 2:16 PM.)

10 (State's Exhibit Number 96, 97, 98 and 99 were  
11 marked for identification.)

12 BAILIFF: Come to order. All rise.

13 THE COURT: Thank y'all. Please have a seat.

14 All right. Are we ready for the jury?

15 MR. GRIFFITH: Ready, Your Honor.

16 MR. MEADORS: Yes, ma'am.

17 Well, let me ask one quick question.

18 Judge -- well, I was right, 96 and 97, which are  
19 two projectiles from the victims and a bullet found by  
20 Randy Stewart, and a gun that came from Kwodel Johnson's  
21 car, we propose to offer these into evidence with the  
22 next witness and Randy Stewart will talk about them  
23 after that, but it's 96, 97, 98 and 99, I believe without  
24 objection.

25 MR. GRIFFITH: Without objection, Your Honor.

1           THE COURT:   Okay.   Just when you're handling the  
2   firearm, if you'll please make sure that you ask  
3   Investigator Stewart or whoever you're questioning  
4   regarding the gun that it doesn't have any bullets in  
5   it and it's been secured in some fashion so we don't  
6   have the jury wondering and looking at the gun instead  
7   of paying attention to the testimony.

8           MR. MEADORS:   Thank you.

9           (State's Exhibit Number 96, 97, 98 and 99 were  
10   admitted into evidence.)

11          (Whereupon, the jury returns to the court room at  
12   2:19 PM.)

13          BAILIFF:   Jurors all seated, Your Honor.

14          THE COURT:   Thank you.

15          Mr. Meadors.

16          MR. MEADORS:   May it please the Court?   The State  
17   of South Carolina will call Special Agent Paul S. Greer.

18          THE CLERK:   Raise your right hand.   State your  
19   name.

20          THE WITNESS:   Paul S. Greer.

21          (Whereupon, Paul S. Greer was duly sworn by the  
22   bailiff.)

23          BAILIFF:   Thank you very much, sir.   Step around.  
24   Pull your mask down.   State your name for the record  
25   and spell your last name, please.

1 THE WITNESS: My name is Paul Greer, G-R-E-E-R.

2 PAUL S. GREER,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. MEADORS:

6 Q. Good afternoon, Special Agent.

7 A. Good afternoon.

8 Q. Will you please tell the ladies and gentlemen of the  
9 jury about Paul S. Greer, your background, your training,  
10 and in particular your training in the field of expertise  
11 I'm asking you to testify about today, please.

12 A. Yes, sir. I'm employed at the South Carolina Law  
13 Enforcement Division, which is commonly known as SLED. At  
14 SLED I work in the forensic services laboratory as a  
15 firearm and tool mark examiner. To get there, to work at  
16 SLED, I received a bachelor's of science in biological  
17 sciences from the University of South Carolina and I've  
18 also completed the SLED firearm and tool mark course of  
19 instruction. This is an extensive apprenticeship-style  
20 training program that's in-house at SLED that's conducted  
21 under the supervision of other court-qualified examiners.

22 During my time in training, I completed multiple  
23 written and practical examinations, I assisted other  
24 court-qualified examiners to prep their cases and conducted  
25 many microscopic comparisons. At the conclusion of all

1 that training, I was given a multipart comprehensive final  
2 exam that included some mock casework. I successfully  
3 completed that part of my exam and was able to begin  
4 casework on my own at that time.

5 Q. What -- basically what do you do on a daily basis?

6 A. My job is to -- as a firearms examiner is to examine  
7 firearms and firearm components, such as a fired bullet  
8 or fired cartridge cases from a firearm. I can also  
9 look at tools and tool marks, conduct general rifling  
10 characteristic exams, so looking at a fired projectile  
11 that's submitted from a scene as evidence, determining what  
12 gun could have fired that bullet. We also conduct serial  
13 number restorations so when the number is obliterated on  
14 the gun we use special chemicals to raise that number to  
15 provide that to the investigators. I also conduct  
16 destructs. So agencies around the state of South Carolina  
17 submit their weapons for -- to be destroyed and I take care  
18 of that as well.

19 Q. How many examinations -- firearm examinations have you  
20 done over your career?

21 A. At this point it would be in the hundreds.

22 Q. Okay. And have you been offered in courts of record  
23 of this state as an expert and accepted as an expert in the  
24 field of firearm identification?

25 A. Yes, sir, I have.



1 MR. MEADORS: Your Honor, at this time the State  
2 would offer Special Agent Paul S. Greer as an expert in  
3 the field of firearm identification.

4 THE COURT: Mr. Griffith.

5 MR. GRIFFITH: No objection, Your Honor.

6 THE COURT: Okay. Ladies and gentlemen, we've  
7 discussed this previously with one of our other  
8 witnesses. Mr. Greer is qualified to give opinion  
9 testimony in the area of firearm identification. Just  
10 like any other witness, you can give that testimony  
11 whatever weight you feel it's entitled to.

12 BY MR. MEADORS:

13 Q. Tell me now how it works. How do you get firearms or  
14 ammunitions to examine? Where does it come from?

15 A. The evidence at SLED is submitted to the forensic  
16 services laboratory throughout -- from agencies around the  
17 state. It can be local city police, it can be the county  
18 sheriffs or other state or Federal entities will submit all  
19 their evidence to our lab in Columbia.

20 Q. So you're state-wide offering the services of a  
21 firearm examination to any agency that requests it?

22 A. That's correct.

23 Q. And in this case, did the Sumter County Sheriff's  
24 Department request that SLED, you, examine some items of  
25 potential evidence in this case?

1 A. Yes, sir, they did.

2 Q. And did you issue a report or reports?

3 A. I have issued two reports on this case.

4 Q. Can we go through and just for the record say what  
5 items that you did examine before you tell us what you did  
6 with them?

7 A. Yes, sir.

8 Q. I'm gonna show you -- let me save this because I think  
9 he's bringing something for this.

10 State's 98. I think that's a projectile. State's 96,  
11 State's 97, two projectiles from the body?

12 A. Yes, sir.

13 Q. Do you want me to go ahead and give you all of it and  
14 you go through it?

15 A. It doesn't matter.

16 This is the evidence that I examined. I do see that  
17 it is in the condition in which I returned it to our  
18 evidence control department to be picked up by the Sumter  
19 County Sheriff's Office. I see our lab number that's  
20 assigned at SLED, my initials and my seal date is still  
21 intact here at the bottom.

22 Q. And that's number what?

23 A. That is SLED Item 18, State's Exhibit 98.

24 Q. You're exactly -- thank you.

25 And these came in this container.

1 A. Okay. This is SLED Item 3, State's Exhibit 96, is one  
2 fired bullet and it is still in the packaging in which I  
3 returned it with my initials and seal date.

4 This is SLED Item 5, which is State's Exhibit 97, and  
5 it is in the packaging in which I returned it with my  
6 initials and seal date. This is one fired bullet jacket  
7 fragment, one bullet jacket fragment and one bullet core.

8 Q. And do you put your initials on there so you can come  
9 in like we're doing right now and tell them this is -- I  
10 know I examined this because my initials are on there?

11 A. Yes, sir. We also mark the evidence with our SLED lab  
12 number, the item number and the initials as well on top of  
13 the packaging.

14 Q. And I think the easiest thing for me is just to go  
15 through this if you'll allow me. State's 86.

16 A. This SLED Item 8 and it is one fired 9 millimeter  
17 Luger caliber cartridge case.

18 Q. 87.

19 A. This is SLED Item 10, State's Exhibit 87. That is one  
20 fired 9 millimeter Luger caliber cartridge case as well.

21 Q. State's 88.

22 A. This is SLED Item 11, which is one fired 9 millimeter  
23 Luger caliber cartridge case.

24 Q. State's 89.

25 A. This is SLED Item 12. It's one fired 9 millimeter

1 Luger cartridge case.

2 Q. State's 90.

3 A. This is SLED Item 9. This is also one fired  
4 9 millimeter Luger caliber cartridge case.

5 Q. 91.

6 A. SLED Item 7. One fired 9 millimeter Luger caliber  
7 cartridge case.

8 Q. 92. Sorry about that.

9 A. This is SLED Item 6. It's also a fired 9 millimeter  
10 Luger caliber cartridge case.

11 Q. 93.

12 A. This is SLED Item 13 and that is one fired bullet.

13 Q. And 94?

14 A. This is SLED Item 14, which is one fired bullet as  
15 well.

16 Q. This is State's 99, which has been entered into  
17 evidence. Can you look at this, describe it and explain if  
18 it's safe for you to do this in this courtroom and if this  
19 will help you use it or just tell us what State's 99 is.

20 A. Ladies and gentlemen, this gun is unloaded and it's  
21 safe for me to handle. I'll leave it pointed at myself for  
22 testimony, but State's Exhibit 99 is SLED Item 1. That is  
23 one Taurus Model G2c semiautomatic pistol, a 9 millimeter  
24 Luger caliber with a serial number of TMB50218, and also in  
25 the box there is a magazine and unfired 9 millimeter Luger

1 caliber cartridges.

2 Q. What did you just do?

3 A. I placed a zip tie through the magazine well and  
4 through the breech area so that way a cartridge cannot be  
5 loaded and this slide will not close completely.

6 Q. So it's not only now empty, you're pointing it at  
7 yourself, but now there's no way it could fire, correct?

8 A. That's correct.

9 Q. Thank you. Now, Special Agent, you've now got all  
10 these items in front of you that you were asked to examine  
11 and come up with some type of conclusions, correct?

12 A. Yes, sir.

13 Q. I'm gonna let you take over. Tell them what you did.

14 A. All right. Our main objective --

15 MR. GRIFFITH: Objection, Your Honor. Have those  
16 items been entered into evidence?

17 MR. MEADORS: Yes.

18 THE COURT: That was one of the --

19 MR. GRIFFITH: I didn't hear you enter them other  
20 than at the table there in front of the jury.

21 MR. MEADORS: I'm sorry. I thought we did that.

22 THE COURT: We did it off -- we did it on the  
23 record outside the jury's presence --

24 MR. GRIFFITH: Oh, it was on the record. Okay.

25 THE COURT: -- but let's just go ahead and say the

1 numbers for the record.

2 MR. GRIFFITH: No objection, Your Honor.

3 MR. MEADORS: Your Honor, I think those last ones  
4 were 96, 97, 98 and 99.

5 Isn't that right, the last four?

6 THE COURT REPORTER: Yes.

7 MR. MEADORS: 96 through 99.

8 THE COURT: I believe that's correct. Yes, sir.

9 MR. MEADORS: And I believe without objection.

10 MR. GRIFFITH: Without objection.

11 MR. MEADORS: I'm sorry I didn't make that clear.

12 BY MR. MEADORS:

13 Q. Go ahead.

14 A. Our main goal in firearms identification is to try and  
15 match or look at the fired components of those cartridge  
16 cases and bullets and try to link them back to a particular  
17 firearm. In a case such as this, and as I did in this  
18 case, I received evidence from our evidence control  
19 department who manages and maintains our evidence.

20 When I took that evidence into my custody to begin  
21 working this case and examining -- examining the evidence,  
22 I would have documented to make sure the evidence was  
23 sealed and as it should have been based on my submission  
24 paperwork from Sumter County Sheriff's Office.

25 Upon opening the evidence, I would document everything

1 with photographs, so as I'm opening it and the actual item  
2 itself. I would also complete our departmental worksheets  
3 to notate all of the items, the information and the  
4 characteristics that I see on those items, as well as the  
5 information from the firearm.

6 After I've determined and looked at all of those  
7 characteristics on the items of evidence in this case, the  
8 fired cartridge case, the fired bullet and the firearm and  
9 magazine and unfired cartridges, I would then look at the  
10 fired evidence under a comparison microscope.

11 A comparison microscope is just two microscopes that  
12 are joined together through an optical bridge, so that just  
13 means we can look at two things at one time looking through  
14 an eyepiece similar to a piece of binoculars.

15 We'll look at the evidence under magnification and  
16 determine those characteristics further. I would also  
17 examine the firearm to determine that it's functioning  
18 properly and safe for me to test-fire. I would test-fire  
19 the gun into our horizontal bullet recovery tank that we  
20 have at SLED. So we'll shoot the gun into water in order  
21 to obtain the fired cartridge cases from the gun and the  
22 fired bullets. I would then compare those test specimens  
23 to the evidence that I have in the case to determine if  
24 those characteristics are the same or if they're not the  
25 same or what other conclusion we may reach at that point.

1 Q. And you did that in this case?

2 A. Yes, sir.

3 Q. And what were your -- let's start off with the  
4 cartridge casings. Can you do that?

5 A. Yes, sir.

6 Q. Can you tell them specifically what you did with them  
7 to determine if they were similar and/or had been fired by  
8 the same firearm?

9 A. Yes, sir. I looked at the fired cartridge cases.  
10 Those were SLED Items 6 through 12 and State's Exhibits 86  
11 through 92 to determine the characteristics mainly on the  
12 -- the breech face and the primer and the firing pin of  
13 that cartridge and I determined that SLED Items 6 through  
14 12, States's Exhibits 86 through 92 were fired by the same  
15 firearm.

16 Q. And I know what that means, but what does that mean?  
17 How did you -- how did you come to that conclusion?

18 A. I looked at those cartridge cases under the microscope  
19 to look at the tiny scratches and the impressions that  
20 are visible on those cartridge cases to arrive at that  
21 conclusion.

22 Q. So SLED 6 through 12, State's 86 through 92, show  
23 cartridge casings were fired by the same firearm?

24 A. That's correct.

25 Q. Okay. What did you do with the projectiles that you



1 received, if anything?

2 A. All right. The projectiles, which was SLED Items 3,  
3 5, 13 and 14 and also Item 18, the State's Exhibits 96, 97,  
4 93, 94 and 98, I did the same thing basically. I looked at  
5 those scratches, we called them striations, but it's just a  
6 fancy word for scratches, that are on the -- exhibited in  
7 the rifling of those projectiles in order to determine if  
8 they were fired by the same gun, multiple guns under the  
9 microscope.

10 Q. Okay. And can you tell me the condition of the  
11 projectiles?

12 A. Yes, sir. Most of the projectiles had some sort of  
13 damage. SLED Item 5, State's Exhibit 97, was more heavily  
14 damaged than the others. It was -- it consisted of a fired  
15 bullet jacket fragment and the bullet jacket fragment and  
16 the core, so we don't say that those originated from the  
17 same source, but if they did they had all broken apart from  
18 each other.

19 Q. Okay. What were your findings as a result of the  
20 examination of the fired bullets?

21 A. Yes, sir. After examining the fired bullets, we  
22 determined that Item 3, Item 13 and Item 14, and that's  
23 State's Exhibits 96, 97 and 94, were most consistent with  
24 being bullets that are loaded into some 9 millimeter  
25 caliber cartridges.

1           As far as SLED Item 5, which is State's Exhibit 97,  
2     the fired bullet jacket and the bullet core were consistent  
3     with being a nominal 38, which is just kind of like an  
4     umbrella family -- general family caliber that includes  
5     9 millimeter Luger caliber as well. SLED Item 5 consisted  
6     of the other fragment and the bullet core. We were unable  
7     to do anything with those items. They were unsuitable for  
8     identification under the microscope.

9     Q.    What does that mean, they're unsuitable for  
10    identification?

11    A.    They did not exhibit any markings on them. Due to  
12    the damage that they sustained and due to the size of  
13    them, there was nothing visible that we could see under the  
14    microscope to use to identify it back to another bullet or  
15    to a particular firearm that could have fired it.

16    Q.    So your conclusions regarding the fired bullets was  
17    what?

18    A.    And, lastly, the fired bullets, SLED Items 3, 13,  
19    14 and Item 5, the fired bullet jacket, those were  
20    inconclusive with each other. That's just a fancy word  
21    for we don't know. There wasn't enough markings on those  
22    bullets that we could tell if they were fired by the same  
23    gun or if they were fired by multiple guns. That was,  
24    again, due to the damage and what had happened to them as  
25    they had travelled towards their target.

1 Q. It doesn't mean they couldn't have been fired from the  
2 same gun?

3 A. No, they could have been fired from the same gun. We  
4 just don't know forensically and scientifically to be able  
5 to say that.

6 Q. And is that surprising?

7 A. No, sir. Inconclusive is an answer that we arrive to  
8 in the lab. It's an acceptable answer especially due to  
9 the damage and just how the gun is marking when that bullet  
10 has been fired. Sometimes we're not able to tell.

11 Q. And all of the shell casings you examined were fired  
12 by one gun?

13 A. That's correct.

14 Q. And all of these projectiles could very well have been  
15 fired by that gun, you just can't say for sure, right?

16 A. There's no exam that we can do to match a bullet,  
17 which is the projectile, back to the cartridge case which  
18 holds it. So without having a gun to compare things to,  
19 we don't know if those bullets came out of those cartridge  
20 cases or not.

21 Q. Common sense would lead one down if there's seven  
22 casings and seven projectiles it could very well have come  
23 from those cartridge cases, correct?

24 A. It's possible.

25 Q. And if you had a gun that had fired those, you might

1 be able to tell, correct?

2 A. Yes, sir. In this case, we did have the SLED Item 1  
3 pistol, which is State's Exhibit 99, and we were able to  
4 tell as far as the cartridge cases and the fired bullets  
5 that they were not fired by SLED Item 1.

6 Q. So the SLED -- excuse me. Strike that, please. So  
7 State's 99, which is the gun that you've made sure can't  
8 fire, that gun was not used to fire the shell casings that  
9 you examined?

10 A. That's correct.

11 Q. And it was not used to fire the projectiles that you  
12 found?

13 A. That's correct.

14 Q. And that's -- you were not provided any other gun to  
15 try to compare with the shell casings or the projectiles,  
16 were you?

17 A. No, sir, I was not.

18 Q. And one way -- was there one way you were able to tell  
19 the fired bullet that had the grooves that went a certain  
20 way?

21 A. Yes, sir. On the bullets we were able to determine  
22 its general rifling characteristics for most of these.  
23 General rifling characteristics takes into consideration  
24 the caliber of the bullet and the rifling specifications.  
25 The rifling includes the lands and grooves and those on a

1 bullet go a certain direction typically, either to the left  
2 or to the right. And a manufacturer of a firearm can also  
3 put any amount of lands and grooves in their barrel of the  
4 pistol. In this case, the bullets that we received were  
5 all -- all had or were most consistent with having nine  
6 lands and grooves that went to the left. The pistol here,  
7 Item 1, State's Exhibit 99, had what we refer to as six  
8 rights. So it had six lands and grooves and it went to the  
9 right. So there's no way that we would be able to shoot a  
10 cartridge and receive a bullet out of this pistol that  
11 exhibited nine lands and grooves.

12 Q. And is there a type of weapon or different types of  
13 weapons that could have fired those projectiles?

14 A. Yes, sir. Based on a database that we have access to  
15 through our professional organization in firearm and tool  
16 mark identification, I was able to run the measurements  
17 from the projectiles we received from the scene through  
18 that database and determine that those projectiles could  
19 have been fired from a Hi-Point.

20 MR. MEADORS: I beg the Court's indulgence,  
21 Special Agent.

22 I beg the Court's indulgence. Excuse me.

23 BY MR. MEADORS:

24 Q. A projectile is what?

25 A. A projectile -- let's see if you can see it through

1 this packaging. I don't know if you can see it, but right  
2 down there in the bottom corner, that is the -- the bullet  
3 that actually travels down the barrel towards a target. In  
4 this case, it might be hard to see through the -- the glass  
5 there as well, but that travels down the barrel towards its  
6 target. That one you can see it.

7 Q. This is State's 96. That's -- that item in there is  
8 what you're saying the projectile is?

9 A. Yes, sir. If you're looking at a cartridge, it is  
10 this portion right here that is sticking out of the  
11 cartridge case that will leave the cartridge case when the  
12 cartridge is fired and travels down the barrel, so. Just  
13 this -- this portion here.

14 MR. MEADORS: Special Agent, thank you. That's  
15 all I have.

16 Thank you, Judge.

17 MR. GRIFFITH: May it please the Court, Your Honor?

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. GRIFFITH:

21 Q. Mr. Greer, you were just testifying about these  
22 bullets, I mean, the projectiles. And the projectiles you  
23 were talking about, Items 3, 5, 13 and 14 being physical --  
24 I'm looking at Item 14 on your report, and those being  
25 microscopically compared with each other, and your second

1 bullet under that Item 14 says based on its observable  
2 physical characteristics the Item 5 fired bullet jacket  
3 fragment and bullet core were consistent with having been  
4 the jacket portion and core of jacketed bullets loaded  
5 into some nominal 38 caliber cartridges, which includes  
6 9 millimeter Luger caliber among others. This is your  
7 statement; is that correct?

8 A. Yes, sir.

9 Q. And so that means it could have come from a 38; isn't  
10 that correct?

11 A. It's in that nominal 38 caliber family. If you don't  
12 mind --

13 Q. Well, it would just be like a yes or no. It could  
14 come from a 38, correct?

15 A. It's possible, but based on the characteristics that  
16 we saw we felt that it was most consistent with measuring  
17 and having the dimensions of a 9 millimeter Luger caliber.

18 Q. A 9 millimeter and a 38 millimeter bullet are the same  
19 size, aren't they?

20 A. They have similar dimensions, but they're not exactly  
21 the same.

22 Q. But that's why it says loaded in some nominal 38  
23 caliber cartridges because they are are very similar; isn't  
24 that correct?

25 A. I'm sorry, are we just referring to Item 5?

1 Q. Specifically referring to Item 5.

2 A. All right. Yes, sir. So a 9 millimeter Luger  
3 caliber, when we were looking at this, it was most  
4 consistent. And that's just the fired bullet jacket  
5 fragment and the core. It was most consistent with what  
6 we thought would be from a 9 millimeter Luger. We --  
7 as you see, we didn't eliminate the other ones, but we  
8 felt after looking at it, taking into consideration  
9 its weight and the length of the bullet, as 38 caliber  
10 cartridges have different grain weights of bullets than  
11 9 millimeter Lugers, we felt most comfortable with it  
12 being a 9 millimeter.

13 Q. But in your report, Item 14, the second bullet, you  
14 said the bullet core were -- et cetera, et cetera, were  
15 consistent with having been the jacket portion and core  
16 of jacketed bullets loaded into some nominal 38 caliber  
17 cartridges and where you -- there you inserted a comma  
18 which includes 9 millimeter Luger caliber among others.

19 MR. GRIFFITH: May it please the Court, may I  
20 approach?

21 THE COURT: Yes, sir.

22 BY MR. GRIFFITH:

23 Q. Mr. Greer, would you identify this, please.

24 A. This appears to be a copy of the report that I issued,  
25 yes, sir.



1 Q. Thank you.

2 MR. GRIFFITH: Your Honor, at this time we would  
3 like to enter into evidence, provided to me by the  
4 State -- no objection to this?

5 MR. MEADORS: No objection.

6 MR. GRIFFITH: -- as Mr. Greer's report and noting  
7 that Item 14 on this report is where I've been talking  
8 from.

9 Isn't that correct? And do you want it to look  
10 at it?

11 THE WITNESS: No. Well, yes, sir, the result is  
12 underneath Item 14, but that specific bullet point that  
13 we're talking is referencing Item 5, SLED Item 5.

14 MR. GRIFFITH: SLED Item 5, yes.

15 THE COURT: That will be Defendant's Exhibit 1;  
16 is that correct?

17 THE COURT REPORTER: Yes.

18 (Defendant's Exhibit Number 1, a ballistics  
19 report, was marked and admitted into evidence.)

20 BY MR. GRIFFITH:

21 Q. And so that whole section talks about Number 5  
22 being inconsistent with the others in that you were  
23 unable to make certain determinations on that one and  
24 you specifically said loaded in some nominal 38 caliber  
25 cartridges; isn't that correct?

1 A. The Item 5 fired bullet jacket fragment and bullet  
2 core were consistent with having been the jacket portion  
3 and core portion loaded into some nominal 38 caliber  
4 cartridges, correct.

5 MR. GRIFFITH: Okay. Thank you. I have no  
6 further questions.

7 REDIRECT EXAMINATION

8 BY MR. MEADORS:

9 Q. He entered a report. You mentioned you'd done two  
10 reports. I'm asking you to look at this to see if this is  
11 a supplemental report.

12 MR. MEADORS: Let's get it marked. It will  
13 be 100.

14 MR. GRIFFITH: I object, Your Honor. This  
15 appears to be written by a different scientist, that  
16 is Mr. Brewer.

17 MR. GRIFFITH: Okay.

18 (State's Exhibit Number 100 was marked for  
19 identification.)

20 BY MR. MEADORS:

21 Q. Do you recognize State's 100?

22 A. Yes, sir. This appears to be a copy of my  
23 supplemental report.

24 MR. MEADORS: And, Your Honor, I believe without  
25 objection State's 100.

1 MR. GRIFFITH: Without objection, Your Honor.

2 (State's Exhibit Number 100, a supplemental  
3 ballistics report, was admitted into evidence.)

4 BY MR. MEADORS:

5 Q. And what is your sup -- you've already testified to  
6 this?

7 A. Portions.

8 Q. Go ahead. What is -- when you say portions, what do  
9 you mean?

10 A. We did identify the bullet earlier here as State's  
11 Exhibit 98.

12 Q. That's what I was asking.

13 A. Yes.

14 Q. Okay. And when you summarized and talked about the  
15 bullets, you were including this particular bullet, 98?

16 A. Not with the results of comparisons.

17 Q. Okay. And could that bullet have been fired -- where  
18 could it have been fired from?

19 A. State's Exhibit 98, which is the fired bullet here,  
20 SLED Item 18, was determined to be most consistent with  
21 being a 9 millimeter Luger caliber. Based on its rifling  
22 characteristics, I entered that information also into our  
23 database to determine what gun could have fired it and it  
24 was determined that it could have been fired by a Hi-Point  
25 firearm. This bullet in relation to SLED Item 1, State's

1 Exhibit 99, which is the pistol, it was determined that it  
2 could not have been fired by this gun.

3 Q. And what type of gun is State's 99?

4 A. State's 99 is a Taurus brand Model G2c semiautomatic  
5 pistol.

6 MR. MEADORS: I beg the Court's indulgence.

7 MR. MEADORS: That's all we have. Thank you.

8 MR. GRIFFITH: Redirect {sic}, Your Honor,  
9 briefly.

10 CROSS-EXAMINATION

11 BY MR. GRIFFITH:

12 Q. In summary, Mr. Greer, and thank you by the way for  
13 coming and giving -- offering your expertise, none of  
14 the bullets that were collected there came from that  
15 gun. That's basically what you're telling us; isn't that  
16 right?

17 A. The bullets that we were able to examine and see the  
18 rifling on were determined not to have been fired from this  
19 pistol.

20 Q. Okay. So that pistol had nothing to do with this; is  
21 that correct?

22 A. Not that we were able to tell.

23 Q. That you were able to tell?

24 A. Yes.

25 MR. GRIFFITH: Okay. Thank you.

1 THE COURT: Thank you, sir. You can step down.

2 THE WITNESS: Thank you, ma'am.

3 (Witness excused.)

4 MR. MEADORS: Your Honor, I don't know if he wants  
5 to stay. Can he be excused if he wants to?

6 THE COURT: Any objection?

7 MR. GRIFFITH: I have no objection to him leaving.

8 MR. MEADORS: The State would call Investigator  
9 -- excuse me, Special Agent Randy Stewart.

10 BAILIFF: Raise your right hand. State your name.

11 THE WITNESS: Randall Stewart.

12 (Whereupon, Randall Stewart was duly sworn by the  
13 bailiff.)

14 BAILIFF: State your name for the record and spell  
15 your last name, please.

16 THE WITNESS: Randall Stewart, S-T-E-W-A-R-T.

17 RANDALL STEWART,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. MEADORS:

21 Q. Good afternoon, Special Agent Stewart.

22 A. Good afternoon, sir.

23 Q. Will you please tell the ladies and gentlemen about  
24 Randy Stewart, where you're from, your background and  
25 training and training in law enforcement, please.

1 A. Randall Stewart. I'm retired military from Shaw Air  
2 Force Base. While I was stationed here at Shaw, I got  
3 hired by Sumter County as a Class III reserve deputy where  
4 I spent ten years working in the reserve program and  
5 helping manage the program. 2015 I retired and got a  
6 full-time job with the sheriff's office as a criminal  
7 investigator. In the year 2020, last year, I accepted a  
8 position with SLED as a criminal investigator for the  
9 Pee Dee region.

10 Q. And where do you work for SLED?

11 A. I have a regional office in Florence and I cover  
12 eleven counties in the Pee Dee region.

13 Q. In August of -- on August 16, 2019, your role for  
14 Sheriff Dennis was what?

15 A. I was a criminal investigator, senior investigator,  
16 with the sheriff's office.

17 Q. All right. And you're the chief investigator on this  
18 case?

19 A. Yes, sir.

20 Q. Can you tell these folks how you got involved?

21 A. I was aware that the incident happened on that  
22 particular Friday. As an investigator, we -- the sheriff  
23 makes sure when major incidents happen -- I was not the  
24 on-call investigator, so I did not respond to the scene  
25 that Friday night. On Sunday, our lieutenant, trying to

1 figure out and make progress in the case contacted me,  
2 asked me to come assist and I met at the hospital where we  
3 attempted to interview the victim Ms. Bracey. We went to  
4 -- visited the scene. We interviewed neighbors, witnesses,  
5 we got tips on the case, and during that progress the  
6 lieutenant assigned me as lead investigator.

7 Q. You said you attempted to interview Ms. Bracey?

8 A. Yes, sir.

9 Q. Was that difficult?

10 A. Yes, sir.

11 Q. Why?

12 A. She was still here at Toomey in Sumter and the other  
13 two victims had been transferred to Columbia in Richland  
14 Hospital and when I met with her she just could not provide  
15 any useful information. So after speaking with the doctors  
16 and family members, there were mental health concerns, so I  
17 couldn't rely on her for reliable information.

18 Q. And she has been here at the first of the trial and  
19 may be here later, correct?

20 A. Yes, sir.

21 Q. And were you able to speak to Mr. Graham initially or  
22 did you have a chance to?

23 A. I did not. I had another investigator go to Columbia  
24 for me on Monday.

25 Q. Okay. So at this point you had three people shot?

1 A. Yes, sir.

2 Q. You knew where it happened?

3 A. Yes, sir.

4 Q. What did you do in your investigation?

5 A. On that Sunday, we re-examined the scene. I got  
6 with crime scene, got trajectory and where the shots had  
7 gone. We verified that rounds had gone into the neighbors.  
8 We spoke with those, collected information. We got  
9 information both from -- partial information from  
10 Ms. A.G. , but I couldn't speak to her because she'd  
11 made it to Columbia.

12 That information along with neighbors and witnesses  
13 in the American Mobile Home Plaza, as well as a tip that  
14 came in, all the information came back that there was an  
15 individual -- there were two individuals at the scene; one  
16 with long dreads, one that had short hair. One of the  
17 individuals was a Quontrel or a Quordel or some type of  
18 name like that. He was driving a Ford Fusion, he lived in  
19 Windsor City and he was friends with Mr. Graham, and I knew  
20 all of that on Sunday.

21 Q. Armed with that information, what did you do?

22 A. We sat down and table topped hypotheses trying to  
23 figure out where to go. We were waiting on evidence to be  
24 processed at the lab, we were waiting on the health status  
25 of our victims for them to get stabilized so we could



1 eventually interview them in Columbia and then we met back  
2 on Monday.

3 Q. Did at some point you receive a call from a Kwodel  
4 Johnson?

5 A. While we were in the office on Monday away from my  
6 desk, I missed a phone call and I had a voicemail message  
7 on my phone. When I checked that phone, I'd received a  
8 message from a person who identified himself as Kwodel  
9 Johnson. He didn't know how his name got in this  
10 investigation and he wanted to get his name out of it.

11 Q. What date was that?

12 A. That was on Monday, August 19th.

13 Q. Of 2019?

14 A. Yes, sir.

15 Q. Now they're entered into evidence, but at some point  
16 did State's 96 and 97 -- the sheriff's investigators get  
17 the projectiles from Shamika?

18 A. Yes, sir. One of the -- one crime scene technician  
19 received the projectile from Ms. Shamika Bracey that Friday  
20 when she went into surgery and the other one was brought  
21 back from Columbia by the investigator that spoke with  
22 Willie Graham.

23 Q. And that was Nelson Rosario --

24 A. Nelson Rosario, yes, sir.

25 Q. -- who testified yesterday? And those are 96 and 97

1 that are in evidence, correct?

2 A. Yes, sir.

3 Q. Okay. Were you able to talk with Kwodel Johnson?

4 A. Once I received the voice message from him, I  
5 immediately just researched it because the name was so  
6 strikingly similar to the information I knew from Sunday.  
7 I was spelling it with a Q, he spells it with a K. So  
8 once I got his name, I identified him. I pulled up his  
9 drivers license. He is a black male in his early twenties.  
10 He had long dread hair. He was registered a 2006 Ford  
11 Fusion, he lived in Windsor City and he had a background  
12 address in Orangeburg.

13 Q. So that was a break in the case?

14 A. Major break in the case.

15 Q. Okay. What did you do next?

16 A. Once we verified Mr. Kwodel Johnson's information, I  
17 put it together and sent it to SLED Fusion Center and  
18 obtained a six-photo lineup and then I sent that with  
19 Investigator Rosario to Columbia.

20 Q. So you requested the lineup from SLED?

21 A. Yes, I submitted it through their secured online  
22 website.

23 Q. Okay. And when you're asking for a lineup, what are  
24 -- what are you hoping for and what does SLED provide in  
25 your opinion?

1 A. SLED has its own group of analysts in a specialized  
2 controlled program inside the Fusion Center. We submit  
3 drivers license information and say we need a photo lineup,  
4 the computer program and the analysts compile six  
5 photographs, five of them being very similar in nature to  
6 the person, and they send that back to us through the  
7 secure website.

8 Q. And State's -- what's already been entered as  
9 State's 13, was that the lineup that included Mr. Kwodel  
10 Johnson?

11 A. That is the lineup I received back from SLED.

12 Q. And you asked who to go show it to Mr. Graham?

13 A. Investigator Nelson Rosario was headed to Columbia and  
14 I provided him that information.

15 Q. Had it come up in your investigation whether or not  
16 Mr. Graham knew Mr. Kwodel Johnson prior to this date?

17 A. Yes, the neighbors and witnesses had already said  
18 that someone of that similar name was there and that they'd  
19 already seen him in the neighborhood before visiting  
20 Mr. Graham.

21 Q. Once you had confirmed that was Kwodel Johnson, what  
22 did you do, if anything?

23 A. Once the victim himself confirmed that identity, then  
24 I knew that he was at the scene, I knew he fled with the  
25 person he had brought with him who was identified as the

1 shooter, we just didn't know that other person's name, then  
2 I obtained warrants for Mr. Kwodel Johnson in relation to  
3 this crime.

4 Q. And when was the first time you met or saw Mr. Kwodel  
5 Johnson and where?

6 A. Well, once we got information on where he might be, we  
7 worked with the Orangeburg County Sheriff's Office and he  
8 was in a roadside motel down in Orangeburg where some of  
9 his family members were and we coordinated with Orangeburg  
10 County and they assisted in taking him into custody. That  
11 was Monday night going into Tuesday morning.

12 Q. And I need a date, please.

13 A. That was Monday the 19th just after midnight going  
14 into Tuesday the 20th.

15 Q. And when he was arrested in a motel, was -- were any  
16 items of evidence found there?

17 A. Yes, when he was taken into custody in the hotel, he  
18 had a firearm under his bed, which I took into evidence.  
19 I seized that from him and turned that in.

20 Q. And that's State's 99?

21 A. Yes, sir.

22 Q. Staying on August 19th, Investigator, was Kwodel  
23 Johnson Mirandized and talked to initially on August 19th?

24 A. Yes, at the scene where he was taken into custody  
25 by Orangeburg and custodially transferred to us he was

1 Mirandized right there in the parking lot because we were  
2 seizing his car and we were waiting on a tow truck and  
3 while he was there I provided him his Miranda and asked if  
4 he wanted to speak and he gave some information right  
5 there.

6 Q. And were you in court previously when I asked him if  
7 he had spoken to you in August or September referring to  
8 this case?

9 A. Yes, sir.

10 Q. And were you in the courtroom when I asked him if he  
11 had spoken with you in this courtroom last week?

12 A. Yes, sir.

13 Q. And were you in here when he said he had not told you  
14 that Nikeen Johnson was the shooter?

15 A. Yes, I was.

16 Q. And on August 19th when you initially talked to him,  
17 who did he tell you the shooter was?

18 A. He identified his cousin Nikeen Johnson as being the  
19 person that shot --

20 MR. GRIFFITH: Objection as to this is hearsay,  
21 Your Honor.

22 THE COURT: Do you want to respond, Mr. Meadors?

23 MR. MEADORS: Yes, ma'am. 613(b) extrinsic evidence  
24 of prior inconsistent statement of a witness.

25 THE COURT: You usually see that introduced while

1 the person you're impeaching is still on the stand. Let  
2 me just take a look at it.

3 I'm gonna allow it under 613(b).

4 BY MR. MEADORS:

5 Q. On August 19th of 2019, did Mr. Kwodel Johnson tell  
6 you who the shooter was of Mr. Graham?

7 A. Yes, he did.

8 Q. Who did he say?

9 A. He said Nikeen Johnson.

10 Q. Did you know that before then?

11 A. No, sir.

12 Q. Would you have known that any other way?

13 A. That was the only way I found out Mr. Nikeen Johnson's  
14 name was through Kwodel.

15 Q. And did you have occasion to talk to Kwodel Johnson  
16 after that?

17 A. Yes, he was transferred back to Sumter county on the  
18 outstanding warrants and then he came in Tuesday morning  
19 and sat down and had an interview with me.

20 Q. Okay. And, again, you were in here earlier today when  
21 he denied that he had told you that he saw the defendant,  
22 Nikeen Johnson, shoot him, correct?

23 A. Correct.

24 Q. Did he tell you when you spoke with him on the 20th  
25 that he had seen Nikeen Johnson shoot him?

1 A. He did tell me that in his interview.

2 Q. What specifically did he tell you?

3 A. He said that as he went down the steps he heard  
4 gunshots and he saw Nikeen coming out the door behind him  
5 firing multiple times and he heard six to seven shots.

6 Q. Did he tell you -- were you in earlier today when he  
7 said he did not know whether or not Nikeen Johnson had a  
8 gun on him this day?

9 A. Yes, sir.

10 Q. Did he tell you on August 20th of 2019 anything  
11 specifically about whether he knew Nikeen Johnson had a  
12 gun on him?

13 A. He said that Nikeen Johnson had a gun. It was  
14 different from Kwodel's gun.

15 Q. And on page seven of your report, did he mention to  
16 you whether or not he had seen it on this -- seen him and  
17 whether he had it that day?

18 A. Nikeen had shown him the gun prior to this incident  
19 and he knew Nikeen had a gun on his person.

20 Q. Did he tell you whether or not there had been any  
21 tension between the defendant and Mr. Graham?

22 A. He explained that when they arrived there seemed to  
23 be some -- that Mr. Nikeen and Mr. Graham just seemed to  
24 not get along from the beginning and there was tension  
25 through the course of while they were there socializing.

1 Q. And did he tell you that he -- he thought he heard  
2 Mr. Graham say he was going to get a gun?

3 A. He told me that he thought he heard Graham say that he  
4 was going to go get a gun.

5 Q. Did he tell you he had never saw Mr. Graham with a  
6 gun?

7 A. Yes, when I -- I verified did Mr. Graham have a weapon  
8 in his hand or did he ever see Mr. Graham, the victim, with  
9 a gun when he was being fired at and he said no.

10 Q. After you get this information that Nikeen Johnson is  
11 the shooter, what do you do?

12 A. Once we verified that information from Mr. Kwodel,  
13 we repeated the same process and we got a photo lineup  
14 on Nikeen Johnson now that I knew his name and identity,  
15 submitted that to SLED for a six-photo lineup and I  
16 received that and Nelson Rosario was going back to  
17 Columbia later that same day so we repeated the same  
18 process on Tuesday.

19 Q. And that's State's 15?

20 A. Yes, sir.

21 Q. And -- and, again, what type of features are you  
22 looking for when you put a particular suspect in a lineup?

23 A. The analyst and the program, they define similarity  
24 features between their facial structure, facial hair, skin  
25 tones and the program automatically compiles it together



1 and that's all controlled by SLED.

2 Q. And with an ideal lineup, do you want it to be  
3 suggestive or non-suggestive?

4 A. Non-suggestive.

5 Q. And I believe there was a body camera showing  
6 Mr. Graham picked out Mr. Nikeen Johnson; is that correct?

7 A. Yes, the victim ID'd -- identified Mr. Johnson as the  
8 person who shot him.

9 Q. Now your -- based on your investigation had they ever  
10 known each other before?

11 A. No, sir. I found no connection. The victim himself  
12 stated that. Even the co-defendant Kwodel said that Nikeen  
13 had never been there before, none of the other people in  
14 the neighborhood knew anything about Nikeen at all. They  
15 had never seen him. He was not from Sumter.

16 Q. And did -- did Mr. Kwodel Johnson mention a machete to  
17 you in your statements?

18 A. Yes, he did. He said that at some point earlier that  
19 evening while it was still daylight before the rain started  
20 that Mr. Graham had gotten frustrated about something and  
21 that he had a machete in his hand, but then he had put the  
22 machete down and some time had passed before the incident  
23 happened.

24 Q. He said nothing occurred and things calmed down?

25 A. Correct.

1 Q. Were you in this courthouse last -- courthouse last  
2 week?

3 A. Yes, sir, I was here.

4 Q. Did you have an occasion to meet with Kwodel Johnson?

5 A. Yes, sir.

6 Q. And were you in this courtroom when I specifically  
7 asked him if he remembered talking to you in this  
8 courthouse last week?

9 A. Yes, sir.

10 Q. And were you here when he said he denied that he had  
11 told you that he saw a gun --

12 A. Yes, sir.

13 Q. -- on Mr. Nikeen Johnson?

14 A. Yes, sir.

15 Q. And did Mr. Kwodel Johnson tell you in this courthouse  
16 last week that he had seen a gun on Mr. Nikeen Johnson?

17 A. Yes, he said he saw a gun on his person, in his hand,  
18 he saw him firing it. When he got into the vehicle behind  
19 Mr. Kwodel, he had the gun in his lap and that he was very  
20 angry.

21 Q. And that was last week?

22 A. He told me that last week in this courthouse.

23 Q. After Mr. Graham picked out Mr. Nikeen Johnson as the  
24 shooter, what did you do?

25 A. Based on the fact that he was identified by the

1 co-defendant, he was identified by the victim Graham,  
2 Ms. A.G. also had a forensic interview conducted as  
3 well.

4 Q. Were warrants taken out for Mr. Nikeen Johnson?

5 A. Based on all that information, I obtained warrants  
6 for Mr. Nikeen Johnson for being responsible for this  
7 shooting.

8 Q. And when was Nikeen Johnson -- well, let me ask you  
9 this first. Was the fact of this -- the arrest warrant  
10 put out in the media?

11 A. Yes, sir. He was featured -- when we submit wanted  
12 persons, not only social media, but we can have the news  
13 media focus on specific regions such as the Sumter-Columbia  
14 area. Knowing he was from Orangeburg, it was included in  
15 news broadcasts down there as well.

16 Q. And did you -- when was Nikeen Johnson arrested?

17 A. He was taken into custody in September. September  
18 13th I was notified via a point of contact in the U.S.  
19 Marshals that he was taken into custody in New York.

20 Q. And from the time a warrant was placed on him until  
21 he was placed into custody in New York, were you actively  
22 looking for him?

23 A. Yes, sir.

24 Q. And in addition to the media, was it put out in the  
25 community or his family that you were looking for him?

1 A. Yes, sir. I personally coordinated with the  
2 Orangeburg County Sheriff's Office and SLED agents at the  
3 time. We visited family members in Columbia, down in  
4 Orangeburg city, down in Bowman where his family was. I  
5 spoke with his mother, I spoke with his stepfather. I  
6 attempted to interview his girlfriend.

7 Q. And before his arrest, did you receive information of  
8 where he might be?

9 A. Yes. The mother, when I spoke with her, she had  
10 provided me a phone number where he had called her on his  
11 birthday and then the ex-stepfather, Mr. Lenny Battles,  
12 contacted me and he had contacted him as well via what's  
13 called a Text Now phone number. It's an app you can  
14 download on your phone and generate a random number, so I  
15 did a search warrant on that Text Now number and they both  
16 came back to IP addresses in New York City.

17 Q. And is Mr. Nikeen Johnson that you arrested for three  
18 counts of attempted murder in the courtroom?

19 A. Yes, sir.

20 Q. Would you please point him out?

21 A. He is sitting over there with his attorney.

22 MR. MEADORS: I beg the Court's indulgence.

23 Thank you. That's all.

24 MR. GRIFFITH: Please the Court, Your Honor?

25 Thank you.

## 1 CROSS-EXAMINATION

2 BY MR. GRIFFITH:

3 Q. Investigator Stewart, were you involved in -- after  
4 Mr. Nikeen Johnson was brought back to South Carolina, were  
5 you involved in an attempt to interview him?

6 A. Yes, he -- I was informed that he wanted to speak with  
7 me. He was transported from the jail up to the sheriff's  
8 office as an opportunity for an interview.

9 Q. Okay. And you read him his Miranda rights at that  
10 time?

11 A. Of course.

12 Q. And, of course, under Miranda he has a right to remain  
13 silent. He was informed that he had a right to remain  
14 silent and have an attorney present when being questioned;  
15 isn't that correct?

16 A. That is standard, yes, sir.

17 Q. And that's what you told him; isn't that correct?

18 A. Yes, sir.

19 Q. And he invoked his rights not to make a statement;  
20 isn't that correct?

21 A. Correct. During the interview I asked if he wanted  
22 to tell me his story, he began to ask me questions and I  
23 advised him that if -- that it would work the other way,  
24 he could provide me information and answer my questions  
25 if he wanted and he said he wanted an attorney, so the

1           MR. MEADORS: Judge, I thought this was entered.  
2           It's just 95 ID. I just made a mistake. I think  
3           there's an agreement between the parties. If it's  
4           okay with you, I'm just gonna when the jury comes back  
5           out say, Your Honor, we're offering 95. This was found  
6           by Investigator Stewart in Kwodel Johnson's car and  
7           we're offering it without objection. He's okay with  
8           that if you are.

9           MR. GRIFFITH: I have no objection, Your Honor.

10          THE COURT: Okay.

11          MR. MEADORS: And then we'll rest.

12          THE COURT: Okay. While we've got the jury out,  
13          let's go ahead and discuss whether Mr. Johnson's going  
14          to testify.

15          Do you have his NCIC?

16          MR. MEADORS: I do.

17          THE COURT: Do you have a copy of it?

18          MR. GRIFFITH: Mr. Johnson has opted not to testify,  
19          Your Honor.

20          THE COURT: Okay. And that's your decision, sir?

21          THE DEFENDANT: Yes, ma'am.

22          THE COURT: Let me just go ahead and go through my  
23          little spiel with you.

24          You understand from what we talked previously that  
25          if you chose not to testify I would instruct the jury

1     that that is your constitutional right and, of course,  
2     I'll tell them that they cannot even discuss that during  
3     their deliberations and, of course, I will do that, but  
4     it's your decision to make.

5             And so you've consulted with your attorney about  
6     your decision not to testify?

7             THE DEFENDANT:   Yes, ma'am.

8             THE COURT:   And that's your decision?

9             THE DEFENDANT:   Yes, ma'am.

10            THE COURT:   All right.   I guess what -- let's --  
11     can we do this?   Can I go ahead and hear any motions  
12     that you have for directed verdict or anything like  
13     that, Mr. Griffith?

14            I know that the State needs to rest on the record  
15     with the jury present, but can we agree to go ahead  
16     and hear the motions out of turn so that I don't have  
17     to bring the jury back and have you rest, Mr. Meadors,  
18     and then immediately have them leave again?

19            MR. GRIFFITH:   Your Honor, we would move for a  
20     directed verdict in that the State has not their proven  
21     burden of proof that Mr. Johnson was, indeed, guilty  
22     of attempted murder.   They have, of course, shown that  
23     he was present and that the bullets were fired, but  
24     they have not proven attempted murder, Your Honor, and  
25     we would ask for a verdict on that.

1           THE COURT: Mr. Meadors, do you want to respond,  
2 sir?

3           MR. MEADORS: May it please the Court? Under  
4 the rules, I think the standard at this time is any  
5 evidence. We think we've shown through witnesses that  
6 there were multiple gunshots fired into a dwelling  
7 striking three individuals, some of them multiple times,  
8 and that we can infer malice and intent to kill through  
9 that evidence.

10          THE COURT: I do think there is sufficient  
11 evidence for this to be a jury question and so I'm gonna  
12 respectfully deny your motion for directed verdict.

13          I know we need to talk about jury charges, so let's  
14 get the jury in.

15          MR. MEADORS: Can I approach on personal matter  
16 with Mr. Griffith?

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

18          MR. GRIFFITH: Your Honor, will we will closing  
19 today?

20          THE COURT: We're gonna go ahead and release the  
21 jury. We're gonna have a conference immediately after  
22 I release the jury on the jury charges so that you'll  
23 have a copy of that. I'll give you that this evening  
24 so you'll have that in advance of your closing --

25          MR. GRIFFITH: Okay.



1           THE COURT:  -- and then we would do charges and  
2 instructions first thing in the morning.

3           MR. GRIFFITH:  Closing in the morning, charges  
4 and instructions?

5           THE COURT:  Yes, closing and jury instructions.

6           MR. GRIFFITH:  Thank you, Your Honor.

7           (Whereupon, the jury returns to the courtroom at  
8 3:50 PM.)

9           BAILIFF:  Jurors all seated, Your Honor.

10          MR. MEADORS:  May it please the Court?

11          THE COURT:  Yes, sir.

12          MR. MEADORS:  Your Honor, I neglected to ask  
13 Investigator Stewart about State's 95 for identification.  
14 Defense counsel and I have agreed that the testimony  
15 would be that Investigator Randy Stewart found State's 95  
16 in Kwodel Johnson's car.

17          MR. GRIFFITH:  Without objection, Your Honor.

18          THE COURT:  State's 95 in evidence.

19          (State's Exhibit Number 95, a wallet, was admitted  
20 into evidence.)

21          MR. MEADORS:  Your Honor, the State rests.

22          THE COURT:  Mr. Griffith?

23          MR. GRIFFITH:  Your Honor, the defense rests.

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

25          Ladies and gentlemen, we're gonna go ahead and

1 release you for the evening. We have a number of  
2 legal issues that we're gonna take up outside of your  
3 presence. I'm gonna ask that you be back at 9:45  
4 tomorrow.

5 When you return, we'll go straight into closing  
6 arguments and then my instruction on the law and then  
7 you'll be deliberating and you'll reach your verdict.

8 One more time, please don't discuss the case with  
9 anyone overnight. We'll see you at 9:45 tomorrow.

10 MR. GRIFFITH: Your Honor, may it please the Court?

11 THE COURT: Yes.

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

13 THE COURT: Okay. Have a good night.

14 (Whereupon, the jury was excused for the evening  
15 at 3:52 PM.)

16 THE COURT: Okay. Let's talk about charges.

17 Do either side have any charges you want to hand  
18 up to me?

19 MR. MEADORS: Your Honor, the only one, I don't  
20 have it with me, but State v. Mouzon as far as malice,  
21 and I can e-mail that to both of y'all probably in  
22 thirty minutes. That would be the only addition I'd  
23 have if you'd consider it.

24 MR. GRIFFITH: Your Honor, we would ask the  
25 Court to consider 16-11-440(C), which is basically

1 self-defense.

2 THE COURT: Okay. So you're requesting a charge  
3 on self-defense?

4 I guess I need to see, Mr. Meadors, your proposed  
5 charge on malice.

6 MR. MEADORS: Yes, ma'am.

7 THE COURT: What -- let me tell you what I've  
8 got on my standard charges. Of course, it's multiple  
9 charges, that they've got to consider each count  
10 separately. They can be -- he can be convicted or  
11 acquitted on any or all of the offenses charged,  
12 separate verdicts of guilty or not guilty for each  
13 charge, presumption innocence, reasonable doubt, duties  
14 of the trial judge and jury, direct and circumstantial  
15 evidence, credibility of witnesses, failure of the  
16 defendant to testify will not be used against him,  
17 expert witnesses.

18 I have a section on prior inconsistent statements  
19 and I have a section on attempted murder.

20 It's just the portion on malice. So malice is  
21 hatred, ill will or hostility toward another person.  
22 It is the intentional doing of a wrongful act without  
23 just cause or excuse and with an intent to inflict an  
24 injury or under circumstances that the law will infer  
25 an evil intent. That's just out of the bench book.

1           So I've got, of course, the charge on attempted  
2 murder and I have the -- a charge on transferred intent.

3           And I'm gonna print this out to you so y'all can  
4 see the language.

5           I will include a charge on self-defense and then  
6 if you'll just -- I guess I need to see the language  
7 that you're proposing with respect to malice.

8           MR. MEADORS: Yes, ma'am. I'll get that to you  
9 as soon as I go downstairs.

10          THE COURT: Anything else that y'all think is  
11 appropriate?

12          MR. MEADORS: So you are gonna charge self-defense?

13          THE COURT: Yes, sir.

14          MR. MEADORS: Okay.

15          MR. GRIFFITH: Your Honor, I was thinking that  
16 should we try to do some charges for lesser includeds,  
17 particularly on the ladies not being attempted murder,  
18 but, you know, they're basically if -- if Mr. Johnson  
19 were to be culpable for their injuries, then I wouldn't  
20 call it attempted murder, like injury to persons or --  
21 or an assault, of course, with a deadly weapon, that  
22 would be pretty serious, but injury to persons or  
23 property.

24          MR. MEADORS: I think ABHAN would be, I mean, the  
25 first to consider as a lesser.

1           MR. GRIFFITH: But I'm trying to go in the flow  
2 of, okay, it was not intentional, it was basically  
3 almost like involuntary manslaughter would be, but  
4 involuntary assault on a person.

5           THE COURT: All right. So we've got ABHAN under  
6 16-3-600(B)(1)(a) where the level of injury is unlawfully  
7 injures another resulting in great bodily injury. Under  
8 the (b) section, unlawfully injures another and act is  
9 accomplished by means likely to produce death or great  
10 bodily injury.

11           I don't think it really matters which subsection  
12 we go under, so I mean ABHAN is -- would fall under a  
13 lesser included.

14           MR. MEADORS: I would 100 percent agree with that.  
15 No question about it.

16           MR. GRIFFITH: But, Your Honor, do the elements  
17 include malice aforethought? I mean, a mens rea element?

18           MR. MEADORS: Not for ABHAN.

19           MR. GRIFFITH: Not for ABHAN. And so that's what  
20 I'm intending, is that there was no mens rea.

21           THE COURT: Let me pull up the elements.

22           Okay. Assault and battery of a high and aggravated  
23 nature, if the person unlawfully injures another person  
24 and great bodily injury to another person results or the  
25 act is accomplished by means likely to produce death or

1 great bodily injury.

2 So there's no requirement that there's any kind  
3 of premeditation or it's not a specific intent crime  
4 like attempted murder.

5 Assault and battery of a high aggravated nature  
6 is a lesser included offense of attempted murder by  
7 statute.

8 I'm looking at assault and battery in the first  
9 degree. Assault and battery in the first degree under  
10 16-3-600(C)(1)(b), a person commits the offense of  
11 assault and battery in the first degree if the person  
12 unlawfully injures another person and the act is  
13 accomplished by means likely to produce death or great  
14 bodily injury. It's almost word for word.

15 MR. GRIFFITH: But it does not carry the same  
16 penalty as ABHAN; isn't that correct?

17 THE COURT: I mean, I think that assault and  
18 battery in the first degree would be a lesser included  
19 offense.

20 MR. GRIFFITH: And it's like a zero to --

21 MR. MEADORS: Ten.

22 MR. GRIFFITH: -- ten rather than zero to twenty.

23 MR. MEADORS: Exactly.

24 MR. GRIFFITH: Yeah. So I would ask that that be  
25 the lesser included, but then he may not --

1 MR. MEADORS: I think it's statutory. I think  
2 it's required whether I like it or not.

3 THE COURT: And then are you requesting any  
4 other lesser includeds? I'm looking at assault  
5 and battery in the second degree, which talks about  
6 moderate bodily injury.

7 MR. GRIFFITH: Well, this wasn't moderate I  
8 wouldn't say. If somebody gets a bullet wound, it's  
9 not moderate.

10 THE COURT: Great bodily injury, causes a  
11 substantial risk of death or causes serious permanent  
12 disfigurement or protracted loss or impairment of the  
13 function of a bodily member or organ.

14 So my feeling is that this is great bodily injury  
15 when you're -- you're shot, especially with respect to  
16 Willie Graham. The testimony was that these were  
17 life-threatening injuries. We did have testimony from  
18 the EMT regarding A.G. and the injury to her arm.  
19 That was the paramedic. I don't recall what the  
20 testimony is regarding Shamika Graham's injuries, but  
21 I certainly think being shot would be --

22 MR. GRIFFITH: Great bodily --

23 THE COURT: -- causes a substantial risk of death  
24 and blood loss, et cetera.

25 So I don't think assault and battery in the second

1 degree would be a proper lesser included unless y'all  
2 want to convince me differently.

3 MR. GRIFFITH: Assault and battery in the first  
4 degree --

5 MR. MEADORS: So you're not -- I just want the  
6 record to be clear. You're not requesting assault and  
7 battery in the second degree?

8 MR. GRIFFITH: No.

9 MR. MEADORS: Okay.

10 THE COURT: Okay. Then I think it would be  
11 appropriate to charge the lesser included of both  
12 ABHAN and assault and battery in the first degree.

13 MR. MEADORS: That's fair.

14 THE COURT: If y'all will give me just a few  
15 minutes, I will print out what I've got and give you  
16 a copy of it.

17 Yes, sir.

18 MR. MEADORS: Are you open to hearing arguments  
19 about self-defense or not?

20 THE COURT: Sure.

21 MR. MEADORS: I just don't -- without fault in  
22 bringing on the difficulty, in fear of suffering  
23 serious bodily injury or death. I just don't -- and  
24 I just don't think there's evidence of self-defense  
25 in --



1 MR. GRIFFITH: Well, Your Honor, are you --

2 MR. MEADORS: Go ahead.

3 MR. GRIFFITH: I would disagree because Mr. Kwodel  
4 and Mr. Stewart, who confirmed what Mr. Kwodel had said  
5 was that the victim in this case, Mr. Graham, said that  
6 he was going back to get his gun. There's also other  
7 evidence that there are questions about whether there  
8 was a 38 or 9 millimeter. It's up to the jury to decide  
9 that, of course.

10 And then there are also questions about the fact  
11 that there were blood spatters back in the hall and so  
12 I think that his story of being in the front with the  
13 hands up is a question for the jury since all the other  
14 things point to the fact that he said he was going back  
15 to get a gun. When somebody tells me they're gonna go  
16 back and get a gun, we don't know. The evidence was not  
17 presented that he did or didn't go back there, but that  
18 would certainly lead one to believe that there is reason  
19 to fear for one's life.

20 THE COURT: I'm looking at the elements of  
21 self-defense. First, that's that the defendant must be  
22 without fault in bringing on the difficulty. Second, the  
23 defendant must have actually believed he was in imminent  
24 danger of losing his life or sustaining serious bodily  
25 injury or was actually in such imminent danger. Third,

1     that the defense is based upon the belief of imminent  
2     danger or a reasonably prudent man of ordinary firmness  
3     and courage would have entertained the same belief.  If  
4     the defendant actually was in imminent danger the  
5     circumstances were such as would warrant a man of  
6     ordinary prudence, firmness and courage to strike the  
7     fatal blow or to save himself from serious bodily harm  
8     or losing his own life.  Fourth, the defendant had no  
9     other probable means of avoiding the danger of losing  
10    his own life or sustaining serious bodily injury than  
11    to act as he did in this particular instance.

12           I do think that it -- it's circumstantial, but  
13    there is -- there exists evidence from which a jury  
14    could find self-defense, so I'm gonna charge  
15    self-defense.

16           MR. MEADORS:  I just -- respectfully I didn't --  
17    if this will help in my argument, I didn't think there  
18    was any evidence presented of imminent -- the belief  
19    of imminent danger of suffering serious bodily injury  
20    respectfully, but we -- we accept Your Honor's ruling  
21    of course.

22           THE COURT:  Okay.

23           MR. MEADORS:  Can I e-mail that --

24           THE COURT:  Yes.  And if y'all -- what I can do  
25    is you e-mail that to me, the language that you're

1 proposing and I'll take a look at it, and then I'll  
2 e-mail you both my draft of the charges I intend to  
3 give the jury tomorrow.

4 I mean, you could wait around for me to print it  
5 out, but I could just e-mail it to you.

6 MR. MEADORS: That's fine.

7 MR. GRIFFITH: I'd rather you e-mail it to me,  
8 Your Honor.

9 THE COURT: Okay.

10 MR. GRIFFITH: And it doesn't have to be in the  
11 next fifteen minutes either.

12 THE COURT: All right. I do have a few things to  
13 do. Thank you, Mr. Griffith.

14 MR. GRIFFITH: I get it.

15 THE COURT: All right. If there's nothing else,  
16 we'll be in recess until tomorrow morning.

17 MR. GRIFFITH: Thank you, Your Honor.

18 (Whereupon, the proceedings for June 23, 2021,  
19 were concluded at 4:07 PM.)

20 (The following proceedings were held June 24, 2021,  
21 beginning at 10:28 AM.)

22 BAILIFF: Come to order. All rise.

23 THE COURT: Thank you. Please have a seat.

24 THE COURT: Okay. Are we ready for the jury?

25 MR. MEADORS: Yes, ma'am.

1           (Whereupon, the jury enters the courtroom at  
2 10:33 AM.)

3           BAILIFF: Jurors are all seated, Your Honor.

4           THE COURT: Good morning, ladies and gentlemen.  
5 Thank you for your patience with us this morning as we  
6 tended to some legal issues. We are now going to move  
7 straight into closing arguments.

8           Mr. Meadors.

9           MR. MEADORS: May it please the Court,  
10 Mr. Griffith?

11           Ladies and gentlemen, good morning. Thank you for  
12 being here this week. Thank you for paying attention.  
13 I'm not a jury watcher, I don't stare at you, but every  
14 time I glanced over I know you were paying attention and  
15 listening and that's all we could ask from anyone.

16           Thank you for being here and all I ask is that you  
17 continue your attention to us, Mr. Griffith and myself,  
18 as we go through closing arguments.

19           I've never thought that was a good name because  
20 argument implies you can ask me a question and I can  
21 answer, and I wish I could, but it gives us a chance to  
22 give you the reasonable inferences -- the facts and what  
23 we believe the reasonable inferences are from the facts,  
24 but ultimately that is up to you.

25           I'm gonna go now, Mr. Griffith will go next and

1     then I'll be able to briefly reply to any new matter  
2     after that. That's the way the rules are set up and  
3     that's because the State has the burden of proof in  
4     this case and in all cases beyond a reasonable doubt.  
5     His Honor -- Her Honor will charge you that and I  
6     believe she'll charge that a reasonable doubt, we don't  
7     have to prove beyond all doubt, just beyond a doubt  
8     that leaves you firmly convinced of the truth in this  
9     case. We respectfully think we've done that. That  
10    will be up to you.

11           If you're firmly convinced of the defendant's  
12    guilt, then you must find him guilty. If you're not,  
13    if you have a reasonable doubt, you must find him not  
14    guilty, and that's the law. And thank you again.

15           But, ladies and gentlemen, last night a friend  
16    texted me and it reminded me today is -- now is the  
17    time for justice for the Graham family. It's time for  
18    justice for the Graham family. J-U-S-T-I-C-E. The  
19    same number of letters as the number of shots that came  
20    from the defendant's firearm. It's time for justice  
21    for the Graham family.

22           You know, a lot's going on in the world right now  
23    and a lot of first responders and police officers have  
24    made terrible mistakes and when an officer makes a  
25    mistake they should be held accountable, they should be

1   punished. I'd love to prosecute them. And we hear a  
2   lot about those.

3           What we don't hear about is what you saw in this  
4   case. The first responders, the law enforcement, the  
5   caregivers, the EMS who responded, and if you listened  
6   to their testimony you think they don't care? They  
7   don't make much money. They're in this business because  
8   they do care. I've been doing this for thirty-four  
9   years because I love working with people like that. So  
10   there are some really good folks out there.

11          Lenell Allen, working part-time at the bingo  
12   security, he hears sirens, he sees cars pull in back  
13   toward American Mobile Home Park. What does it do? He  
14   joins them. Has the go bag. He brought it in to show  
15   y'all. What does he do? He jumps right in. He starts  
16   working on Willie Graham. He saves Willie Graham's life.  
17   You heard he turned him over to the EMS.

18          Who did you have after that? You had Kirk.

19          Stand up, Kirk. Where's Kirk? That's a great  
20   officer. He responded right after that, helped tend to  
21   the wounded. Even drove the bus so the EMS could take  
22   him to the hospital.

23          First responders, officers jumping in. Daren,  
24   Scott and the last officer, Mr. Toby, they responded,  
25   they jumped in to save people's lives, and they did.

1 I guarantee you they saved Willie Graham's life.  
2 Probably Shamika's. Didn't know about A.G. . She  
3 was shot. And you know who's thankful for that? To be  
4 sure Willie is, A.G. is, Shamika is.

5 You know who else ought to be thankful for that?  
6 The shooter ought to be thankful for that. That's who  
7 ought to be thankful because we're a hair away from  
8 three murders potentially. At least one.

9 But thank God for those first responders, those  
10 police officers, who got there. They made the decision,  
11 the choice, to get involved in that procession, to go,  
12 to jump on those bodies to stop the bleeding. And this  
13 case is about choices and when we get through it's gonna  
14 be time for you to choose.

15 I was taught at a young age your greatest power is  
16 your power to choose. I used to have a little book on  
17 it my dad gave me. Ever decision you make is your  
18 decision. You get to reap the benefits, but you suffer  
19 the consequences. The choice is yours. You decide.

20 The defendant made his choice that day for whatever  
21 reason. I submit to you it was just meanness and malice,  
22 but he chose to fire that many bullets into the home of  
23 the Grahams. He chose. When we get through with this  
24 in a little -- in about an hour, y'all are gonna exercise  
25 your greatest power to choose based on the evidence and

1    whether the State has met its burden beyond a reasonable  
2    doubt.

3           The defendant's charged with attempted murder.  
4    The state of the law right now, I believe, the State  
5    must prove to you a specific intent to kill and that it  
6    was done with malice aforethought.

7           Now aforethought is a word I've been trying to  
8    figure out for years, but it doesn't mean you had to  
9    plan it. It doesn't mean it had to exist at any length  
10   of time. It's a term of art. Malice aforethought just  
11   means it has to exist at the time you're shooting the  
12   gun or the time you're shooting the second shot, the  
13   third shot, the fourth shot. Malice aforethought. An  
14   evil mind, evil hand at the same time. It doesn't have  
15   to exist prior, you don't have to plan it, you don't  
16   have to have premeditation, but malice aforethought.  
17   Express malice is another way to say it.

18           This case is malice. I just started thinking,  
19   there's seven shots. M-A-L-I-C-E. That's six in  
20   malice. I need an exclamation mark on this to make  
21   it seven. This is nothing but malice. And that's not  
22   because I say it, the facts say it.

23           What is malice? Shooting seven times into a home  
24   each shot I argue is express malice. Shooting Willie  
25   Graham -- Willie stand up, please -- four, five times.



1 Y'all saw his injuries. I'm not gonna take his shirt up  
2 now. You saw them. You know, if it wasn't an intent to  
3 kill, maybe one shot, but seven, shots into that house?  
4 That's malice, that's express, that's an intent to kill.  
5 Each bullet hole -- I wish you could all go touch him and  
6 touch the bullet holes. Not really, but, yeah, really.  
7 Feel it. That's malice. Now you can't do that, but I  
8 tell you what you can do. When you go back to the jury  
9 room, you can get up and look at the bullet that came  
10 out of his body, that came out of Shamika's body, and  
11 I'm gonna ask y'all to pass them around back there. I  
12 want everybody if you will. It's up to you. Touch it.  
13 This is malice. The projectile that came out of the gun  
14 that Nikeen had that he fired into Lot ■ at American  
15 Home Park. You'll get to feel that malice. Look at it.  
16 The other projectile that was found in the home later,  
17 thank God it didn't hit anybody.

18 You've got the shell casings. What do those  
19 shell casings tell you? Well, what I submit is  
20 important about the shell casings was malice. It shows  
21 not just one shot was fired. No, it's malice. Each one  
22 of them. That's how many times he fired at an unarmed  
23 man in a home with his wife and two children. Is this  
24 malice? Express? What do you think happens when you  
25 fire a gun into a home with people there? What's

1 anticipated? Pulling the trigger, pulling the trigger,  
2 pulling the trigger. Pass these around and look at  
3 them.

4 What did Paul Greer tell us, the SLED agent? They  
5 all came from the same gun. It's one shooter. All of  
6 these were fired by the same gun. We don't know where  
7 the gun is. It wasn't the one found with Kwodel in the  
8 motel when Investigator Stewart found him. We had to rule  
9 that out. We didn't hide one. We brought everything  
10 out; the good, the bad, everything. I submit there  
11 wasn't much there, but we presented every piece of  
12 evidence. The gun we found with Kwodel, we sent it to  
13 SLED. It didn't fire these bullets. I don't know where  
14 the gun is. It's not unusual. You don't always have a  
15 gun. It got thrown away somewhere. But all these shell  
16 casings -- and this is an example of circumstantial  
17 evidence. We don't know what gun did it, but through  
18 tests we know the same gun did it, which is consistent  
19 with everybody's testimony. There was one shooter.  
20 Malice.

21 Now the judge is gonna charge you on some lesser  
22 included offenses. I want to be crystal clear here.  
23 The State's position is there's one verdict and there's  
24 three counts of attempted murder. Because I cover these  
25 others, I'm not saying I think it is. You're also gonna

1 be able to consider assault and battery of a high and  
2 aggravated nature and that's when the State proves that  
3 the victims are injured and the injuries resulted or  
4 could have resulted in great bodily injury. Well,  
5 there's no question about that respectfully. There was  
6 great bodily injury with Mr. Graham, great bodily injury  
7 to Shamika. Thank goodness A.G. didn't suffer from  
8 worse, but that was pretty serious at seven getting  
9 bullet here coming through. It could have been. It  
10 could have been. It may have been. That may be great  
11 bodily injury. That's up for y'all to decide, the judge  
12 will give you the definition, but that's the difference  
13 between attempted murder and ABHAN, assault and battery  
14 of a high and aggravated nature, and I submit to you I  
15 don't think it's an issue respectfully, but if there's  
16 any issue in this case it would be between those two  
17 charges. I'm not saying exactly, but I submit to you  
18 that's the only decision respectfully that there is  
19 out there.

20 And what's the difference between attempted murder  
21 and ABHAN? Malice. A specific intent to kill. That's  
22 the difference between attempted murder and ABHAN.  
23 That's your decision. Seven shots into a trailer  
24 occupied by a family, one hit by five, one hit by one,  
25 one hit by one. Is that malice? Meanness? I submit if

1     that isn't it, I don't know what is, but that's up to  
2     y'all.

3             The judge is also gonna charge you assault and  
4     battery in the first degree and assault and battery in  
5     the second degree. We respectfully submit that you  
6     shouldn't consider those. That will be up to you.  
7     She'll go over that law with you.

8             The judge is also gonna charge you self-defense.  
9     Self-defense must be established and then disproved  
10    beyond a reasonable doubt by the State, and I must  
11    cover this with you, and I respectfully submit there is  
12    no evidence of self-defense, but there -- you will get  
13    that charge.

14            So what's -- what do you have to disprove for  
15    self-defense? For you to acquit, let go, find not guilty  
16    the defendant based on self-defense, there must be four  
17    elements that are established and we must disprove them.  
18    All four have got to be established. It's like a  
19    chair. If one of them's in it and the chair falls, in  
20    self-defense it's not there.

21            What are they? First is the defendant must be  
22    without fault in bringing on the difficulty. Well,  
23    folks, he brought the gun to the social. He brought a  
24    loaded firearm to a social event, didn't know anybody.  
25    I submit to you he's the one at fault and I submit to

1     you it's over there. That leg's gone if you believe  
2     that. It's gone.

3             But to cover all of them, defendant must -- it  
4     must also be established and we must disprove beyond a  
5     reasonable doubt and it must be believed by you that the  
6     defendant was in imminent danger of suffering serious  
7     bodily injury or death. We submit there's no evidence  
8     of that. None whatsoever. Or that he believed he was  
9     in imminent danger of suffering serious bodily injury  
10    or death to the extent that he had to use deadly force  
11    to protect himself. We submit there is absolutely no  
12    evidence of that, that he believed he was in danger of  
13    suffering serious bodily injury or death and no evidence  
14    that he was in immediate danger. So two and three fall,  
15    one's already fallen respectfully in the State's view.

16            And finally the last element of self-defense, and  
17    the chairs got to be standing, is he had no other way  
18    of avoiding the danger than to fire. It's called duty  
19    to retreat. Well, best case scenario he's at the  
20    doorway, in the doorway, he's told to leave. It's not  
21    his house, just leave. Just leave.

22            We submit that the State has disproven self-defense  
23    beyond a reasonable doubt. That's up to y'all. If you  
24    believe this is a self-defense case, then find him not  
25    guilty. That's up to y'all.

1 Ladies and gentlemen, what happened? I'm not  
2 gonna be all that long today, but what happened? Willie  
3 Graham was working off 441 on a Friday, August 16, 2019,  
4 comes home, gets one of his neighbors to take him to the  
5 Dollar General, goes and buys a fan. There's a picture  
6 of the fan in here. State's 37. Buys some other items.

7 He's at his house. A lot of the friends are coming  
8 over from the neighborhood socializing outside. Kwodel  
9 Johnson comes over who he knew by name and sight, has  
10 known by name and sight, and I think it's established  
11 that he'd been there before, they knew each other, and  
12 Kwodel came to socialize. Neighbors are there to  
13 socialize.

14 Well, what's the difference between this party,  
15 this social, and all the other socials? Nikeen Johnson.  
16 Didn't know anybody, came over and we have a non-regular  
17 at the social armed with a firearm. Who knew that? He  
18 did. You remember when Willie said when he saw him pull  
19 it out. He did. Kwodel did, even though he didn't want  
20 to admit it, although he did admit in front of Randy  
21 Stewart previously. But Nikeen knew he had a firearm.  
22 They're socializing, they're outside, they're drinking,  
23 having a good time. At some point there's a disagreement  
24 or some -- we don't know. The State doesn't have to  
25 prove everything beyond a reasonable doubt.

1           You know, I learned this from a solicitor a long  
2 time ago. You know, in life and in cases there may be  
3 some questions out there that don't have an answer or  
4 are unanswered, but just because there's a question  
5 that's not answered that doesn't mean it's a reasonable  
6 doubt. Sometimes you just can't answer them and the  
7 law does not require to answer everything, and isn't  
8 that life?

9           But at some point out there I believe Mr. Graham  
10 said the defendant was just walking around, looking  
11 around. He wanted him to leave. There was one statement  
12 he picked up a machete, didn't do anything with it and  
13 stuck it back in the ground. It's on the outside of the  
14 trailer. I told y'all about that in the opening.

15           It starts to rain apparently bad enough where you  
16 can't fly a helicopter, so it was raining. Mr. Graham  
17 says he goes in the back door because the front door is  
18 stuck. His family comes in at some point. I'm not  
19 exactly sure when they came in, but they were there  
20 when the shots were fired. That's for sure. His wife's  
21 sitting on the bed. I believe A.G.           and her brother  
22 are sitting on the couch or right inside the door and at  
23 that point Mr. Graham sees Kwodel and he sees Nikeen.

24           Hair is important in this case, isn't it? And I  
25 wasn't trying to be rude or disrespectful when I had him

1 to take his hair down, Mr. Johnson, because who saw his  
2 hair down? Who was there to tell who the shooter was  
3 based on the hair? And you'll decide if that testimony  
4 was credible you, believable. A.G. did. It was  
5 the fella with the short hair who did the shooting.

6 And you'll decide her credibility or believability.  
7 She told you she knows the difference between right and  
8 wrong, answered the questions about the cup. I submit  
9 to you one of the most honest things she said, have you  
10 ever lied? Yeah. I mean, is that real? So what did  
11 she say? It was the man with the short braids, that's  
12 who shot. And you heard from one of the officers, it  
13 might have been Kirk, I can't remember, said he shot my  
14 daddy. Do you remember when he said she said that?

15 Malice. I want to go back there now and touch her  
16 arm and show you the wounds, but you saw them. Thank God  
17 she's here. Thank God they're all here. I usually try  
18 murder cases. I've got live victims. Thank God.

19 Credibility. Believability. Kwodel Johnson --  
20 and the judge is gonna tell you you can believe part of  
21 what someone says, all of it or none of it. I submit  
22 to you he wasn't forthcoming. He may have felt some  
23 pressure, I don't know. His cousin's here. He doesn't  
24 want to testify against him. He wouldn't even answer  
25 the question was he with you in the car when you left.



1     How did you leave?   He wouldn't answer.

2             But the one thing he answered on cross, well, he  
3     -- I think I heard Willie say he was going to get a gun.  
4     He said he never saw Willie with a gun.   Willie said I  
5     didn't have a gun, I wasn't gonna get a gun, but he threw  
6     that out there early on.   The only thing he would repeat  
7     back here today trying to help his cousin a little bit,  
8     I specifically asked him do you remember telling  
9     Investigator Randy Stewart back in August or September,  
10    whatever date it was, that you had seen Nikeen shoot him  
11    six or seven times at the doorway.   No, I didn't tell  
12    him that.   Do you remember telling him last week in this  
13    courthouse, in this courthouse, that I saw him coming  
14    out with the gun in his lap and he was mad.   I didn't  
15    tell him that.

16            Well, under the rules, 613, we're allowed to bring  
17    up extrinsic evidence of prior inconsistent statements  
18    and that's why I was allowed to get Randy Stewart to  
19    say did he tell you that?   Yes, he told me that.   He  
20    told me that initially.   That's the only way we knew  
21    Nikeen Johnson existed.   He told him he was the shooter  
22    and he's backing away from that now.   There may be  
23    family pressure out there, I don't know, but he did the  
24    right thing to start with and that's the only thing that  
25    makes sense.

1 ID's not an issue in this case. He's been over  
2 there, he socialized, he knew everybody there. You think  
3 he's gonna go over there where people know who he is and  
4 start shooting? It doesn't make common sense. You add  
5 that with the fact A.G. picks him out, it's pure,  
6 it's the guy with the short hair. You can't make that  
7 up. And she didn't just say that today. She said that  
8 a few days after it happened when she gave her forensic  
9 interview. Is that credible? Is that believable?

10 Well, how else do we know that Nikeen Johnson's  
11 the shooter? Once they get his name from Kwodel, they  
12 put him in a photo lineup. And you'll have to decide  
13 if he's lying. That's another decision y'all get to  
14 make.

15 They put together a lineup. You heard Randy  
16 Stewart and Nelson Rosario testify who we're looking  
17 for. Well, we sent it to SLED. They get pictures  
18 trying to find folks with similar features so nothing  
19 will stand out. And you actually got to see the video  
20 because Mr. Griffith implied to Rosario wasn't he on  
21 medication, wasn't he in the hospital, did he really  
22 know what he was doing? Well, we got to show you the  
23 body-worn camera of him picking out the defendant. He  
24 looked at it without being told, without cheating,  
25 without putting the finger on anything, that's the man

1 right there.

2 And who was it? Of all the people in the world  
3 nobody's ever met before, it was Nikeen Johnson. Is  
4 there any question that he was the shooter? Kwodel's  
5 got him shooting back in August, September, got him  
6 with the gun this past week. Yesterday he wouldn't  
7 answer. Then he got up and said I think I heard him  
8 say he was getting a gun. Is that even true?

9 So you weigh Kwodel's credibility, what you saw,  
10 his inconsistent statement. I submit to you that's not  
11 even true. He was trying to help him back then. Even  
12 if he said that because they were in their home, which  
13 I would submit he did, he's trying to get them to leave.  
14 I don't believe that happened, but if some of you think  
15 well, he did, that don't matter. Leave. It's my home.  
16 And he didn't get a gun, he didn't have a gun. There's  
17 no evidence the defendant was in danger of suffering any  
18 injury. Just turn around and walk away.

19 Well, who at that doorway knew they could do  
20 whatever they wanted to? Who didn't have to say I'm  
21 gonna get a gun? He did. He had a gun. I ain't from  
22 around here, but I'm in control. Well, he showed that,  
23 didn't he? He sure did. And he starts firing.

24 How do we know he fired from that area. You know,  
25 poor Mike McCauley. I don't know if he's here. Did you

1 hear what he said about what did he do, an expert in  
2 crime scene? I assess the scene, I start looking for  
3 evidence, I start taking pictures, I come in closer, I  
4 try to see where holes went in.

5 Every one of those holes is malice. Thank goodness  
6 nobody in 65 was killed. Bullets go in 65 and 66. He  
7 takes a picture, State's 34, where the officers testified,  
8 Kirk testified, that that's where Willie was laying.  
9 Right here. Corroborates Willie's story. He wasn't  
10 coming from the back. What do these show you, all of  
11 the cards, all the shell casings? And what did McCauley  
12 tell you? All the shots came from that direction from  
13 one person. How many shots are going back the other  
14 way? None. Shell casings all together right there  
15 near the front door, and that was State's 42. And this  
16 is State's 24. You'll have them all to look at.  
17 State's 4/40 ckck well, who's inside here? C.G. ,  
18 A.G. , age seven, her brother, and Shamika.

19 And we heard about Shamika. God bless Shamika.  
20 And you heard they had trouble talking with her, she  
21 had trouble explaining. There may be some issues  
22 there. That's why you didn't hear from her. I'll tell  
23 you one thing. That doesn't change the bullet that went  
24 in her abdomen, does it? Does it? She got shot and  
25 could have died. That's malice. Go look at those

1 injury pictures.

2 And I think at some point Mr. Griffith was asking  
3 McCauley about this last rod. Go back and look at 62.  
4 Go back and look at 62 and see if all of them were  
5 consistent with coming from that door. And you know  
6 what's interesting about that? You know what I submit  
7 that this will be? Not that you need it, but I submit  
8 to you if anybody is thinking ABHAN, this ought to put  
9 you to murder. Look at them. Look at them go down.  
10 Who's running that way? Who's running that way?  
11 Shamika and A.G. . I don't know when they got hit,  
12 but I know each shot is malice. I know they were running  
13 through the back to go back to the neighbor.

14 Do you remember that one that the detective started  
15 off with? I started to play it again, but you heard it.  
16 If you want to hear it again, you can. They were running  
17 to the neighbor's house. Look where these shots are  
18 going. Look where they're going. Is that malice  
19 specific? The same way they're running. Look at  
20 Number 12. Well, couldn't that have come from someone  
21 else? What did Michael tell you? No, it couldn't have.  
22 If it would, it would have hit the wall, and we found  
23 none. He's shooting that way. That is specific intent  
24 to kill we respectfully submit.

25 You know what evidence tells us respectfully and

1 forensically? That Willie didn't have a gun. Just like  
2 that. Protecting his children, seeing the gun. And  
3 that's not because I say it, that's not because Willie  
4 said it. His body said it. Look where I got hit.  
5 State's 7. Defensive. Was that it? Bam, bam, bam,  
6 bam, bam. Thank you, Lenell. Thank you, Kirk.

7 Shamika. Specific intent to kill? Well, you shoot  
8 somebody with a projectile in their stomach, what's your  
9 intent? A.G. , through and through. Now if this  
10 wasn't a gunshot wound, I think Daren told us that it  
11 bounced off, it doesn't take away from the fact she was  
12 shot.

13 Ladies and gentlemen, that's all I have right now.  
14 I'll be allowed to come back briefly when Mr. Griffin  
15 finishes and do a final quick closing. Thank you for  
16 your attention and when I come back I'm gonna ask you  
17 to find the defendant guilty respectfully.

18 Thank you.

19 THE COURT: Mr. Griffith.

20 MR. GRIFFITH: Please the Court? I won't be nearly  
21 as long as Mr. Meadors. Mr. Meadors is one of our very  
22 best prosecutors. He's really, really good. He, of  
23 course, had to take more time because he had to pull  
24 some stuff out of the sky and do all kinds of things to  
25 make you believe that this was -- is an attempted murder

1 case.

2 Thank you, first of all, for your service. Without  
3 you we wouldn't get to the truth. This trial is not  
4 about an attempted murder. They pulled out all kinds  
5 of bullets. We know there were lots of bullets. And I  
6 don't know how many of you know anything about guns, but  
7 a semiautomatic pistol is gonna shoot and the bullets  
8 are gonna eject like that. They're not gonna eject like  
9 that. I mean, that is to say the shell casings, the  
10 shells. The bullets go like that. Well, the little  
11 housing, the seven little things they found that come  
12 out of the gun that are not the bullet, go like that.  
13 They don't go forward. And so the evidence is there.

14 Law enforcement showed up. They weren't there.  
15 They didn't see it happen. Mr. Meadors didn't see it  
16 happen. The EMTs didn't see it happen.

17 You heard Mr. Graham testify Mr. Nikeen Johnson  
18 was just quiet. He wasn't saying anything. He wasn't  
19 getting in anybody's face. You hear Mr. Graham say  
20 that he was angry because he thought somebody stole his  
21 wallet. He was carrying around a machete.

22 You heard Agent Stewart say when he interviewed  
23 Kwodel that Kwodel told him that he was carrying around  
24 a machete, that Mr. Graham was carrying around a machete  
25 because he was angry. He'd been drinking. You heard

1 Mr. Graham say that he was angry with Kwodel and Nikeen  
2 Johnson. It was raining, everybody went home except  
3 these visitors that live in the neighborhood and  
4 everybody went inside. You heard the little girl say  
5 they were inside. They were in the trailer. Mr. Johnson  
6 can say a lot of things -- I mean, Mr. Graham can say  
7 some things. Of course, he's trying to paint a different  
8 picture, but the little girl said oh, they were inside.

9 You heard Kwodel say that he heard Mr. Graham say  
10 that he was going to get his gun and then you heard  
11 Agent Stewart say yep, that's what Kwodel told me.  
12 Kwodel told me that he heard Mr. Graham say that he was  
13 going to get his gun. You heard Mr. Meadors say well,  
14 we don't always find a gun. That doesn't mean there  
15 isn't a gun. We know there was a gun, at least one gun  
16 here, but we don't know if there was another gun because  
17 we don't have any gun. The only gun they brought was  
18 one that was not used and being thorough, of course,  
19 they just wanted to show you well, this one wasn't used.

20 Agent Stewart was able to speak after Mr. Kwodel  
21 Johnson spoke so the State can confirm the things that  
22 Kwodel Johnson had said prior that he did not say on the  
23 stand now and he confirmed everything that was said that  
24 I'm telling you now. Mr. Graham said he was going to get  
25 a gun. Mr. Graham was carrying around a machete because



1 he was mad.

2       You heard the SLED agent that got up there and was  
3 telling you about the -- the casings. Now the casings  
4 are the leftover part after the bullet leaves and that  
5 those were all consistent with a 9 millimeter and that  
6 they had -- they didn't find all the bullets. Some of  
7 the bullets went into the ground or lost momentum or  
8 went somewhere and they didn't find all of the bullets.  
9 They only found five bullets; that is, the projectiles  
10 is what they're called, and said certain numbers, he  
11 gave them all numbers and you'll have the piece of paper  
12 back there that talks about what numbers they are, but  
13 there was one, Number 5, he said, well, it wasn't like  
14 all the others, but it was consistent with a 38. 38's  
15 and 9 millimeters are in the same family so, you know,  
16 hard to tell. So maybe there was another gun that shot  
17 a 38. That didn't come into evidence because we didn't  
18 find any gun, but Number 5 was recovered from one of the  
19 victims, not Mr. Graham.

20       The tragedy is that there were two additional  
21 persons injured; the little girl and Ms. Graham, and  
22 all -- the whole thing was a tragedy, of course, but he  
23 confirmed that a bunch of things were 9 millimeters, but  
24 that one was a question.

25       You heard an officer -- one of the officers on the

1 scene investigating say there was blood spatter down  
2 the hall near the back door. There's a little picture  
3 of it and you'll see the picture in their evidence. It's  
4 the one with the ruler on it. None of the guns entered  
5 matched the guns -- gun or guns that were used.

6 You heard Mr. -- you heard the 9-1-1 tape. You  
7 heard the 9-1-1 operator talking to Mr. Wiley Rufus,  
8 the neighbor, telling her that he was in the trailer  
9 with Mr. Graham, Mr. Graham was awake, he was resisting  
10 being helped. I mean, he was probably in a lot of pain,  
11 of course. He was awake though. He wasn't passed out.

12 So there was some time that passed before law  
13 enforcement and EMTs and all those people arrived.  
14 Mr. Rufus was in there, Mr. Graham was in there. Now  
15 the two other victims were -- remained at the neighbor's  
16 house, the EMTs found them there, but we don't know what  
17 happened during that time. We don't know if there was  
18 another gun that was -- may have been put somewhere.

19 You heard law enforcement say that all of the  
20 casings that came out of the gun, out of the one that  
21 was a 9 millimeter, landed inside the house. Now you  
22 heard Mr. Graham say oh, he was on the bottom step  
23 outside. Well, that's not true. Well, no, that's for  
24 you to decide. I'm sorry. But if he was outside, how  
25 come none of the -- of the casings were found outside?

1 Not one. All of them were found inside. I specifically  
2 asked were any casings found outside. No, no, no, they  
3 didn't find any outside, all of them were inside the  
4 house, none were outside even though Mr. Graham said he  
5 was on the bottom step.

6 So they -- they couldn't find all the bullets and  
7 a 9 millimeter semiautomatic, I don't know if you're  
8 familiar with guns, but, you know, a semiautomatic means  
9 you could pull that trigger really fast and so you could  
10 get out all the bullets in a hurry. They didn't find  
11 them all.

12 This is not a case of attempted murder. Mr. Nikeen  
13 Johnson and Mr. Kwodel Johnson heard him say --

14 MR. MEADORS: Your Honor, I'm gonna object to that.

15 MR. GRIFFITH: Well, Mr. Kwodel Johnson heard him  
16 say that I'm going to get my gun, and we might assume  
17 that other people heard him say that. We might. And  
18 so this is not a case of attempted murder. This is a  
19 case where a person is frightened and in fear for his  
20 life, may have returned fire and fled as fast as he  
21 could.

22 You heard Agent Stewart say that Kwodel had said  
23 that they came running out of that house and Kwodel,  
24 too, was saying he was running out of the house. He  
25 was afraid. He said he was afraid. And you heard

1 Mr. Stewart say -- Agent Stewart. I'm sorry, Special  
2 Agent Stewart. He deserves all the respect we can give  
3 our law enforcement. I truly believe that. That  
4 Kwodel had told him that Mr. Nikeen Johnson came running  
5 and they both jumped in that car and sped off as quickly  
6 as they could. They were scared. There was no malice.  
7 There was no intent to kill anybody, just an intent to  
8 survive and get the heck out of there as fast as they  
9 could.

10 You heard Mr. Meadors when he was talking to you  
11 say okay, look at the bullet holes in the wall going  
12 down this way. I -- I thought I heard him say, and I'm  
13 pretty sure or you can correct me if I'm wrong, that he  
14 was shooting and running in a spray of bullets. Yeah,  
15 he was running. He was scared. He was trying to get  
16 out of there.

17 There were also two other victims sadly. A small  
18 child, that's such a tragedy, and -- and the young  
19 woman. That is a tragedy. We can't be sure who shot  
20 them if there was a second gun. One of the bullets  
21 pulled out of the young lady was inconsistent with the  
22 others. It couldn't be matched to the others, but it  
23 was consistent with a 38. Now a 38 revolver, the bullets  
24 don't come flying out if they stay in the gun. If you  
25 know anything about guns. If you don't, that's okay.

1           There was no intention of murder. Judge Curtis  
2 will explain the law about attempted murder. That it  
3 requires an intention, a desire, a premeditation to kill  
4 somebody.

5           Our tragic young lady and the little girl that  
6 were injured, there was no malice to kill those people.  
7 Even if -- I don't know what -- if they were hit by a  
8 different gun or not, but I don't think anybody meant  
9 to kill those people.

10          There does exist doubt. A question. A reasonable  
11 person could not ignore all the statements that were  
12 said. A reasonable person would think there's a machete,  
13 the guy's walking around with a machete, he's drunk,  
14 he's mad. Somebody heard him say he was going to get  
15 his gun. Please carefully look at all the evidence and  
16 find Mr. Nikeen Johnson not guilty of attempted murder;  
17 not of Mr. Graham, not of Mr. Graham, not attempted  
18 murder of Mr. Graham, and not attempted murder of the  
19 innocent other victims in this case. I'll say it again.  
20 There were two innocent victims who weren't fighting  
21 with anybody or having a disagreement.

22          The judge will charge you the law about attempted  
23 murder, about the lesser included offenses because  
24 you've got -- you know, you've got murder or attempted  
25 murder, then you've got, okay, somebody was hurt, assault

1 and battery, and then you've got even lesser things.

2 She'll also charge you about self-defense and for  
3 Mr. Graham in particular if you find after reviewing all  
4 the evidence, reviewing the statements that were made,  
5 that Mr. Nikeen Johnson could have been afraid and felt  
6 like he was about to be injured, shot, great bodily  
7 injury, that he could have defended himself.

8 Law enforcement, of course, when they get in there  
9 they're trying to find the truth. They ask everybody a  
10 bunch of questions. Mr. Nikeen Johnson, when he was  
11 arrested, he said I want to have a lawyer present when  
12 I'm talking, like any scared individual is gonna do. I  
13 want to have a lawyer present. So he didn't tell his  
14 story to them. He didn't have a lawyer. In fact, I  
15 didn't become his lawyer until not that long ago. But  
16 law enforcement wasn't there, but they've got to find  
17 somebody to accuse of a crime. Well, not to say that.  
18 I mean, I don't think they're -- but they're gonna --  
19 they didn't have his story, so they picked him.

20 As I said, Mr. Meadors is one of our best  
21 prosecutors, but he wasn't there, and so it's now up  
22 to you. I hope you will find Mr. Nikeen Johnson not  
23 guilty of attempted murder. If you consider the  
24 evidence and if you have doubts, well, I don't know,  
25 that's reasonable doubt. It could have been. That's

1 reasonable doubt.

2 And Mr. Meadors is gonna get up, of course, and  
3 speak and go back to telling you it's not, but thank  
4 you for your attention and please consider this evidence  
5 and we leave it in your hands.

6 Thank you.

7 THE COURT: Mr. Meadors.

8 MR. MEADORS: May it please the Court? I'll be  
9 brief, specifically responding, the shell casings were  
10 at or right inside the front door. Everyone has the  
11 defendant being at the door or right near the door.  
12 That is consistent with the evidence and with the  
13 testimony. Nothing inconsistent about that.

14 Do you remember when the victim said he was five  
15 or six feet from me, I saw him looking right there? Is  
16 there any doubt the shots came in there and the shell  
17 casings whether he was at the doorway or down a little  
18 bit? That's not a reasonable doubt. The story was  
19 exactly the same between all the witnesses. That's  
20 what you look for. But he was there. Willie saw him,  
21 A.G. saw him. That's the daddy -- that's the guy  
22 that shot my daddy. That's a smokescreen trying to  
23 create a doubt when there isn't a doubt respectfully.

24 The machete, we brought that up. You heard Willie  
25 and you heard the statement from Kwodel if that's true

1 or not true. That was earlier in the day and that was  
2 ended. Do you think if there was anything to that  
3 Nikeen wouldn't have shot him then if he felt threatened?  
4 There wasn't anything to that. That was Mr. Willie's.  
5 That's down there in the back of -- look at the picture.  
6 It's back on the back side of his house, the back side  
7 of his house. He said he just picked it up, put it back  
8 down and that was over, and that was in the afternoon.  
9 If he was in imminent danger earlier, he sure didn't do  
10 anything about it then.

11 And I think he said, and I don't think he meant  
12 to, that there has to be premeditation. There does  
13 not. I think I covered that. It does not have to be  
14 premeditated. We do not have to prove that for a  
15 specific intent to kill in attempted murder.

16 The spatter at the end of the door -- at the end  
17 of the hallway that Mr. Griffith mentioned, what  
18 direction did Shamika, did A.G. go? They went  
19 down the hallway. It was raining. They went back to  
20 Mr. Rufas's house. Is that their blood? What's that  
21 got to do with it? They were bleeding. They went to  
22 his house. Is that reasonable? I don't know if he  
23 was trying to say there was another gun that would have  
24 fired the bullets. Clearly Willie wasn't firing it  
25 himself or his family. He didn't have a gun. There was



1 no evidence of a gun.

2       You heard Paul Greer say the projectiles sometimes  
3 they're so mangled we can't tell. I know it didn't come  
4 from that gun and we really can't tell if it came from  
5 the shell casings, but common sense, obviously there's  
6 seven shell casings, the projectiles, where do you think  
7 they came from? That's common sense. We know they  
8 didn't come from this gun. There's no evidence there  
9 were two guns. The only evidence testimony-wise and  
10 forensically one gun fired the seven shell casings  
11 without doubt from the expert from SLED based on his  
12 review of the markings on the shell casings. You can't  
13 twist or change that.

14       And then he said they fled on foot as fast as they  
15 could. I don't know where the other gun is. Well, I'm  
16 allowed to argue this. What's somebody do when they're  
17 guilty respectfully? He fled. He fled. Months before  
18 he's arrested, so I can argue this, he fled. All this  
19 wasn't self defense. I fled. Did he flee the county?  
20 Yes. Did he flee the State? Yes. Where did he go?  
21 To New York. And by the help or the aid of some of his  
22 family, you heard Randy Stewart say this is where he is.  
23 Wanted posters out. On the news. He knew he was wanted  
24 and he fled. That is evidence of guilt.

25       We submit to you he's trying to get you away from

1 attempted murder into one of those lessers. I think  
2 that's what respectfully he's doing and we submit to  
3 you it's just attempted murder, but that's for y'all to  
4 decide.

5 The last thing you say is the law. The judge is  
6 gonna charge you on the presumption of innocence. The  
7 defendant is entitled to that presumption of innocence.  
8 Every defendant is. It's like a robe or a blanket. You  
9 start with it when you're arrested, it stays with you  
10 during the trial, it stays with you until y'all go back  
11 to the jury room and then as you review the evidence if  
12 you believe the State has proven its case beyond a  
13 reasonable doubt, you symbolically start taking off that  
14 protection, that presumption of innocence, and we submit  
15 to you that's what you'll do respectfully when you listen  
16 to this evidence.

17 And we're gonna ask you after you have reviewed all  
18 the evidence and we submit to you that the State has  
19 proven beyond a reasonable doubt that the defendant is  
20 guilty of three counts of attempted murder. It's up to  
21 you. We respectfully submit the evidence is there, if  
22 you find that we'll ask you to symbolically bring that  
23 blanket back in here, bring it back in here and give  
24 it to A.G. with that guilty verdict and let it  
25 comfort her, the innocent one.

1           Thank you.

2           THE COURT: Okay. Ladies and gentlemen, you've  
3 heard all of the testimony and the evidence in this case  
4 and it's my duty now to instruct you on the law that  
5 applies.

6           The indictment in this case alleges three separate  
7 offenses against the defendant. The charges are Count I,  
8 the attempted murder of Willie Graham; Count II, the  
9 attempted murder of Shamika Bracey, and Count III, the  
10 attempted murder of A.G.                   . Each charge of  
11 the indictment charges a separate and distinct offense.  
12 You must decide each count separately on the evidence  
13 and the law applicable to, uninfluenced by your decision  
14 as to any other charge. The defendant may be convicted  
15 or acquitted on any or all of the offenses charged.  
16 You'll be asked to write a separate verdict of guilty or  
17 not guilty for each charge.

18           I remind you that the fact the defendant was  
19 arrested, charged and indicted in this case is not  
20 evidence and cannot be considered by you as evidence  
21 of guilt. Nor does it create any presumption or  
22 inference of guilt. The indictment charging the  
23 defendant with these crimes is simply the formal  
24 written instrument which contains the charges made  
25 against the defendant. It's the formal document by

1     which this case is brought into court.

2             The defendant has pled not guilty to this indictment  
3     and that puts the burden on the State to prove the  
4     defendant guilt. A person charged with a criminal  
5     offense in South Carolina is never required to prove  
6     himself or herself innocent. I charge you that it is  
7     an important rule of law that the defendant in a criminal  
8     trial no matter what the seriousness of the charge may  
9     be will always be presumed to be innocent of the crime  
10    for which the indictment was issued unless guilt has  
11    been proven by evidence satisfying you of that guilt  
12    beyond a reasonable doubt. This presumption of innocence  
13    does not end when you begin your deliberations, but it  
14    accompanies the defendant throughout the trial unless or  
15    until you reach a verdict of guilt based on evidence  
16    satisfying you of that guilt beyond a reasonable doubt.

17            The presumption of innocence is not mere legal  
18    theory, it's not just a legal phrase, it is a  
19    substantial right to which every defendant is entitled  
20    unless you, the jury, are satisfied from the evidence  
21    of the defendant's guilt beyond a reasonable doubt.

22            So what is a reasonable doubt in the law? First  
23    of all, it's the kind of doubt for which you can give a  
24    reason. It's also described as the kind of doubt that  
25    would cause a reasonable person to hesitate to act.

1 Proof beyond a reasonable doubt is proof that leaves  
2 you firmly convinced of the defendant's guilt. There  
3 are few things in this world that we know with absolute  
4 certainty and in criminal cases the law does not require  
5 proof that overcomes every possible doubt. If based  
6 on your consideration of the evidence you are firmly  
7 convinced that the defendant is guilty of the crime  
8 charged, you must find the defendant guilty. If, on the  
9 other hand, you think there's a real possibility that  
10 the defendant is not guilty, you must give the defendant  
11 the benefit of that doubt and find him not guilty.

12 I remind you that during this trial you and I have  
13 certain duties to perform. As the trial judge, it's my  
14 responsibility to preside over the trial of this case and  
15 I also have the duty to rule on the admissibility of the  
16 evidence offered during this trial. You are to consider  
17 only the competent evidence before you. You are to  
18 consider only the testimony which is presented from the  
19 witness stand and any exhibits which have been made a  
20 part of the record in this case.

21 I have the additional duty to charge you the law  
22 applicable to this case. As the presiding judge, I'm  
23 the sole judge of the law of this case and it is your  
24 duty as jurors to accept and apply the law as I now  
25 state it to you. If you already have any idea as to

1    what the law is or what you think the law ought to be  
2    and it does not agree with what I now tell you the law  
3    is, you must abandon your previous idea because you're  
4    sworn to accept the law and apply the law exactly as I  
5    state it to you.

6           In every case tried before a jury, the jury  
7    becomes the sole and exclusive judges of the facts of  
8    the case. A trial judge cannot comment on or make any  
9    statement to you about the facts. You're not to infer  
10   from anything that I've said during the progress of this  
11   trial in ruling on the admissibility of evidence or  
12   otherwise or anything that I say now during the course  
13   of this instruction to you that I have any opinion about  
14   the facts in the case. The law does not allow me to  
15   have an opinion. This is a matter solely for you, the  
16   jury, to determine. As jurors, it's your duty to  
17   determine  
18   the effect, value, weight and truth of the evidence  
19   presented during this trial.

20           And there are two types of evidence which are  
21   generally presented during a trial. There's direct  
22   evidence and there's circumstantial evidence. Direct  
23   evidence proves directly the existence of a fact and  
24   does not require deduction. Direct evidence is the  
25   testimony of a person who claims to have actual knowledge

1 of a fact, such as an eyewitness. Circumstantial  
2 evidence is proof of a chain of facts and circumstances  
3 indicating the existence of a fact. Crimes may be proven  
4 by circumstantial evidence. The law makes no distinction  
5 between the weight or value to be given to either direct  
6 or circumstantial evidence, nor is a greater degree of  
7 certainty required of circumstantial evidence rather than  
8 of direct evidence. You should weigh all the evidence in  
9 this case.

10 However, to the extent that the State relies on  
11 circumstantial evidence the circumstances must be  
12 consistent with each other and when taken together  
13 point conclusively to the guilt of the accused beyond a  
14 reasonable doubt. If these circumstances merely portray  
15 the defendant's behavior as suspicious, the proof has  
16 failed. After weighing all the evidence if you're not  
17 convinced of the guilt of the defendant beyond a  
18 reasonable doubt, you must find the defendant not  
19 guilty.

20 The State has the burden of proving the defendant  
21 guilty beyond a reasonable doubt. This burden rests  
22 with the State regardless of whether the State relies  
23 on direct evidence, circumstantial evidence or some  
24 combination of the two.

25 Necessarily, you must determine the credibility

1 of witnesses who have testified in this case and  
2 credibility simply means believability. It becomes  
3 your duty as jurors to analyze and evaluate the  
4 evidence and determine which evidence convinces you of  
5 its truth.

6 In determining the believability of witnesses who  
7 have testified in this case, you can believe one witness  
8 over several or several witnesses over one. You may  
9 believe a part of the testimony of a witness and reject  
10 the remaining part of the testimony of the same witness.  
11 You may believe the testimony of a witness in its entirety  
12 or you may reject the testimony of a witness in its  
13 entirety. You may consider whether any witness exhibited  
14 to you any interest, bias, prejudice or motive in their  
15 testimony. You may also consider the appearance and  
16 demeanor of a witness while on the witness stand.

17 I instruct you and emphasize that the fact that the  
18 defendant did not testify in this case is not a factor  
19 to be considered by you in any way in your deliberation  
20 and in your consideration on the question of the guilt  
21 or the innocence of the defendant. It must not be  
22 considered by you in any manner whatsoever. A defendant  
23 has the constitutional right to remain silent and the  
24 assertion of this right must not be considered by you  
25 in your deliberations. I repeat. Under your oath as



1 jurors you are to draw no conclusion whatsoever from the  
2 fact that the defendant in this case did not testify.  
3 The fact that the defendant did not testify should not  
4 even be discussed in the jury room.

5 The burden of proof, as I stated to you, is on the  
6 State. The defendant is not required to prove his  
7 innocence. The burden remains on the State to prove  
8 guilt beyond a reasonable doubt.

9 The rules of evidence ordinarily do not permit  
10 witnesses to testify to opinions or conclusions. An  
11 exception to this rule exists for witnesses we call  
12 expert witnesses. A witness who by education and  
13 experience has become expert in some art, science,  
14 profession or calling may state an opinion as to  
15 relevant and material matter in which the witness claims  
16 to be an expert and may also state the reasons for the  
17 opinion.

18 In this trial you've heard expert testimony in  
19 the field of crime scene investigation and firearms  
20 identification. You should consider any expert opinion  
21 received in evidence in this case and like any other  
22 evidence give it the weight you think it deserves. If  
23 you decide that the opinion of an expert witness is not  
24 based on sufficient education and experience or if you  
25 conclude that the reasons given in support of the

1 opinion are not sound or that the opinion is outweighed  
2 by other evidence, you may disregard the opinion entirely.  
3 An expert witness's testimony is to be given no greater  
4 weight than that of other witnesses simply because the  
5 witness is an expert. Further, you are not required to  
6 accept an expert's opinion even though it is not  
7 contradicted.

8       There's been evidence presented that witnesses in  
9 this case have made prior statements which are not  
10 consistent with the witnesses' present testimony. You  
11 may use this direct evidence to decide whether to believe  
12 the witness. You may also use evidence of the earlier  
13 contradictory statements to determine the truth of those  
14 statements. It's up to you to decide whether to believe  
15 the earlier statements or the testimony given at trial.  
16 If a witness is shown to have knowingly testified  
17 untruthfully concerning any material matter, you may  
18 consider this in determining whether to trust the  
19 witness's testimony as to other matters. You may  
20 reject all testimony of that witness or give all or part  
21 of the testimony the weight you think it deserves.

22       The defendant is charged with attempted murder. In  
23 order to prove this crime, the State must prove the  
24 defendant with the intent to kill attempted to kill  
25 another person with with malice aforethought. In order

1 to be guilty of this offense, the defendant must possess  
2 a specific intent to kill. Thus a specific intent to  
3 kill is a required element of the offense.

4 Malice is hatred, ill will or hostility toward  
5 another person. Malice aforethought does not require  
6 that malice exist for any particular time before the  
7 act is committed, but malice must exist in the mind of  
8 the defendant just before and at the time the act is  
9 committed. Therefore, there must be a combination of  
10 the previous evil intent and the act.

11 Specific intent to kill and malice aforethought  
12 may be established by direct evidence, circumstantial  
13 evidence or a combination of the two. If the defendant  
14 with malice aforethought attempts to kill another person  
15 but by mistake injures a different person, the defendant  
16 still has the intent to kill. The intent to kill is  
17 merely transferred from the original person the defendant  
18 attempted to kill to the actual person injured. The  
19 defendant would be guilty of attempted murder just as  
20 if the intent had resulted in the injury of the person  
21 the defendant attempted to kill.

22 If you find that the State failed to prove beyond  
23 a reasonable doubt that the defendant committed the  
24 offense of attempted murder, then you must determine  
25 whether the State has proven beyond a reasonable doubt

1     that the defendant committed the lesser included offense  
2     of assault and battery of a high and aggravated nature.

3             A person commits the offense of assault and  
4     battery of a high and aggravated nature if the person  
5     unlawfully injures another person and great bodily injury  
6     to another person results or the act is accomplished by  
7     means likely to produce death or great bodily injury.

8             Great bodily injury means bodily injury which  
9     causes a substantial risk of death or which causes  
10    serious permanent disfigurement or protracted loss or  
11    impairment of the function of a bodily member or organ.

12            If you find that the State failed to prove beyond  
13    a reasonable doubt that the defendant committed the  
14    offense of assault and battery of a high and aggravated,  
15    then you must determine whether the State has proven  
16    beyond a reasonable doubt that the defendant committed  
17    the lesser included offense of assault and battery in  
18    the first degree.

19            A person commits the offense of assault and battery  
20    in the first degree if the person unlawfully offers or  
21    attempts to injure another person with the present  
22    ability to do so and the act is accomplished by means  
23    likely to produce death or great bodily injury.

24            Great bodily injury means bodily injury, again,  
25    which causes a substantial risk of death or which causes

1     serious permanent disfigurement or protracted loss or  
2     impairment of the function of a bodily member or organ.

3             If you find that the State failed to prove beyond  
4     a reasonable doubt that the defendant committed the  
5     offense of assault and battery in the first degree, then  
6     you must determine whether the State has proven beyond  
7     a reasonable doubt that the defendant committed the  
8     lesser included offense of assault and battery in the  
9     second degree.

10            A person commits the offense of assault and battery  
11     in the second degree if the person unlawfully injures  
12     another person or offers or attempts to injure another  
13     person with the present ability to do so and either  
14     moderate bodily injury to another person results or  
15     moderate bodily injury to another person could have  
16     resulted.

17            Moderate bodily injury means physical injury that  
18     involves prolonged loss of consciousness or that cause  
19     temporary or moderate disfigurement or temporary loss  
20     of the function of a bodily member or organ or injury  
21     that requires medical treatment when the treatment  
22     requires the use of regional or general anesthesia  
23     or injury that results in a fracture or dislocation.  
24     Moderate bodily injury does not include one time  
25     treatment and the subsequent observation of scratches,

1 cuts, abrasions, bruises, burns, splinters or any other  
2 minor injuries that do not ordinarily require extensive  
3 medical care.

4 The defendant has raised the defense of  
5 self-defense. Self-defense is a complete defense and  
6 if it is established you must find the defendant not  
7 guilty. The State has the burden of disproving  
8 self-defense by proof beyond a reasonable doubt. If  
9 you have a reasonable doubt of the defendant's guilt  
10 after considering all the evidence, including the  
11 evidence of self-defense, then you must find the  
12 defendant not guilty. On the other hand, if you have  
13 no reasonable doubt of the defendant's guilt after  
14 considering all of the evidence, including the evidence  
15 of self-defense, then you must find the defendant guilty.

16 The following elements are required to establish  
17 self-defense. First, the defendant must be without  
18 fault in bringing on the difficulty. If the defendant's  
19 conduct was the type which was reasonably calculated to  
20 and did provoke a deadly assault, the defendant would  
21 be at fault in bringing on the difficulty and would not  
22 be entitled to an acquittal based on self-defense.

23 The second element of self-defense is that the  
24 defendant was actually in imminent danger of death or  
25 serious bodily injury or that the defendant actually

1     believed he was in imminent danger of death or serious  
2     bodily injury. If the defendant was actually in imminent  
3     danger, it must be shown that the circumstances would  
4     have warranted a person of ordinary firmness and courage  
5     to strike the fatal blow to prevent death or serious  
6     bodily injury. If the defendant believed he was in  
7     imminent danger of death or serious bodily injury, it  
8     must be shown that a reasonable prudent person of  
9     ordinary firmness and courage would have had the same  
10    belief.

11           In deciding whether the defendant actually was or  
12    believed he was in imminent danger of death or serious  
13    bodily injury, you should consider all of the facts  
14    and circumstances surrounding the crime, including the  
15    physical condition and characteristics of the defendant  
16    and the victim. The defendant does not have to show  
17    that he was actually in danger. It is enough if the  
18    defendant believed he was in imminent danger and a  
19    reasonably prudent person of ordinary firmness and  
20    courage would have had the same belief.

21           The defendant has a right to act on appearances  
22    even though the defendant's belief may have been  
23    mistaken. It is for you to decide whether the  
24    defendant's fear of imminent danger of death or of  
25    serious bodily injury was reasonable and would have

1    been felt by an ordinary person in the same situation.

2           Words accompanied by hostile acts may, depending  
3    on the circumstances, establish self-defense. Any  
4    threat made by -- any threats made by the victim may  
5    be considered in determining whether the defendant  
6    actually was or believed he was in imminent danger.  
7    The intoxication of the victim may be considered in  
8    deciding whether the defendant's fear of death or fear  
9    of bodily harm was reasonable.

10           The final element of self-defense is that the  
11   defendant had no other probable way to avoid the danger  
12   of death or serious bodily injury than to act as the  
13   defendant did in this particular instance. The defendant  
14   had no duty to retreat if by doing so the danger of  
15   being killed or suffering serious bodily injury would  
16   increase.

17           A lawful guest is a person who enters the premises  
18   of another by either express or implied invitation;  
19   however, a guest has a duty to retreat where possible  
20   if the attacker is the owner or occupier of the  
21   property. A person cannot be required to make an exact  
22   calculation as to the degree or amount of force which  
23   may be needed to avoid death or serious bodily harm;  
24   therefore, in self-defense the defendant has the right  
25   to use the force needed to avoid death or serious bodily



1    harm. The force used in self-defense does not have to  
2    be limited to the degree or amount of force used by  
3    the victim. The defendant has the right to use so  
4    much force as appeared to be necessary for complete  
5    self-protection and which a person of ordinary reason  
6    and firmness would have believed he needed to prevent  
7    death or serious bodily harm. If the defendant is  
8    justified in defending himself or others in firing  
9    the first shot, then the defendant is also justified  
10   in continuing to shoot until it is apparent that the  
11   danger of death or danger of serious bodily injury has  
12   completely ended.

13       And, ladies and gentlemen, I'm gonna go over the  
14   verdict forms with you. You'll have three verdict forms  
15   in this case representing the three counts of attempted  
16   murder against the defendant. You'll see on the verdict  
17   form at the top just the caption of the case and then,  
18   for example, this is the verdict form with respect to  
19   the charge of attempted murder of A.G. .

20       It says as to the charge of attempted murder of  
21   A.G. , we, the jury, unanimously find the  
22   defendant, and then there's a blank for guilty and a  
23   blank for not guilty. Please don't read anything into  
24   the order in which these choices appear. One's got to  
25   come first and one's got to come second. And it gives

1 you instruction that if you find the defendant guilty  
2 of that charge, then you would stop your deliberations.  
3 If you find him not guilty, you would check the box of  
4 not guilty and follow the instruction to go to question  
5 two.

6 As to the lesser included offense of assault and  
7 battery of a high and aggravated nature of A.G.

8 , we, the jury, unanimously find the defendant,  
9 and, again, you'll either check guilty and stop your  
10 deliberations or you'll check not guilty and you'll  
11 continue onto the next question.

12 The next question is as to the lesser included  
13 offense of assault and battery in the first degree of  
14 A.G.

15 , we, the jury, unanimously find the  
16 defendant, again, guilty and stop your deliberations  
17 or not guilty and continue to the final question.

18 And the last question states as to the lesser  
19 included offense of assault and battery in the second  
20 degree of A.G.

21 , we, the jury, unanimously  
22 find the defendant either guilty or not guilty.

23 Again, your verdict as to each of the verdict forms  
24 must be unanimous. All twelve jurors must agree.

25 Mr. Creede, as the foreperson of the jury, you'll  
sign each verdict portion -- each verdict form where  
it indicates jury foreperson.

1           Again, you'll have three verdict forms back in  
2     the jury room with you. I say back in the jury room.  
3     We're actually gonna let you use this courtroom for  
4     your deliberations and we're gonna clear out so that  
5     we don't have to try to put y'all in one room.

6           Let me ask if all twelve jurors are well and able  
7     to continue with the deliberations?

8           Okay. I'm gonna dismiss you from here briefly  
9     while we take up a matter of law and then we're gonna  
10    bring -- we're gonna clear out and bring y'all back in  
11    here and let you have the room along with the exhibits  
12    to conduct your deliberations in here.

13          First of all, any exceptions, additions, et cetera,  
14    from the State?

15          MR. MEADORS: Nothing from the State.

16          THE COURT: Anything from the defense?

17          MR. GRIFFITH: Nothing, Your Honor.

18          THE COURT: Okay. Then I'm gonna excuse you  
19    briefly while we get our stuff together and then we'll  
20    turn the room over to you.

21          If I could ask the two alternates if they'll just  
22    remain in the courtroom with us for a few minutes.

23          Thank you.

24          (Whereupon, the jury retires to the jury room at  
25    11:51 AM.)

1           (Whereupon, the jury was excused for lunch at  
2 11:50 AM.)

3           (Recess taken at 11:53 AM.)

4           (Whereupon, the evidence was submitted to the jury  
5 at 12:50 PM.)

6           (Back on the record at 1:09 PM.)

7           BAILIFF: Come to order. All rise.

8           You may be seated.

9           THE COURT: Okay. We have a question from the  
10 jury and I'm gonna let y'all look at this because it's  
11 not entirely clear to me what it's saying. It seems to  
12 say to me confirm, clarify maybe, attempted murder on  
13 -- I don't know if he means one person -- is attempted  
14 murder on all is what I think he's asking.

15           MR. GRIFFITH: I would say that you gave them those  
16 three verdict sheets so they could decide on three  
17 different people. What they're asking here is like  
18 basically hand of one hand, hand of all or one is all.

19           MR. MEADORS: Well, just -- I'm sorry. Clarify  
20 attempted murder one person is attempted murder -- I  
21 wonder if it's attempted murder on one person is  
22 attempted murder on all.

23           MR. GRIFFITH: I think that's what they mean.

24           MR. MEADORS: I think that's what he's saying. I  
25 don't know, but...

1 THE COURT: That's what I think.

2 MR. GRIFFITH: I think that's what they're trying  
3 to say.

4 THE COURT: What I would propose is that I will  
5 read it and say this is what you're asking or have I  
6 gotten it wrong.

7 MR. GRIFFITH: Okay.

8 THE COURT: If they indicate that that is the  
9 question, then tell me what you are requesting that I  
10 charge?

11 MR. GRIFFITH: You gave them three different  
12 verdict sheets and the questions on each verdict sheet  
13 are for that person on that verdict sheet.

14 THE COURT: Yes. What I would certainly charge  
15 them is the first section on multiple charges, the  
16 indictment in this case alleges three separate offenses  
17 against the defendant. Each count of the indictment  
18 charges a separate and distinct offense. You must  
19 decide each count separately on the evidence and the  
20 law applicable to it uninfluenced by your decision as  
21 to any other charge. The defendant may be convicted or  
22 acquitted on any or all the offenses charged. You're  
23 asked to write a separate verdict of guilty or not  
24 guilty for each charge.

25 MR. GRIFFITH: There you go.

1           MR. MEADORS: Wait a minute. I think he left out  
2 the "E" there. You know, obviously I'd love for you to  
3 charge transferred intent again, but I don't know if  
4 that goes that far or not.

5           THE COURT: Of course, the transferred intent  
6 section states if the defendant with malice aforethought  
7 attempts to kill another person, but by mistake injures  
8 a different person, the defendant still has the intent  
9 to kill. The intent to kill is merely transferred from  
10 the original person the defendant attempted to kill to  
11 the actual person injured.

12           The problem that I've got is if I'm just charging  
13 that without charging the entire, then I think I'm  
14 giving --

15           MR. MEADORS: I don't disagree. I'm just trying  
16 to wonder if you ought to charge them all again, but  
17 whatever you think, Judge.

18           MR. GRIFFITH: And I interpret that particular  
19 part to mean if you're aiming at Billy and you hit  
20 Johnny, but you hit Billy, I think that's what that's  
21 trying to...

22           THE COURT: Yeah, I just think just charging  
23 transferred intent would give undue -- it would be  
24 almost like I am commenting on the facts when I'm --

25           MR. MEADORS: I agree. I agree with that. And

1   that wasn't my intent. I was thinking out loud. And  
2   so the only other option would be to charge them on  
3   all the charges plus transferred intent. Whatever  
4   Your Honor decides we're very comfortable with.

5       THE COURT: Okay. At this point I'm just gonna  
6   give them the charge on multiple charges that we just  
7   discussed.

8       MR. MEADORS: Thank you.

9       THE COURT: Okay. If you want to bring the jury  
10   in.

11       BAILIFF: Yes, ma'am.

12       (Court's Exhibit Number 6 was marked for  
13   identification.)

14       (Whereupon, the jury returns to the courtroom at  
15   1:15 PM.)

16       BAILIFF: Jurors all seated, Your Honor.

17       THE COURT: Thank you.

18       Okay. Ladies and gentlemen, I have your note  
19   and let me first confirm that this is what you're  
20   asking. What it seems to say to me is confirm,  
21   clarify attempted murder on one person is attempted  
22   murder on all.

23       Is that the question that you're asking,  
24   Mr. Creede?

25       FOREPERSON: Yes, ma'am.

1           THE COURT: So, ladies and gentlemen, let me give  
2 you the following charge. The indictment in this case  
3 alleges three separate offenses against the defendant.  
4 The charges are Count I, attempted murder of Willie  
5 Graham; Count II, attempted murder of Shamika Bracey,  
6 and Count III, attempted murder of A.G. .

7           Each count of the indictment charges a separate  
8 and distinct offense. You must decide each count  
9 separately on the evidence and the law applicable  
10 to it uninfluenced by your decision as to any other  
11 charge. The defendant may be convicted or acquitted  
12 on any or all of offenses charged. You'll be asked  
13 to write a separate verdict of guilty or not guilty  
14 for each charge.

15          I can give you the charge on each of the offenses  
16 again if that will aid you, but that's the only  
17 instruction that I can give you. And I don't want you  
18 to comment back to me except if y'all want me to give  
19 you the charge on the various offenses, I'm glad to do  
20 that.

21          Okay. I'm gonna ask you to continue your  
22 deliberations then.

23          (Whereupon, the jury retires to the jury room at  
24 1:17 PM.)

25          THE COURT: Any objections, additions? Any



1     comments?

2             MR. MEADORS:   No.

3             MR. GRIFFITH:   None, Your Honor.

4             THE COURT:   Okay.   We'll be at ease then.

5             (Recess taken at 1:17 PM.)

6             (Back on the record at 1:52 PM.)

7             BAILIFF:   Come to order.   All rise.

8             THE COURT:   Thank y'all.   Please have a seat.

9             Okay.   You can bring the jury in.

10            (Whereupon, the jury returns to the courtroom at  
11   1:54 PM.)

12            THE COURT:   Okay.   Mr. Creede, I understand the  
13   jury's reached a verdict?

14            FOREPERSON:   Yes, ma'am, we have.

15            THE COURT:   Okay.   If you would hand the verdict  
16   forms to the bailiff.

17            FOREPERSON:   (Handing.)

18            THE BAILIFF:   Here you go, Your Honor.

19            THE COURT:   Okay.   I have the jury's verdict.

20            As to the charge of attempted murder of Willie  
21   Graham, it states we, the jury, unanimously find the  
22   defendant guilty.

23            As to the charge of attempted murder of Shamika  
24   Bracey, we, the jury, unanimously find the defendant  
25   not guilty.   As to the lesser included offense of

1 assault and battery of a high and aggravated nature of  
2 Shamika Bracey, we, the jury, unanimously find the  
3 defendant guilty.

4 As to the charge of attempted murder of A.G.  
5 we, the jury, unanimously find the defendant  
6 not guilty. As to the lesser included offense of  
7 assault and battery of a high and aggravated nature of  
8 A.G. , we, the jury, unanimously find the  
9 defendant guilty.

10 Ladies and gentlemen, let me ask is this your  
11 verdict?

12 THE JURY: (Nodding in the affirmative.)

13 THE COURT: Anything from the State?

14 MR. MEADORS: No, ma'am.

15 THE COURT: Mr. Griffith.

16 MR. GRIFFITH: Your Honor, we would ask for a  
17 verdict notwithstanding the jury and for reconsideration  
18 and new trial.

19 THE COURT: Let me release the jury and then I'll  
20 let you make your motions.

21 MR. GRIFFITH: Okay.

22 THE COURT: Anything else before I release the  
23 jury, Mr. Griffith?

24 MR. GRIFFITH: Nothing, Your Honor.

25 THE COURT: Okay. Ladies and gentlemen, I want

1 to thank you so much for your service. I know it's  
2 been a long week for you and probably was not your  
3 first choice of places to be. What you've done today  
4 is a -- is a huge service to your community. We are  
5 very grateful.

6 This does serve as an exemption for three years, so  
7 if you are to get a juror summons over the next three  
8 years if you'll let the clerk's office know that you've  
9 already served, then that will act as an exemption for  
10 you.

11 Whenever the juror summons go out, you know, a lot  
12 of times there's one of two reactions. I was chief  
13 magistrate in Sumter county almost seven years and my  
14 name was on the juror summons and when those summons  
15 went out to, you know, seventy or eighty people at a  
16 time all of a sudden my phone would start ringing with  
17 people who I haven't seen in years and who knew my name  
18 and wanted to get out jury service. So we would have  
19 people come and some people would come up with every  
20 possible reason why they couldn't serve and then there's  
21 another category of people who would just quietly go  
22 about rearranging their entire lives so that they could  
23 come and serve, and y'all fall within that category and  
24 so we appreciate very much you being here.

25 And you're free to go.

1 be given credit for his time served. He's spent almost  
2 two years over there at the detention center and as well,  
3 Your Honor, that Your Honor considered his age and the  
4 fact that he doesn't have a vicious prior record in  
5 establishing the sentences.

6 THE COURT: Thank you, sir.

7 Anything else you want me to hear?

8 MR. GRIFFITH: Nothing, Your Honor.

9 I did have another matter to talk to the judge  
10 about after this proceeding, but it doesn't have to be  
11 on the record.

12 THE COURT: As to the charge of attempted murder,  
13 the sentence of the Court is thirty years. This is a  
14 concurrent sentence. I'm giving him credit for any time  
15 that he has served.

16 On the charge of assault and battery of a high  
17 and aggravated nature as to Shamika Bracey, this is a  
18 concurrent sentence of fifteen years.

19 As to the assault and battery of a high and  
20 aggravated nature against the minor, A.G. ,  
21 the sentence is fifteen years. Again, that's a  
22 concurrent sentence.

23 I don't really find anything to mitigate the  
24 sentence in this case. I'm thankful that the young boy  
25 was not injured and I'm very thankful that Mr. Graham

1     was not killed, that A.G.           was not killed, that  
2     Ms. Bracey was not killed in this incident. To me it's  
3     just the grace of God that it was not a worse situation.

4             So that's the sentence of the court.

5             MR. MEADORS: Thank you.

6             MR. GRIFFITH: Thank you, Your Honor.

7             (Whereupon, the proceedings were concluded at  
8     2:20 PM.)

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESSES

Randall K. Stewart  
County Sheriff

Sumter

DOCKET NO. 2020-GS-43-0621

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

July TERM 2020

THE STATE

vs.

NIKEEN D'AUNDRE JOHNSON

Indictment for

Attempted Murder (4 Counts)

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

Eric H. Johnson

7-30-20

VERDICT

Foreperson of Petit Jury

Date:

ERNEST A. FINNEY, III, SOLICITOR

Ernest A. Finney III

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SUMTER )

INDICTMENT FOR  
 Attempted Murder (4 Counts)

At a Court of General Sessions, convened on July 30, 2020 the Grand Jurors of  
 SUMTER County present upon their oath:

COUNT ONE

That Nikeen D'Aundre Johnson did in Sumter on or about 2019-08-16, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Nikeen D'Aundre Johnson did with intent to kill, attempt to kill another person, Willie Graham, with malice aforethought, either express or implied, by shooting said victim several times with a firearm.

COUNT TWO

That Nikeen D'Aundre Johnson did in Sumter on or about 2019-08-16, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Nikeen D'Aundre Johnson did with intent to kill, attempt to kill another person, Shamika Bracey, with malice aforethought, either express or implied, by shooting said victim in the abdomen with a firearm.

COUNT THREE

That Nikeen D'Aundre Johnson did in Sumter on or about 2019-08-16, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Nikeen D'Aundre Johnson did with intent to kill, attempt to kill another person, 7 year old Anastasia Graham, with malice aforethought, either express or implied, by shooting said victim with a firearm.

COUNT FOUR

That Nikeen D'Aundre Johnson did in Sumter on or about 2019-08-16, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Nikeen D'Aundre Johnson did with intent to kill, attempt to kill another person, 6 year old Cameron Graham, with malice aforethought, either express or implied, by shooting at the said victim with a firearm.

Against the peace and dignity of the State, and contrary to the statute in such case made  
 and provided.

Solicitor



COUNTY OF  
STATE

SUMTER

VS.

Nikeen D'Aundre Johnson

AKA:

Race: Sex: M Age: 27

DOB: 1993 SS#: [REDACTED]

Address: Summit Hills Cir

City, State, Zip: Columbia, SC 292297194

DL#: [REDACTED] SID#: [REDACTED]

\*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was  
TO: Murder / Attempted Murder

INDICTMENT/CASE#: 2020-GS-43-0621

A/W#: 2019A4310100820

Date of Offense: 8/16/2019

S.C. Code § 16-03-0029

CDR Code #: 3410

323

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45  
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 10429 Defendant [Signature] SCB77923  
Meadors, John P SC Bar# Griffith, Timothy L. SC Bar#  
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 30 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

☐ Set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: S  
§14-1-206 (Assessments 107.5 %) S  
§14-1-211(A)(1) (Conv. Surcharge) \$100 S 100.00  
§14-1-211(A)(2) (DUI Surcharge) \$100 S  
§56-5-2995 (DUI Assessment) \$12 S  
§56-1-286 (DUI Breath Test) \$25 S  
Proviso (Public Def/Probation) \$500 S  
§14-1-212 (Law Enforce. Funding) \$25 S 25.00  
§14-1-213 (Drug Court Surcharge) \$150 S  
§50-21-114 (BUI Breath Test Fee) \$50 S  
§56-5-2942(J) (Vehicle Assessment) \$40/ea S  
3% to County (if paid in installments) S 3.75

TOTAL

S 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

Presiding Judge

Judge Code:

Sentence Date:

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel,  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

[Signature]

2762

6/24/21



COUNTY OF  
STATE

324

SUMTER

2063

VS.

Nikeen D'Aundre Johnson

AKA:

Race: Sex: M Age: 27

DOB: 1993 SS#: [REDACTED]

Address: Summit Hills Cir

City, State, Zip: Columbia, SC 292297194

DL#: [REDACTED] SID#: [REDACTED]

\*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was  
TO: Assault / Assault & Battery of a High & Aggravated Nature

INDICTMENT/CASE#: 2020-GS-43-0621

A/W#: 2019A4310100821

Date of Offense: 8/16/2019

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0600 (B) (2) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

*John P. Meadors*  
Meadors, John P

10429  
SC Bar#

Defendant

*Timothy L. Griffith*  
Griffith, Timothy L.  
Attorney for Defendant

SCB77923

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 15 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP       

Total: \$        plus 20% fee: \$       

Payment Terms:       

☐ Set by SCDPPPS       

Recipient:       

\*Fine:        \$       

§14-1-206 (Assessments 107.5 %)        \$       

§14-1-211(A)(1) (Conv. Surcharge) \$100        \$ 100.00

§14-1-211(A)(2) (DUI Surcharge) \$100        \$       

§56-5-2995 (DUI Assessment) \$12        \$       

§56-1-286 (DUI Breath Test) \$25        \$       

Proviso (Public Def/Probation) \$500        \$       

§14-1-212 (Law Enforce. Funding) \$25        \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150        \$       

§50-21-114(BUI Breath Test Fee) \$50        \$       

§56-5-2942(J) (Vehicle Assessment) \$40/ea        \$       

3% to County (if paid in installments)        \$ 3.75

TOTAL        \$ 128.75

       days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.       

May serve W/E beginning       

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$        beginning       

\$        paid to Public Defender Fund

Other:       

☐ Appointed PD or appointed other counsel,  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

Presiding Judge

Judge Code:

Sentence Date:

*James L. Campbell*  
*Stacy Johnson*

*Kushkuth*  
*2762*  
*6/24/21*

COUNTY OF  
STATE

SUMTER

VS.

Nikeen D'Aundre Johnson

AKA:

Race: Sex: M Age: 27

DOB: 1993 SS#:

Address: Summit Hills Cir

City, State, Zip: Columbia, SC 292297194

DL#: SID#:

\*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was  
TO: Assault / Assault & Battery of a High & Aggravated Nature

INDICTMENT/CASE#: 2020-GS-43-0621

A/W#: 2019A4310100822

Date of Offense: 8/16/2019

S.C. Code § : 16-03-0029

CDR Code #: 3410

325

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0600 (B) (2) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Meadors, John P

SC Bar#

Defendant

Griffith, Timothy L.  
Attorney for Defendant

SCB77923

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,  
for a determinate term of 15 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

|                                        |                 |
|----------------------------------------|-----------------|
| *Fine:                                 | \$              |
| §14-1-206 (Assessments 107.5 %)        | \$              |
| §14-1-211(A)(1) (Conv. Surcharge)      | \$100 \$ 100.00 |
| §14-1-211(A)(2) (DUI Surcharge)        | \$100 \$        |
| §56-5-2995 (DUI Assessment)            | \$12 \$         |
| §56-1-286 (DUI Breath Test)            | \$25 \$         |
| Proviso (Public Def/Probation)         | \$500 \$        |
| §14-1-212 (Law Enforce. Funding)       | \$25 \$ 25.00   |
| §14-1-213 (Drug Court Surcharge)       | \$150 \$        |
| §50-21-114(BUI Breath Test Fee)        | \$50 \$         |
| §56-5-2942(J) (Vehicle Assessment)     | \$40/ea \$      |
| 3% to County (if paid in installments) | \$ 3.75         |

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,  
Proviso requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.

Presiding Judge

Judge Code:

Sentence Date:

Kristin Antu  
2762  
6/24/21

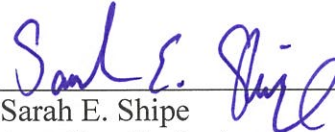
Sep 02 2022

## CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

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,



Sarah E. Shipe  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of September, 2022.