

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Appellate Case No. 2021-001405

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SC Court of Appeals

The Honorable Walton J. McLeod, Circuit Court Judge

The State of South Carolina.....Respondent,

v.

Shantrez Alejandro Robertson.....Appellant.

RECORD ON APPEAL

VOLUME II

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1 Q. Okay. Back in June of 2015, were you involved
2 in this case?

3 A. Yes.

4 Q. Starting with responding to Palmetto Health
5 Richland, do you recall responding there?

6 A. Yes.

7 Q. What was the purpose of responding there?

8 A. There was a victim at the hospital that needed
9 his injuries photographed, his clothing collected,
10 and a GSR kit collected from him.

11 Q. And just for the record, what date did you
12 respond to Palmetto Health Richland?

13 A. June 6th, 2015.

14 Q. And who was the individual that you met with
15 while you were there?

16 A. Antonio Stroman.

17 Q. And when you met with Antonio Stroman, what, if
18 anything, did you collect from him specifically?

19 A. Specifically, I collected his clothing and
20 photographs and a GSR kit.

21 Q. I'm going to hand you what's been pre-marked as
22 State's Exhibit 348 and ask you if you recognize it.

23 A. Yes.

24 Q. And how do you recognize that?

25 A. This is the GSR kit that I collected. I

1 recognize it by my handwriting, as well as the case
2 number.

3 Q. And for the record, State's 348.

4 And who is the individual named on there?

5 A. Antonio Stroman.

6 MS. FULLER: At this time, Your Honor, the
7 State seeks to introduce State's Exhibit 348 into
8 evidence.

9 MR. WILLIAMS: Without objection on behalf of
10 Brannon, Your Honor.

11 MR. MAULDIN: No objection, sir.

12 THE COURT: State's Exhibit 348 admitted into
13 evidence.

14 (State's Exhibit No. 348 admitted into
15 evidence.)

16 BY MS. FULLER:

17 Q. What is GSR?

18 A. Gunshot residue.

19 Q. Can you briefly describe your method of
20 collecting a sample?

21 A. These kits come pre-sealed with four canisters
22 that have a removable top. Inside the top is an
23 adhesive, almost like a tape surface. And they are
24 marked left palm, left back, right palm, right back.

25 And you just use the adhesive from the left

1 palm and dab it all over the left palm and close
2 that container. The same for the left back, for the
3 right palm, and the right back. Then you seal the
4 kit.

5 Q. And that's what you did in this case?

6 A. Yes.

7 Q. Moving on to the Hill View Truck Stop, did you
8 have an opportunity to respond there as it relates
9 to this case?

10 A. Yes.

11 Q. What is the address of the Hill View Truck
12 Stop?

13 A. 2656 Ben Franklin Road.

14 Q. And what was the purpose of responding there?

15 A. I was advised that there was a car there that
16 was involved in this incident that needed
17 photographed before being towed.

18 Q. Do you remember approximately what time you
19 arrived there?

20 A. At 0620 hours.

21 Q. And when you arrived on scene, what, if
22 anything, did you observe?

23 A. There was a gray Dodge Charger in the parking
24 lot. It had a damaged right -- correction,
25 passenger front tire.

1 Q. Okay. I'm going to show you what's already in
2 evidence, photograph, State's Exhibits 79 and 80,
3 and ask if you recognize it.

4 MS. FULLER: I apologize, Your Honor. I didn't
5 ask permission to move about the courtroom.

6 THE COURT: Proceed.

7 MS. FULLER: Thank you.

8 BY MS. FULLER:

9 Q. Showing you State's Exhibits 79 and 80 and ask
10 if you recognize it.

11 A. Yes.

12 Q. How do you recognize them?

13 A. These are the photos that I took of the Charger
14 at the Hill View Truck Stop.

15 MS. FULLER: Publishing again today for the
16 record, showing 79.

17 BY MS. FULLER:

18 Q. When you arrived to the Hill View Truck Stop,
19 was the vehicle or that area secured by other law
20 enforcement officers?

21 A. Yes.

22 Q. And what would that mean for you?

23 A. It means that once they responded and provided
24 First Aid, they didn't allow anybody else to enter
25 that area to make sure no evidence would be

1 disturbed.

2 Q. And this photograph is of the vehicle once you
3 arrived on scene?

4 A. Yes.

5 Q. And also, State's 80, just another close-up of
6 the front passenger side?

7 A. Yes.

8 Q. I'm going to show you what's also been marked
9 for ID as State's 81, 82, 83, and 84.

10 MS. FULLER: I previously showed defense
11 counsel these photos yesterday.

12 BY MS. FULLER:

13 Q. Do you recognize these photographs?

14 A. Yes. These are also photographs of the Charger
15 at the Hill View.

16 Q. Do they appear to be altered in any way?

17 A. No.

18 Q. And these are photos that you took yourself?

19 A. Yes.

20 MS. FULLER: Your Honor, at this time, the
21 State seeks to introduce State's 81, 82, 83, 84 into
22 evidence.

23 MR. WILLIAMS: Your Honor, if we could just
24 look at them before they go. We saw some photos
25 yesterday, and we just want to make sure we're

1 dealing with the same ones.

2 On behalf of Defendant Brannon, we have no
3 objection, Your Honor.

4 MR. MAULDIN: No objection, Your Honor.

5 THE COURT: State's Exhibit Nos. 81, 82, 83,
6 and 84 admitted into evidence.

7 (State's Exhibit Nos. 81 through 84 admitted
8 into evidence.)

9 MS. FULLER: Now publishing State's 81.

10 BY MS. FULLER:

11 Q. Can you go ahead and describe to the jury what,
12 if anything, of significance was in this photograph?

13 A. This photograph shows the damage to the tire as
14 well as the defects in the passenger's side.

15 And I'm not sure if you can see it clearly, but
16 there is a marker on the ground next to the
17 passenger door.

18 Q. Okay. And going into 82, is that the marker
19 you're describing?

20 A. Yes.

21 Q. Then going into 83, is that a close-up of the
22 marker?

23 A. Yes.

24 Q. And then also 84, the contents, what was in the
25 marker?

1 A. That is the projectile that was located within
2 the marker.

3 Q. Okay. I'm going to show you State's Exhibit
4 302 --

5 MS. FULLER: Beg the Court's indulgence.

6 BY MS. FULLER:

7 Q. All right. Showing you what's been marked
8 State's Exhibit 302 and ask if you recognize it.

9 A. Yes.

10 Q. And what do you recognize that to be?

11 A. That is the projectile that was next to the
12 Dodge Charger.

13 Q. And you collected this yourself?

14 A. Yes.

15 Q. And is this your handwriting on the packaging?

16 A. Yes.

17 MS. FULLER: At this time, Your Honor, State
18 seeks to introduce State's Exhibit 302 into
19 evidence.

20 MR. WILLIAMS: Without objection.

21 MR. MAULDIN: No objection, sir.

22 THE COURT: State's Exhibit No. 302 is admitted
23 into evidence.

24 (State's Exhibit No. 302 admitted into
25 evidence.)

1 MS. FULLER: Publishing State's Exhibit 84 and
2 302.

3

4 BY MS. FULLER:

5 Q. That's the same projectile that you
6 photographed that was recovered next to that Dodge
7 Charger?

8 A. Yes.

9 Q. And what is your understanding about where that
10 projectile came from?

11 A. It was my understanding that it fell out of the
12 car --

13 MR. WILLIAMS: Objection to understanding, Your
14 Honor; hearsay.

15 THE COURT: Rephrase the question, please.

16 MS. FULLER: Your Honor, I believe it's an
17 appropriate question --

18 THE COURT: I'd like you to say it again.

19 BY MS. FULLER:

20 Q. When you arrived on scene, did you speak with
21 law enforcement officers?

22 A. Yes.

23 Q. And in speaking with them about the Dodge
24 Charger and that projectile on the floor, what is
25 your understanding of where that projectile came

1 from?

2 A. It is my understanding that it came out of the
3 vehicle from when the door was opened.

4 MR. WILLIAMS: Same objection.

5 THE COURT: Overruled.

6 BY MS. FULLER:

7 Q. Also, on June 6th, did you have an opportunity
8 to respond to 1150 Parrish Road in Leesville, South
9 Carolina?

10 A. Yes.

11 Q. And when you arrived on scene there, what was
12 the purpose of your arrival?

13 A. My purpose was to assist CSI Ross.

14 Q. What were you assisting him with?

15 A. Locating evidence.

16 Q. Okay. And we went over that quite a bit
17 yesterday. Were you there the entire time that he
18 was there?

19 A. No.

20 Q. And your role there in assisting him, was he
21 the primary crime scene investigator on that
22 location?

23 A. Yes.

24 Q. And so, what would have been your specific
25 role? What were you doing when you arrived on

1 scene?

2 A. My role was to assist him in whatever he saw
3 fit that I needed to assist him with. In this case,
4 it was locating evidence.

5 Q. And in locating evidence, was he the one who
6 photographed them and bagged them and logged them
7 into evidence himself?

8 A. Yes.

9 Q. On June 8th of 2015, did you have an
10 opportunity to attend the autopsy of William Gantt
11 in this case?

12 A. Yes.

13 Q. And handing you State's Exhibit 349 and 350.
14 I'm going to ask you if you recognize this.

15 A. Yes.

16 Q. What do you recognize this to be?

17 A. These are the projectiles that I collected from
18 autopsy.

19 Q. And where were those projectiles recovered from
20 specifically?

21 A. One was recovered from the right leg of the
22 victim, the other from the left arm.

23 Q. And you were present when those were retrieved?

24 A. Yes.

25 Q. And you were the one that they were turned over

1 to and you packaged them and logged them into
2 evidence?

3 A. Yes.

4 Q. And you recognize your handwriting on this
5 packaging?

6 A. Yes.

7 MS. FULLER: For the record, State's Exhibit
8 349 and 350 is packaged together. And at this time,
9 the State seeks to introduce them into evidence.

10 MR. WILLIAMS: Without objection on behalf of
11 Brannon.

12 MR. MAULDIN: No objection, sir.

13 THE COURT: State's Exhibit 349 and 350 are
14 admitted into evidence.

15 MS. FULLER: For the record, Your Honor, the
16 packaging is 349, the projectiles are 350 and 351.

17 THE COURT: Okay. So just State's Exhibit 351
18 would also be admitted into evidence?

19 MS. FULLER: I apologize, Your Honor. It's two
20 bags in there. The first packaging is 349, the
21 other packaging is 350. And then, for the record,
22 SLED item 15 is Exhibit No. 351, SLED item 16 as
23 Exhibit 352. And we'll put SLED item numbers on the
24 record later.

25 We would request to move this into evidence.

1 MR. WILLIAMS: I'm not sure -- I don't want to
2 call him co-counsel -- counsel for the other
3 defendant understood what all that was.

4 MS. FULLER: So the bag is marked as State's
5 Exhibit 349, the contents of the bags are the two
6 projectiles recovered from the autopsy.

7 THE COURT: Which --

8 MS. FULLER: And there's another bag. It's
9 packaged in another bag, so that bag has a
10 packaging, which is State's 350. And then the two
11 projectiles inside is 350 and it's 351 and 352.

12 THE COURT: I think I understand that. The two
13 projectiles --

14 MR. WILLIAMS: She's putting them in another
15 bag.

16 THE COURT: The two bags are in another bag.

17 MR. WILLIAMS: Got it. Thank you, Your Honor.

18 THE COURT: So admitted.

19 MS. FULLER: Thank you, Your Honor. That's how
20 they were packaged.

21 (State's Exhibit Nos. 349 - 352 admitted into
22 evidence.)

23 BY MS. FULLER:

24 Q. On June 9th of 2015, did you have an
25 opportunity to do further work in this case?

1 A. Yes.

2 Q. And what did that entail?

3 A. Search warrants on four different vehicles.

4 Q. Okay. Starting first with the Dodge Charger,
5 did you have an opportunity to photograph and
6 collect evidence from the Dodge Charger in this
7 case?

8 A. Yes.

9 Q. I'm going to show you what's been marked as
10 State's Exhibit 85 through 96 and ask you if you
11 recognize these photographs.

12 A. Yes.

13 Q. What do you recognize these photographs to be
14 of?

15 A. These are the photos of the Dodge Charger I
16 took during search warrant on June 9th, 2015.

17 Q. And are these exterior and some interior photos
18 of that Charger?

19 A. Yes.

20 Q. And you would have taken these pictures
21 yourself?

22 A. Yes.

23 Q. Do they appear to be altered in any way?

24 A. No.

25 MS. FULLER: At this time, Your Honor, the

1 State seeks to introduce State's Exhibits 85 through
2 96 into evidence.

3 MR. WILLIAMS: May I see them really quick?

4 Without objection, Your Honor.

5 MR. MAULDIN: Without objection, Your Honor.

6 THE COURT: State's Exhibits 85 through 96
7 admitted into evidence.

8 (State's Exhibit Nos. 85 through 96 admitted
9 into evidence.)

10 MS. FULLER: Thank you, Your Honor.

11 BY MS. FULLER:

12 Q. I skipped this. Going back real quick, looking
13 at State's 286 for ID at this time, do you recognize
14 the location of 1150 Parrish Road where you
15 responded to that day?

16 A. Yes.

17 Q. And also, on this aerial, do you recognize the
18 location of the Hill View Truck Stop that you
19 responded to as well?

20 A. Yes.

21 MS. FULLER: Just for ID at this time, Your
22 Honor.

23 BY MS. FULLER:

24 Q. Going back to this Dodge Charger, looking at
25 State's 285, where was this photograph taken?

1 A. In the impound lot at the sheriff's office.

2 Q. And this is the driver's side of the vehicle?

3 A. Yes.

4 Q. Looking at the driver's side of this vehicle,
5 were there any defects on the side of the vehicle?

6 Do you recall any defects on the side of the
7 vehicle?

8 A. I can't tell from that photo.

9 Q. Did you note any defects?

10 A. No.

11 Q. And when I'm referring to defects, specifically
12 bullet defects on the driver's side of the vehicle.
13 No bullet defects on the driver's side of the
14 vehicle?

15 A. No.

16 Q. Looking at State's 87, is this the passenger's
17 side of the vehicle?

18 A. Yes.

19 Q. Okay. And do you note defects on the
20 passenger's side of the vehicle?

21 A. Yes.

22 Q. In looking at State's 86, similarly, zoomed in,
23 do you note defects as well?

24 A. Yes.

25 Q. As well as in 88?

- 1 A. Yes.
- 2 Q. 89?
- 3 A. Yes.
- 4 Q. Looking at 90?
- 5 A. Yes.
- 6 Q. And then zoomed in of that image 91?
- 7 A. Yes.
- 8 Q. And then also looking at 92?
- 9 A. Yes.
- 10 Q. And what part of the vehicle is this?
- 11 A. This is the inside of the door.
- 12 Q. On the passenger's side?
- 13 A. Yes.
- 14 Q. And looking at State's 93, do you note defects
- 15 as well?
- 16 A. Yes.
- 17 Q. And where is that?
- 18 A. That's also on the door frame.
- 19 Q. Looking at State's 94, did you note defects
- 20 here as well?
- 21 A. Yes.
- 22 Q. Where was this defect located?
- 23 A. On the bottom of the door frame.
- 24 Q. And another angle, looking at State's 95?
- 25 A. Yes.

1 Q. And then, zoomed in, State's 96?

2 A. Yes.

3 Q. You've already noted in testimony that you
4 noticed damage to the front tire of this Dodge
5 Charger; is that correct?

6 A. Yes.

7 Q. And in your experience as a crime scene
8 investigator, did the damage to the vehicle appear
9 to be caused by a bullet or shooting in this case?

10 A. Yes.

11 Q. Okay. And as a crime scene investigator, where
12 do you -- where would the individual who was
13 shooting at this vehicle approximately would have
14 been standing --

15 MR. WILLIAMS: Objection to that, Your Honor.

16 THE COURT: Approximation of standing based
17 upon her -- I'll allow the question.

18 MR. MAULDIN: Your Honor, I'm joining in under
19 702. Your Honor, there's expertise and terminal
20 ballistics and external ballistics regarding the
21 flight and the -- I don't think they've established
22 her as an expert in those areas.

23 THE COURT: Okay. I'll speak with you first
24 before I put anything on the record. Come on up.

25 (Sidebar conference.)

1 THE COURT: At this point, the objection is
2 overruled.

3 MS. FULLER: Thank you, Your Honor.

4 BY MS. FULLER:

5 Q. And then, just to specifically ask, can you
6 tell whether or not it appears the shooter would
7 have been standing on the passenger's side of the
8 vehicle or on the driver's side of the vehicle when
9 this defect to the tire occurred?

10 A. On the passenger's side.

11 Q. Now, looking at State's 87, how many defects to
12 the front passenger's door did you note or do you
13 observe in this photograph?

14 A. Three, possibly four.

15 Q. Okay. And then on the side panel, I guess, the
16 front part of the passenger's side, how many defects
17 did you note?

18 A. Two.

19 Q. And then on the rear of the passenger --
20 closest to the rear door of the passenger's side,
21 how many defects did you note?

22 A. Two.

23 Q. And can you tell me whether or not the defects
24 on the passenger's side of this Dodge Charger --
25 whether or not it would appear that the shooter was

1 standing on the passenger's side or on the driver's
2 side of the vehicle when those defects occurred?

3 A. The passenger's side.

4 Q. I'm going to show you now what's been
5 pre-marked as State's 97 through 114, reviewed with
6 defense counsel yesterday evening.

7 And regarding State's 97 through 114, what do
8 these appear to be photographs of?

9 A. Photos of the Dodge Stratus.

10 Q. Where were these photographs taken?

11 A. The impound lot of the sheriff's office.

12 Q. And what date were these photos taken?

13 A. June 9th.

14 Q. And are these photographs that you took
15 yourself?

16 A. Yes.

17 Q. Do they appear altered in any way?

18 A. No.

19 MS. FULLER: At this time, Your Honor, the
20 State seeks to introduce State's 97 through 114 into
21 evidence.

22 MR. WILLIAMS: If I could see them very
23 quickly, Your Honor.

24 No objection to 97; no objection to 98; no
25 objection to 99; no objection to 100; no objection

1 to 101.

2 MS. FULLER: Can you please keep them in order?

3 MR. WILLIAMS: They are, they're just
4 backwards.

5 No objection to 102. We do have an objection
6 to 103. Do not have an objection to 104; do not
7 have an objection to 105; do not have an objection
8 to 106; do not have an objection to 107; do not have
9 an objection to 108; do not have an objection to
10 109, and do not have an objection to 110; do not
11 have an objection to 111; do have an objection to
12 112; do not have an objection to 113; do not have an
13 objection to 114. And I can tell the Court what the
14 objection is to those particular objections.

15 THE COURT: Let me take a look at the pictures.

16 MR. MAULDIN: And we join in those objections.

17 (Sidebar conference.)

18 THE COURT: So State's Exhibits, I believe it
19 was, 97 through 114 were admitted without objection
20 with the exception of Exhibits 103 and 112. 112 is
21 admitted, and 103 is admitted with further
22 discussion to follow.

23 MS. FULLER: Thank you, Your Honor.

24 THE COURT: Subject to objection. Excuse me.

25 (State's Exhibit Nos. 97 through 114 admitted

1 into evidence.)

2 THE COURT: Okay. We'll take a short break.
3 Return to your jury room. Let me know as soon as
4 you're ready to come back up.

5 (The jury exits the courtroom at 9:46 AM.)

6 THE COURT: We always tell the jury to let us
7 know when nature calls, and that's what happened
8 today. If anyone else needs to take a short break.

9 MR. WILLIAMS: You wanted to put the objection
10 on the record?

11 THE COURT: Sure.

12 Madam Solicitor, if we could get this noted
13 real quick for the record.

14 Your objection, Mr. Williams?

15 MR. WILLIAMS: Yes, Your Honor. Those two
16 items we objected to was item 103 and 112. I
17 believe Your Honor's ruling was that you were
18 letting both of them in, but you were going to have
19 further discussion on 103.

20 The objection that we raised was that the rods,
21 which were placed on those two particular
22 photographs. There's been no testimony that this
23 particular witness put those rods in there. There's
24 been no testimony that she has any type of expertise
25 in regards to terminal, internal, or external

1 ballistics --

2 THE COURT: To be clear now, when you came up
3 to the bench, your objection was flight. So --
4 that's fine to add on to it --

5 MR. WILLIAMS: I'm sorry, Your Honor. I just
6 want it made clearer. I didn't want to have the
7 jury sent out every time.

8 THE COURT: No, no. That's fine.

9 MR. WILLIAMS: But, clearly, that was my
10 objection, because she's not qualified in these
11 items. She hasn't said she put those things in
12 there. And if these pictures are used in closing
13 argument to indicate where the cars were and where
14 the individuals were, then we have thrown something
15 in the record that shouldn't have been there to
16 begin with.

17 She can keep the cars there. She can talk
18 about the holes in the cars, but she's giving
19 testimony -- or items are being placed into
20 evidence -- you know, as Your Honor knows, there's
21 oral testimony and there's demonstrative testimony.
22 It's evidence which people can use to determine what
23 the facts are.

24 So if these two photographs are introduced into
25 evidence, it is imparting information to the jury.

1 And if those items were not properly placed in, then
2 that would create something that shouldn't be for
3 the jury to use in making their determination of
4 what occurred. Okay.

5 THE COURT: Mr. Mauldin?

6 MR. MAULDIN: We concur under those bases,
7 stated under 701, authentication, also right to a
8 fair trial under Sixth Amendment US, Article One,
9 Section 14.

10 THE COURT: Madam Solicitor, do you have a
11 response?

12 MS. FULLER: I don't have a response, Your
13 Honor.

14 THE COURT: Well, again, at the bench
15 conference, which, obviously, wasn't on the record,
16 but the big issue was flight and whether it was
17 expert testimony getting in through another door.

18 It's my opinion that 103, while that is a red
19 rod, the picture couldn't give any person the
20 ability to make any sort of judgment call in my
21 opinion. And we'll tackle this down very necessary
22 for closing purposes. But it's a rod and a hole.
23 Doesn't show any sort of -- it's not a big picture
24 other than showing this is an entry point and where
25 the measurements are. I respect your objection,

1 that's why I overruled it.

2 The other one looked to me like it was just
3 showing where two spots were. Granted, we didn't
4 finish the witness's testimony, but the real
5 objection, how I was told about the flight, that's
6 what the basis of my ruling was.

7 I also said that I would admit them, but we'll
8 have a lunch break today and I'll take a look at
9 this again to make sure I'm comfortable with it.
10 Right now, I am.

11 MS. FULLER: Your Honor, yesterday after Court,
12 I took time to show defense counsel all of my
13 photographs to speed things along today. Just
14 requesting that if there are noted objections, we
15 can -- so we know that we can address them. If
16 there are any other ones, now would be great. I'm
17 just trying to move things along. But I took time
18 yesterday, and it's honestly feeling like a waste of
19 time.

20 MR. WILLIAMS: And, Your Honor, we looked at
21 them. All three attorneys looked at it. But we
22 didn't know at that point in time in regards to
23 which witness were being used to qualify those
24 photographs or the expertise of the witness that is
25 on the stand that's being used to qualify those

1 photographs. That's why I briefly went through all
2 of them except for two. And those involved somebody
3 that I thought would require that expert to be
4 available. Since that was not the situation, that's
5 why I objected to those two.

6 THE COURT: All right. Understood.

7 Take a moment, if y'all need to use the
8 restroom, and we'll get going again.

9 (Brief recess.)

10 THE COURT: The jury is ready.

11 MS. FULLER: Judge, there are two witnesses in
12 the courtroom that are on the witness list. I don't
13 know how you want to address that.

14 THE COURT: I mean, if they're sequestered.

15 MS. FULLER: It's Defense motion. I understand
16 it's the defendant's family, but it's the defense
17 motion to sequester the witnesses, and they are on
18 the witness list. So if something relevant comes
19 up, they're liable to be called in this case.

20 THE COURT: Well, there's a State's witness
21 list and there's a defense witness list.

22 MR. MAULDIN: They're not my witnesses, Your
23 Honor.

24 MR. WILLIAMS: They're not my witnesses, Your
25 Honor.

1 THE COURT: Well, the agreement is anybody on
2 the witness list should be sequestered. So if
3 you're on the witness list, you need to exit the
4 courtroom.

5 MR. WILLIAMS: And we have no problem with
6 that, Your Honor.

7 THE COURT: I mean, we agreed. It was a
8 stipulation.

9 MR. WILLIAMS: So they should not be here, Your
10 Honor, on our behalf.

11 THE COURT: Well, who are the witnesses?

12 MR. WILLIAMS: Yeah, I don't know.

13 UNIDENTIFIED SPEAKER: We've got Tasha Johnson,
14 Your Honor, and Nichole Hendrix in the courtroom.

15 THE COURT: They're in the courtroom and
16 they're on the witness list?

17 UNIDENTIFIED SPEAKER: Yes.

18 THE COURT: They need to exit the courtroom.

19 UNIDENTIFIED SPEAKER: I wasn't there. I got
20 my paperwork right here.

21 THE COURT: I'll tell you what: I'm going to
22 briefly step out, and when I come back, if you're on
23 the witness list, you should not be in this
24 courtroom. All right? I'll send the jury back down
25 for five more minutes.

1 (Brief recess.)

2 MS. FULLER: Your Honor, I believe all
3 witnesses --

4 MR. WILLIAMS: They're all gone, Your Honor.

5 MS. FULLER: -- are not present in the
6 courtroom right now.

7 THE COURT: Very well. We're ready to go.

8 We can discuss how we want to get through the
9 rest of the week so we don't have any other issues
10 like this. Not now; maybe on the lunch break.

11 (The jury enters the courtroom at 10:08 AM.)

12 THE COURT: All right. Ladies and gentlemen,
13 we'll pick up where we left off. Thank you.

14 MS. FULLER: Thank you, Your Honor.

15 CONTINUED DIRECT EXAMINATION

16 BY MS. FULLER:

17 Q. Ms. Clary, jumping briefly back to the Dodge
18 Charger because I neglected to introduce some
19 evidence, I'm going to hand you, collectively, a bag
20 that's been marked as State's 353 and the contents
21 marked as State's Exhibit 354, 355, 356, 357, and
22 ask if you recognize it.

23 A. Yes.

24 Q. What do you recognize those to be?

25 A. These are projectiles and fragments from the

1 Dodge Charger.

2 Q. And is your handwriting on that packaging as
3 well?

4 A. Yes.

5 Q. And who actually collected these items?

6 A. I did.

7 Q. And you collected these items on what date?

8 A. June 9th.

9 Q. In looking at specifically State's Exhibit 357,
10 are these items packaged together?

11 A. Yes.

12 Q. What specifically is item 357?

13 A. Two projectiles from the front door of the
14 Dodge Charger.

15 Q. And looking at State's Exhibit 354, what item
16 is that?

17 A. The projectile fragment from the front
18 passenger door threshold of the Dodge Charger.

19 Q. And looking at State's 355, what is that?

20 A. Projectile fragment from the front passenger
21 door of the gray Dodge Charger.

22 Q. And looking at State's 56, what's that?

23 A. It's the projectile from the right front
24 quarter panel of the Dodge Charger.

25 Q. Thank you.

1 MS. FULLER: At this time, Your Honor, the
2 State seeks to introduce bag marked State's Exhibit
3 353 with contents, State's 354, 355, 356, and 357,
4 into evidence.

5 MR. WILLIAMS: Without objection on behalf of
6 Defendant Brannon.

7 MR. MAULDIN: No objection, sir.

8 THE COURT: State's Exhibit 353, 354, 355, 356,
9 and 357 are admitted in evidence.

10 (State's Exhibit Nos. 353 through 357 admitted
11 into evidence.)

12 BY MS. FULLER:

13 Q. Looking back at some of these photographs,
14 specifically State's 94, you testified that some of
15 these -- that 357, 354, and 355 were from the front
16 passenger door area. Can you tell me if the area is
17 reflected in this photograph?

18 A. Yes.

19 Q. And I'm going to hand you the laser pointer.
20 If you can point it out to the jury, and I'll go to
21 the other exhibit as well.

22 A. Right here.

23 Q. Then looking at State's 96, is that just a
24 zoomed-in of that area?

25 A. Yes.

1 Q. Is that where you collected these items from?

2 A. Yes.

3 Q. You also testified that State's -- from the
4 threshold, I believe, is that also reflected in that
5 photograph?

6 A. Yes.

7 Q. And then the other item you indicated was from
8 the quarter panel?

9 A. Yes.

10 Q. Is that reflected in this photograph or is --
11 which -- let me bring a few -- they're not in the
12 same order, so I apologize.

13 I'll have to come back to you because I can't
14 find the quarter panel picture.

15 Can you generally describe to the jury using
16 the vehicle where the quarter panel projectile was
17 collected from?

18 A. From this area.

19 Q. Okay. If I find that photograph, I'll come
20 back to it. Thank you.

21 Moving back to the Dodge Stratus, publishing
22 now State's Exhibit 97, 98, is this the Dodge
23 Stratus that you were referring to?

24 A. Yes.

25 Q. And when you were on scene at Parrish Road,

1 looking at State's 14, is that the same Dodge
2 Stratus that was in the parking area?

3 A. Yes.

4 Q. Looking at State's 99, that's the rear of the
5 vehicle; is that correct?

6 A. Yes.

7 Q. Looking at State's 100, that's the front of the
8 vehicle?

9 A. Yes.

10 Q. And looking at State's 101?

11 A. Yes.

12 Q. And looking at 102?

13 A. Yes.

14 Q. Can you describe to the jury what's viewed in
15 this photograph?

16 A. There's a defect in the windshield.

17 Q. Okay. And in examining -- in looking at that
18 defect in the windshield, can you tell me whether or
19 not the shooter would have been standing to the
20 front of that vehicle when this occurred?

21 A. Yes, it would have been to the front.

22 Q. Did that defect end up penetrating that
23 windshield?

24 A. Yes.

25 Q. Where did it appear that that bullet went into

1 the vehicle? What part of the vehicle?

2 A. It appears to have ended up on the steering
3 column.

4 Q. And zooming into this photograph, can you point
5 that out for the jury?

6 A. (Indicating.)

7 Q. So it entered through here. And there's
8 another defect in the steering column; is that
9 correct?

10 A. Yes.

11 Q. Can you tell whether or not the shooter
12 standing at the front of the vehicle would have been
13 standing closer to the passenger's side or the
14 driver's side of that vehicle?

15 A. Passenger's side.

16 Q. Looking at the next defect, State's 104, is
17 that a defect that you noted?

18 A. Yes.

19 Q. And where is this defect located?

20 A. That is on the passenger's side headlight.

21 Q. And looking at this defect, can you tell
22 whether or not the shooter was standing on the
23 passenger's side or the driver's side of this
24 vehicle?

25 A. Passenger side.

1 Q. Looking at State's 105 as well as State's 106,
2 is this just a zoomed-in of State's 105?

3 A. Yes.

4 Q. Where is that defect located?

5 A. On the passenger's side, on the door of the
6 weather stripping where the door shuts.

7 Q. In reviewing that defect, can you tell whether
8 or not the shooter would have been standing on the
9 passenger's side or the driver's side of that
10 vehicle?

11 A. Passenger's side.

12 Q. Looking at State's 107 and then also going into
13 State's 108 and 109, what, if anything, did you
14 observe -- what, if anything, is observed in this
15 photograph, in these series of photographs?

16 A. It is a defect near the fog light on the
17 driver's side.

18 Q. Did that defect actually penetrate through the
19 vehicle?

20 A. Yes.

21 Q. And you said that is the driver's side of the
22 vehicle?

23 A. Yes.

24 Q. Looking at State's 110 as well as 111, what
25 does that appear to be?

1 A. It' a defect.

2 Q. And where is that defect located on the
3 vehicle?

4 A. It's underneath the fog light on the driver's
5 side.

6 Q. Looking at State's 112, what is observed in
7 this vehicle?

8 A. The two defects near the fog light on the
9 driver's side.

10 Q. You placed an object in between -- in those
11 defects, what is that object?

12 A. It's a trajectory rod.

13 Q. And is the purpose of showing that was just to
14 show the defects?

15 A. Yes.

16 Q. In looking at these two defects, did it appear
17 that the shooter was standing on the driver's or the
18 passenger's side of that vehicle?

19 A. Passenger's side.

20 Q. Did it appear the shooter was at the front or
21 the back of the vehicle?

22 A. The front.

23 Q. Looking at State's 113 as well as 114, what
24 does this appear to be?

25 A. This is a damaged window on the rear driver's

1 side.

2 Q. And then 114 is just zoomed in?

3 A. Yes.

4 Q. What, if anything, can you tell about where the
5 shooter would have been standing? On the
6 passenger's side or the driver's side of the
7 vehicle?

8 A. The driver's side.

9 Q. I'm going to show you what's been marked for ID
10 State's Exhibit 115, 116, as well as 117 and 118,
11 119 and 120, 121, 122, 123 and 124, and ask if you
12 recognize these photographs.

13 A. Yes.

14 Q. How do you recognize these photographs?

15 A. These are the photographs taken of the Stratus
16 during a search warrant.

17 Q. And who took these photographs?

18 A. I did.

19 Q. Do they appear to be altered in any way?

20 A. No.

21 MS. FULLER: At this time, Your Honor, the
22 State seeks to introduce 115 through 124 into
23 evidence.

24 MR. WILLIAMS: As to 117, no objection on
25 behalf of Brannon. As to 118, no objection on

1 behalf of Brannon --

2 THE COURT: You can just look through them and
3 then tell me.

4 MR. WILLIAMS: Okay.

5 On behalf of Defendant Brannon, no objections
6 to Exhibits 117 through 124.

7 THE COURT: That would be 115 through 124.

8 MS. FULLER: That's correct, 115.

9 MR. WILLIAMS: 115.

10 THE COURT: Thank you, sir.

11 Mr. Mauldin?

12 MR. MAULDIN: No objection.

13 THE COURT: All right. State's Exhibit 115
14 through 124 admitted into evidence.

15 (State's Exhibit Nos. 115 through 124 admitted
16 into evidence.)

17 MS. FULLER: Thank you, Your Honor.

18 BY MS. FULLER:

19 Q. When you were executing the search warrant on
20 the Dodge Stratus, I assume you had an opportunity
21 to go inside the vehicle as well.

22 A. Yes.

23 Q. Looking at State's 115, what area of the
24 vehicle is this?

25 A. The glove box.

1 Q. And looking at State's 116, what is this?

2 A. It's a handgun magazine.

3 Q. And did you document what kind of magazine it
4 was in your report?

5 A. A Walther P22.

6 Q. And did you document how many rounds of
7 ammunition is contained in it?

8 A. Ten.

9 Q. And where was this magazine recovered?

10 A. The glove box.

11 Q. Looking at State's 117, what area of the
12 vehicle is this?

13 A. The driver's floorboard.

14 Q. Looking at State's 118, what, if anything, did
15 you observe in this area?

16 A. It's a handgun holster.

17 Q. Looking at State's 119, what area of the
18 vehicle is this?

19 A. That's the rear passenger floorboard behind the
20 driver's seat.

21 Q. And looking at State's 120, what, if anything,
22 of evidence did you collect?

23 A. Projectile.

24 Q. Can you point it out for the jury, please.

25 A. Right here.

1 Q. I'm going to hand you now what's been premarked
2 as State's 301, and ask you if you recognize it.

3 A. Yes.

4 Q. What do you recognize that to be?

5 A. It's the projectile from the passenger
6 floorboard.

7 Q. Of the Dodge Stratus?

8 A. Yes.

9 Q. And who collected that item?

10 A. I did.

11 MS. FULLER: At this time, Your Honor, the
12 State seeks to introduce into evidence State's
13 Exhibit 301.

14 MR. WILLIAMS: Without objection on behalf of
15 Brannon.

16 MR. MAULDIN: No objection, sir.

17 THE COURT: State's Exhibit 301 admitted into
18 evidence.

19 (State's Exhibit No. 301 admitted into
20 evidence.)

21 BY MS. FULLER:

22 Q. Displaying State's 301 along with 120, that
23 projectile that's recovered there, is that what
24 appears in 301 -- well, backwards. What's in 301 is
25 that what appears in State's 120?

1 A. Yes.

2 Q. Looking at State's 121, what area of the
3 vehicle is this?

4 A. It's the trunk.

5 Q. Looking at State's 122, what is in this
6 photograph?

7 A. It's a handgun box.

8 Q. And did you document what kind of handgun box
9 that is?

10 A. Jimenez Arms.

11 Q. And what caliber?

12 A. Nine-millimeter.

13 Q. Looking at State's 123, what is this?

14 A. That's the inside of the handgun box.

15 Q. And this was found in the trunk of the vehicle?

16 A. Yes.

17 Q. Looking at State's 124, not sure if you can see
18 it on there --

19 A. It's a handgun magazine.

20 Q. Did you document what kind of magazine that
21 was?

22 A. Just an empty black handgun magazine.

23 Q. Okay. Moving on now to the Kia Optima, did you
24 have an opportunity to process that vehicle as well?

25 A. Yes.

1 Q. Looking back at State's 114, is that the Kia
2 Optima that was on scene?

3 A. Yes.

4 Q. And what was the purpose of processing that
5 vehicle?

6 A. To collect evidence.

7 Q. And what type of evidence were you looking for?

8 A. Evidence of anything related to this crime.

9 Q. Were there apparent defects to that vehicle?

10 A. Yes.

11 Q. I'm going to show you what's been previously
12 introduced into evidence --

13 MS. FULLER: Beg the Court's indulgence. We
14 will find it shortly.

15 BY MS. FULLER:

16 Q. Showing you photographs marked as 125 through
17 134, I'm going to ask if you recognize it. Do you
18 recognize these photographs?

19 A. Yes.

20 Q. And how do you recognize those photographs?

21 A. These are photographs taken of the Kia during
22 the search warrant.

23 Q. And who took these photographs?

24 A. I did.

25 Q. And do they appear to be altered in any way?

1 A. No.

2 Q. Where were these photographs taken?

3 A. The impound lot at the sheriff's office.

4 MS. FULLER: At this time, Your Honor, the
5 State seeks to introduce State's Exhibit 125 through
6 134 into evidence.

7 MR. WILLIAMS: Your Honor, on behalf of
8 Brannon, no objection to Exhibits 125 through 134
9 being placed into evidence.

10 MR. MAULDIN: No objection, sir.

11 THE COURT: State's Exhibit 125 through 134
12 admitted into evidence.

13 (State's Exhibit Nos. 125 through 134 admitted
14 into evidence.)

15 BY MS. FULLER:

16 Q. I'm going to show you State's Exhibit 73, 74,
17 and 75 that are already in evidence and ask if you
18 recognize it.

19 A. Yes.

20 Q. This appears to be the same vehicle that you
21 processed --

22 A. Yes.

23 Q. -- pursuant to a search warrant?

24 A. Yes.

25 Q. Looking at State's 125, is this that Kia

1 Optima?

2 A. Yes.

3 Q. Noting in this photograph the windows, going
4 back to State's Exhibit 74, which is at -- these are
5 exhibits that were introduced from the crime scene.

6 Do you notice the defect in the window here?

7 A. Yes.

8 Q. Now, by the time you took these photographs in
9 State's Exhibit 125, the defect in the window is no
10 longer present. What, if anything, occurred?

11 A. Potentially fell out while being transported to
12 the impound lot.

13 Q. How were the vehicles transported?

14 A. By tow truck.

15 Q. And is that standard procedure?

16 A. Yes.

17 Q. And looking at State's 124 -- keeping in mind
18 we're going to State's 125 -- must be an interior
19 picture. I'll ask you a question about that,
20 actually.

21 But looking at 125, did you note any defects on
22 this side of the vehicle?

23 A. Yes.

24 Q. What side of the vehicle is this?

25 A. The driver's side.

1 Q. And did it appear that the shooter was standing
2 on the passenger's side or the driver's side of this
3 Kia Optima when those defects occurred?

4 A. The driver's side.

5 Q. Looking at 126, this is just the front of the
6 vehicle; is that correct?

7 A. Yes.

8 Q. And then 127.

9 128, is this the rear of the vehicle?

10 A. Yes.

11 Q. 129, just another angle?

12 A. Yes.

13 Q. And 130, is this the front of the vehicle?

14 A. Yes.

15 Q. How many defects did you note to the front of
16 this vehicle?

17 A. Three.

18 Q. In looking at the defects on the front of the
19 vehicle, did it appear that the shooter was standing
20 at the front of this vehicle or the back of this
21 vehicle?

22 A. The front.

23 Q. Did it appear that the shooter was standing on
24 the driver's side or the passenger's side of this
25 vehicle?

1 A. The passenger.

2 Q. Looking at State's 131, is that just another
3 defect?

4 A. Yes.

5 Q. Did that defect penetrate through the vehicle?

6 A. Yes.

7 Q. Looking at State's 132, what, if anything, is
8 observed in this image?

9 A. There's a defect on the door.

10 Q. And what side of the vehicle is this?

11 A. The driver's side.

12 Q. Based on this bullet defect, where did it
13 appear the shooter was standing, on the driver's
14 side or the passenger's side of this vehicle?

15 A. The driver's side.

16 Q. And looking at 133, is that just a zoomed-in of
17 the defects?

18 A. Yes.

19 Q. And 134, did you note a defect here?

20 A. Yes.

21 Q. And where is that defect?

22 A. It's right in here.

23 Q. And that's on the front passenger door?

24 A. Driver's door.

25 Q. Thank you. Driver's door. Looking at this

1 defect in the window, what, if anything, happens
2 when a bullet strikes a window?

3 A. It typically shatters.

4 Q. In this case, did this shatter happen from the
5 inside or the outside of the vehicle?

6 A. From the outside.

7 Q. And the -- this defect, was it -- could it have
8 been caused by a bullet?

9 A. Yes.

10 Q. And would the shooter have been standing on the
11 passenger's side or the driver's side of this
12 vehicle?

13 A. The driver's side.

14 Q. Going back to State's 14, this is that same Kia
15 Optima that's back in here at the crime scene?

16 A. Yes.

17 Q. And when you were on scene, just for the
18 record, with you as the witness, is The Spot going
19 towards the driver's side of the vehicle, going --

20 MR. WILLIAMS: Objection to foundation on that
21 question, Your Honor.

22 BY MS. FULLER:

23 Q. Can you point out on this image what direction
24 The Spot is?

25 A. It would be down this way.

1 Q. And that would be on the driver's side of the
2 vehicle?

3 A. Correct.

4 Q. I'm going to show you a bag that's been marked
5 as State's Exhibit 351 with the contents 359, 360,
6 361, 362, 363, 364, 365, 366, and 367.

7 MS. FULLER: And just to be clear, this is all
8 in the bag, 358.

9 THE COURT: 358.

10 BY MS. FULLER:

11 Q. I'm going to hand you these items and ask if
12 you recognize them.

13 A. Yes.

14 Q. And do you recognize those items?

15 A. Yes.

16 Q. And how do you recognize those items?

17 A. These are items I collected from the Kia
18 Optima.

19 Q. And when did you collect these items?

20 A. June 9th.

21 Q. Looking at packaging for 358, do you recognize
22 your handwriting?

23 A. Yes.

24 Q. And what is written on the packaging?

25 A. Case number, 14 projectiles and fragments from

1 the gray Kia Optima.

2 Q. And reviewing the contents, looking at State's
3 363, what is this?

4 A. A projectile from the inside roll bar of the
5 driver's door of the Kia Optima.

6 Q. And looking at State's 365, what is this?

7 A. Projectile from the engine bay of the Kia
8 Optima.

9 Q. And looking at State's 364, what is this?

10 A. Projectile fragments from the driver's
11 floorboard underneath the fuse box of the Kia
12 Optima.

13 Q. And looking at State's 362, what's this?

14 A. Projectile from the inside bottom of the
15 driver's door of the Kia Optima.

16 Q. Looking at State's 360, what's this?

17 A. Projectile from the driver's door frame of the
18 Kia Optima.

19 Q. Looking at State's 361, what is this?

20 A. Projectile fragment from the driver's door of
21 the Kia Optima.

22 Q. And looking at 366, what is this?

23 A. Projectile fragment from the front passenger
24 floorboard near the center console of the Kia
25 Optima.

1 Q. And looking at State's 359, what is this?

2 A. Projectile fragment from the top of the
3 driver's door of the Kia Optima.

4 Q. And looking at State's 367, what is this?

5 A. It's a projectile fragment from the passenger
6 floorboard near the passenger door of the Kia
7 Optima.

8 MS. FULLER: At this time, Your Honor, the
9 State seeks to introduce bag marked State's Exhibit
10 358, identifying 14 projectiles from the Kia Optima
11 and, specifically, State's Exhibits 363, 365, 364,
12 362, 360, 361, 366, 359, and 367 into evidence.

13 MR. WILLIAMS: Without objection on behalf of
14 Defendant Brannon.

15 MR. MAULDIN: No objection, sir.

16 THE COURT: So State's Exhibits 358 that
17 contains 359 through 367 are admitted into evidence.

18 MS. FULLER: Yes, Your Honor. They're just out
19 of order.

20 THE COURT: That's fine. I think we got the
21 numbers rights.

22 MS. FULLER: Thank you.

23 (State's Exhibit Nos. 358 through 367 admitted
24 into evidence.)

25 BY MS. FULLER:

1 Q. I'm going to hand you a series of photographs
2 and ask you if you recognize them.

3 A. Yes.

4 Q. How do you recognize the photos?

5 A. These are photos I took of the Kia during the
6 search warrant.

7 Q. And are these specifically interior
8 photographs?

9 A. Yes.

10 MS. FULLER: I'm not sure if I said the exhibit
11 numbers, but that was, for the record, State's 135
12 through 143.

13 BY MS. FULLER:

14 Q. I'll show you another series of photographs --
15 this is specifically State's Exhibit 147 -- and ask
16 if you recognize it.

17 A. Yes.

18 Q. What do you recognize that to be?

19 A. It's a photo of the Kia during the search
20 warrant.

21 Q. I'm going to show you State's Exhibits 144,
22 145, 152, and 146 and ask if you recognize it.

23 A. Yes.

24 Q. What do you recognize this to be?

25 A. Photos I took of the Kia Optima.

1 Q. And that's on the same day?

2 A. Yes.

3 Q. Time and location?

4 A. Yes.

5 Q. Showing you what's been marked as State's
6 Exhibit 148, 149, 150, and 151 and ask if you
7 recognize it.

8 A. Yes.

9 Q. And how do you recognize those?

10 A. More photos I took of the Kia Optima during the
11 search warrant.

12 Q. I'm going to show you what's been marked as
13 State's Exhibit 294 and State's Exhibit 378 and ask
14 you if you recognize it.

15 A. Yes.

16 Q. How do you recognize it?

17 A. More photos of the Kia Optima during the search
18 warrant.

19 Q. Taken on the same date, time, and location?

20 A. Yes.

21 Q. Show you what's been marked as State's Exhibit
22 153, 154, and 155 and ask you if you recognize it.

23 A. Yes.

24 Q. And how do you recognize this?

25 A. More photos of the Kia taken during the search

1 warrant.

2 Q. On the same date, time, and location?

3 A. Yes.

4 Q. I'm going to show you what's been marked
5 State's Exhibit 156, 157, and 158, ask if you
6 recognize it.

7 A. Yes.

8 Q. How do you recognize them?

9 A. More photos taken of the Kia during the search
10 warrant, same time as the others.

11 Q. And location and place?

12 A. Yes.

13 Q. I'm going to show you what's been premarked as
14 State's Exhibit 159, 160, and 161 and ask if you
15 recognize them.

16 A. Yes.

17 Q. And how do you recognize them?

18 A. More photos of the Kia during the search
19 warrant; same time, date, and location.

20 Q. Thank you.

21 MR. WILLIAMS: Your Honor, in regards to
22 Exhibits 135 through 143, Brannon has no objection
23 to the introduction of those.

24 MR. MAULDIN: No objection, sir.

25 MS. FULLER: And, Your Honor, I'll officially

1 move them in shortly.

2 MR. WILLIAMS: I'll agree in regards to -- I
3 have to numerate them. They're all grouped
4 together. They're different numbers. Insofar as
5 146, 144, 145, and 152, Defendant Brannon has no
6 objection to those exhibits.

7 MR. MAULDIN: No objection, sir.

8 THE COURT: Very well.

9 MR. WILLIAMS: Insofar as State's Exhibit 147,
10 Defendant Brannon has no objection.

11 MR. MAULDIN: No objection, sir.

12 MR. WILLIAMS: Insofar as State's Exhibit 148
13 through 151, Defendant Brannon has no objection to
14 those.

15 MR. MAULDIN: We have no objection.

16 MR. WILLIAMS: Insofar as Exhibit 294 and 378,
17 Defendant Brannon has no objection.

18 MR. MAULDIN: We have none as well, Your Honor.

19 MR. WILLIAMS: Insofar as 153 through 155,
20 Defendant Brannon has no objection to those.

21 MR. MAULDIN: Nor does Robertson.

22 MR. WILLIAMS: Insofar as State's Exhibits 156
23 to 158, Defendant Brannon has no objection to those.

24 MR. MAULDIN: No objection as well, Your Honor.

25 MR. WILLIAMS: Insofar as 159 to 161, Defendant

1 Brannon has no objection to those.

2 MR. MAULDIN: Nor do we, Your Honor.

3 THE COURT: Okay.

4 MS. FULLER: Your Honor, at this time,
5 beginning with State's Exhibit 135 --

6 THE COURT: Madam Solicitor, can you move them
7 all in evidence? I didn't hear an objection, but
8 did you move that whole batch?

9 MS. FULLER: I just wanted to save time. I'm
10 going to move them as I go with testimony.

11 THE COURT: All right. State's Exhibit 135
12 through 161 is the total number?

13 MS. FULLER: It's not. But I will take them in
14 order, Your Honor.

15 THE COURT: The record will reflect the defense
16 counsel did not have objections to the specific
17 exhibits.

18 MS. FULLER: Thank you, Your Honor.

19 Looking now at State's 135 through 143, Your
20 Honor, the State seeks to introduce these into
21 evidence at this time.

22 THE COURT: Very well. So admitted.

23 MS. FULLER: Thank you.

24 (State's Exhibit Nos. 135 through 143 admitted
25 into evidence.)

1 BY MS. FULLER:

2 Q. Publishing now State's 135. Ms. Clary, this is
3 still the Kia Optima, correct?

4 A. Yes.

5 Q. Can you describe to the jury what we're looking
6 at here?

7 A. This is the driver's door, the inside of the
8 car.

9 Q. What, if anything, did you note in this
10 photograph of evidence?

11 A. There is broken glass in the driver's seat
12 floorboard.

13 Q. What, if anything, would that indicate about
14 the defect that occurred on that window?

15 A. That it was from the outside in.

16 Q. Looking at State's 136, can you describe to the
17 jury what this is?

18 A. It's broken glass on the inside in the
19 passenger's seat behind the driver's seat.

20 Q. What, if anything, would that indicate?

21 A. That it was from the outside in.

22 Q. Looking at State's 137, again, in the interior,
23 and then going to 138, what is depicted in this
24 photograph?

25 A. It's a defect in the dash near the glove box.

1 Q. Looking at State's 139, what, if anything, is
2 depicted in this photograph?

3 A. The dash under the windshield, it's a defect.

4 Q. And then also in State's 140?

5 A. It's a zoomed-in photo of that same defect.

6 Q. Looking now at State's 141, what is depicted in
7 this photograph?

8 A. It's a defect on the inside of the driver's
9 door as well as the fuse box.

10 Q. Looking at State's 142, what is described in
11 this photograph?

12 A. A defect on the inside of the driver's door.

13 Q. And looking at State's 143, what is described
14 in this photograph?

15 A. A defect on the fuse box.

16 MS. FULLER: At this time, Your Honor, the
17 State seeks to introduce State's Exhibit 144, 146,
18 152, and 145 into evidence.

19 THE COURT: So admitted.

20 (State's Exhibit Nos. 144, 145, 146, and 152
21 admitted into evidence.)

22 BY MS. FULLER:

23 Q. Looking at State's 144, another angle of that
24 same interior of the driver's door we just
25 described; looking at State's 146, 152, another

1 angle, and then an overhead angle, State's Exhibit
2 145, what is depicted in these photographs?

3 A. It's a defect and projectile on the door frame
4 of the driver's door.

5 Q. And what projectile -- looking at State's 359,
6 is this the projectile that you retrieved from that
7 location?

8 A. I can't see the bag. No, this is from the
9 driver's door frame.

10 Q. Looking at State's 30, can you see the evidence
11 bag?

12 A. Yes.

13 Q. Are you familiar with the process of items
14 being submitted to SLED?

15 A. Yes.

16 Q. And what is SLED?

17 A. The State Law Enforcement Division.

18 Q. On here, you -- when I was up there, you
19 described this as your handwriting; is that correct?

20 A. Yes.

21 Q. And then down here, is this your handwriting?

22 A. No.

23 Q. For this particular item, based on your
24 description down here, it's State's item 21, whose
25 item number would that be?

1 A. I would assume SLED's.

2 Q. Okay. Did you have an opportunity to review
3 the submission log in this case?

4 A. Yes.

5 Q. Does the writing on this bag match up with the
6 submission log for item 21?

7 A. Yes.

8 Q. Looking at State's Exhibit 359, where was this
9 item collected from?

10 A. The top of the driver's door of the Kia Optima.

11 Q. And down here, is that marked as SLED item 20?

12 A. Yes.

13 MS. FULLER: At this time, Your Honor, State
14 seeks to introduce State's 147 into evidence.

15 THE COURT: So admitted.

16 (State's Exhibit No. 147 admitted into
17 evidence.)

18 BY MS. FULLER:

19 Q. Looking at State's 147, did you collect an item
20 from this area?

21 A. Yes.

22 Q. What item did you collect?

23 A. A projectile fragment from the top of the
24 driver's door. Should be SLED item 20.

25 Q. That's what is depicted in State's Exhibit 359?

1 A. Yes.

2 Q. Then going back to State's Exhibit 145, that's
3 what's in State's Exhibit 360 that's SLED item 21?

4 A. Yes.

5 Q. Now, looking at --

6 MS. FULLER: Your Honor, seek to introduce
7 State's Exhibit 148, 149, 150, and 151 into
8 evidence.

9 THE COURT: So admitted.

10 (State's Exhibit Nos. 148 through 151 admitted
11 into evidence.)

12 BY MS. FULLER:

13 Q. Can you describe to the jury what part of the
14 vehicle this is?

15 A. This is looking down into the driver's door.

16 Q. And looking at State's 149?

17 A. That's the inside of the driver's door with the
18 door panels taken off.

19 Q. And what was the purpose of doing that?

20 A. To retrieve some projectiles.

21 Q. Looking at State's 150, what is depicted in
22 this photograph?

23 A. There is a projectile fragment on the ground
24 that fell out of the door.

25 Q. Then also 151?

1 A. Zoomed-up photo of that projectile fragment.

2 Q. And did you also collect and package that
3 exhibit?

4 A. Yes.

5 Q. What SLED item number is that?

6 A. Sled item 22.

7 Q. And looking at State's Exhibit 361, would that
8 be the fragment that you collected?

9 A. Yes.

10 Q. Also from that area, did you collect State's
11 Exhibit 352?

12 A. Yes.

13 Q. That's SLED item 23?

14 A. Yes.

15 MS. FULLER: Your Honor, at this time, State
16 seeks to introduce State's Exhibit 294 and 378.

17 THE COURT: So admitted.

18 (State's Exhibit Nos. 294 and 378 admitted into
19 evidence.)

20 BY MS. FULLER:

21 Q. Can you describe to the jury what area of the
22 vehicle this is?

23 A. This is inside the driver's door near the roll
24 bar of the Kia.

25 Q. And looking at 378?

1 A. It's a projectile that was located on the roll
2 bar.

3 Q. You also collected and packaged that
4 projectile?

5 A. Yes.

6 Q. What SLED item number is that?

7 A. 24.

8 Q. Displaying State's Exhibit 363, is that the
9 projectile that you collected from that area?

10 A. Yes.

11 MS. FULLER: Your Honor, at this time, the
12 State seeks to introduce State's Exhibit 153, 154,
13 and 155 into evidence.

14 THE COURT: So admitted.

15 (State's Exhibit Nos. 153 through 155 admitted
16 into evidence.)

17 BY MS. FULLER:

18 Q. Can you describe to the jury what area of the
19 vehicle this is?

20 A. This is the driver's floorboard underneath the
21 fuse box.

22 Q. And in 154, can you describe to the jury what's
23 depicted in this photograph?

24 A. It's projectile fragment in that area.

25 Q. Looking at 155, is that just another angle of

1 it?

2 A. Yes.

3 Q. And did you collect this item?

4 A. Yes.

5 Q. And what SLED item number is depicted in that
6 photograph?

7 A. Item 25.

8 Q. Displaying now State's Exhibit 364, is that the
9 projectile fragments that you collected from that
10 area?

11 A. Yes.

12 MS. FULLER: Your Honor, at this time, the
13 State seeks to introduce State's Exhibits 156
14 through 158.

15 THE COURT: So admitted.

16 (State's Exhibit Nos. 156 through 158 admitted
17 into evidence.)

18 BY MS. FULLER:

19 Q. Can you describe to the jury what area of the
20 vehicle this is?

21 A. This is the engine compartment of the Kia.

22 Q. And 157?

23 A. It's a defect in the engine compartment.

24 Q. And 158?

25 A. It's a projectile fragment.

1 Q. And did you collect that fragment?

2 A. Yes.

3 Q. What SLED item number is that?

4 A. 26.

5 Q. Displaying now State's Exhibit 365, is that the
6 projectile you collected from that area?

7 A. Yes.

8 Q. It's hard to see, but that's it up here?

9 A. Yes.

10 MS. FULLER: Your Honor, at this time, the
11 State seeks to introduce State's Exhibits 159, 160,
12 and 161 into evidence.

13 THE COURT: So admitted.

14 (State's Exhibit Nos. 159 through 161 admitted
15 into evidence.)

16 BY MS. FULLER:

17 Q. Can you describe to the jury what area of the
18 vehicle is depicted in this photograph?

19 A. The front passenger floorboard.

20 Q. And in 160?

21 A. It's a projectile fragment in the floorboard.

22 Q. Did you collect that fragment?

23 A. Yes.

24 Q. And 161?

25 A. It's another projectile fragment in that area.

1 Q. Did you collect that fragment?

2 A. Yes.

3 Q. What SLED item numbers are those?

4 A. 27.

5 Q. And 28?

6 A. Yes.

7 Q. Displaying now State's Exhibits 366 and 367,
8 are those the projectile and the fragments you
9 collected from that area?

10 A. Yes.

11 Q. Also on June 9th, did you have an opportunity
12 to process a fourth vehicle in this case?

13 A. Yes.

14 Q. And what vehicle was that?

15 A. A Mercury Grand Marquis.

16 Q. Showing you now State's Exhibits 162 through
17 170, can you take your time and look through that?

18 A. (Witness complies.)

19 Q. Do you recognize these photos?

20 A. Yes.

21 Q. And how do you recognize them?

22 A. These are photos I took of the Grand Marquis
23 during the search warrant.

24 Q. And that's on the same date, time, and location
25 we've been talking about here?

- 1 A. Yes.
- 2 Q. Do they appear to be altered in any way?
- 3 A. No.
- 4 Q. Showing you now State's Exhibits 171 through
- 5 177, do you recognize those photos?
- 6 A. Yes.
- 7 Q. How do you recognize these photos?
- 8 A. These are photos of the inside of the Grand
- 9 Marquis taken during the search warrant.
- 10 Q. Same time, location, and place we've been
- 11 talking about?
- 12 A. Yes.
- 13 Q. Showing you now State's Exhibit 178 and 179, do
- 14 you recognize these photos?
- 15 A. Yes; more photos of the Grand Marquis.
- 16 Q. Do they appear to be altered in any way?
- 17 A. No.
- 18 Q. Same time, location, and place?
- 19 A. Yes.
- 20 Q. Showing you now State's Exhibit 180 through
- 21 184?
- 22 A. I recognize those.
- 23 Q. More photos of the Grand Marquis?
- 24 A. Yes.
- 25 Q. What specific area?

1 A. The trunk.

2 Q. Do they appear to be altered in any way?

3 A. No.

4 Q. Same time, location, and place?

5 A. Yes.

6 Q. I'm showing you State's 185 through 191.

7 A. I recognize those photos.

8 Q. How do you recognize them?

9 A. More photos of the inside of the Mercury.

10 Q. As well as other items?

11 A. Yes.

12 Q. Do they appear to be altered in any way?

13 A. No.

14 Q. Same time, location, and place?

15 A. Yes.

16 Q. Showing you now State's Exhibit 192 through
17 194.

18 A. I recognize these photos.

19 Q. Same time, location, and place?

20 A. Yes.

21 MS. FULLER: Your Honor, State seeks to
22 introduce State's Exhibit 162 through 194 into
23 evidence.

24 MR. WILLIAMS: Without objection on behalf of
25 Defendant Brannon.

1 MR. MAULDIN: No objection.

2 THE COURT: State's Exhibit 162 through 194
3 admitted into evidence.

4 (State's Exhibit Nos. 162 through 194 admitted
5 into evidence.)

6 BY MS. FULLER:

7 Q. In processing this vehicle, do you recall
8 whether or not you had keys to this vehicle?

9 A. We did not have keys.

10 Q. Displaying now State's 162, what kind of
11 vehicle was this?

12 A. It's a Mercury Grand Marquis.

13 Q. Looking at State's 163, what side of the
14 vehicle is this?

15 A. It's the passenger's side rear door.

16 Q. Did you note a defect in 163 as well as in 164?

17 A. Yes.

18 Q. You said this is the passenger rear door?

19 A. Yes.

20 Q. Can you tell from the defect whether the
21 shooter would have been standing on the passenger's
22 side or driver's side of this vehicle?

23 A. The passenger's side.

24 Q. Can you tell from this defect whether they
25 would be standing in the front or the back of the

1 vehicle?

2 A. From the rear.

3 Q. Looking at State's 165, is that just another
4 angle of the rear of the vehicle?

5 A. Yes.

6 Q. Looking at State's 166, what is depicted in
7 this photograph?

8 A. A defect in the rear windshield.

9 Q. Based on this defect, can you tell whether or
10 not the shooter would have been standing at the rear
11 or the front of the vehicle?

12 A. The rear.

13 Q. Can you tell whether or not the shooter was
14 standing on the driver's side or the passenger's
15 side of the vehicle?

16 A. The passenger's side.

17 Q. Looking at 167, what area of the vehicle is
18 this?

19 A. This is the trunk.

20 Q. Looking at State's 168, is that just a
21 zoomed-in image of that?

22 A. Yes.

23 Q. Is this a defect?

24 A. Yes.

25 Q. Based on the defect, can you tell whether or

1 not the shooter would have been standing on the
2 passenger's side or the driver's side of this
3 vehicle?

4 A. The driver's side.

5 Q. Looking at State's 169, you note a defect here
6 that's also depicted in State's 170.

7 A. Yes.

8 Q. Looking at this defect, can you tell whether or
9 not the shooter would have been standing on the
10 driver's side or the passenger's side of this
11 vehicle?

12 A. The passenger's side -- excuse me, driver's
13 side.

14 Q. Yeah. Okay. Sorry.

15 Looking now at a State's 171, what side of the
16 vehicle is this?

17 A. This is the driver's side looking into the back
18 seat.

19 Q. And 172?

20 A. The driver's side looking into the driver's
21 seat.

22 Q. 173?

23 A. The passenger's side looking into the front
24 passenger's seat.

25 Q. 174?

1 A. Another photo of the front passenger's seat.

2 Q. 175?

3 A. The passenger's side looking into the rear

4 seat.

5 Q. 176?

6 A. Looking into the front passenger's seat.

7 Q. Is that an ID on the floor?

8 A. Yes.

9 Q. Did you know whose ID that is?

10 A. Antonio Stroman.

11 Q. Looking at State's 177.

12 A. The driver's seat.

13 Q. Looking at State's 178 and 179, can you

14 describe to the jury what's depicted in this

15 photograph?

16 A. This is the defect in the rear windshield,

17 looking from inside of the car.

18 Q. And that defect did penetrate?

19 A. Yes.

20 Q. And looking at State's 179, is this another

21 angle of that defect?

22 A. Yes.

23 Q. Looking at State's 180, what area of the

24 vehicle is this?

25 A. The trunk.

1 Q. Do you note a defect here that corresponds with
2 the previous exhibit?

3 A. Yes.

4 Q. Can you point it out for the jury?

5 A. It's right here.

6 Q. Looking at State's 81, is that that same
7 defect?

8 A. Yes.

9 Q. Looking at State's 82, what is depicted in this
10 photograph?

11 A. Looking down into the trunk over the spare
12 tire.

13 Q. Looking at State's 183, what's depicted in this
14 photograph?

15 A. Projectile fragments located near the spare
16 tire.

17 Q. And 184?

18 A. It's a close-up photograph of those fragments.

19 Q. I'm going to show you now what's been marked as
20 375 and ask you if you recognize it?

21 A. Yes.

22 Q. What do you recognize that to be?

23 A. The projectile fragments from the trunk of the
24 Mercury.

25 Q. And who collected these items?

1 A. I did.

2 Q. You recognize your handwriting?

3 A. Yes.

4 MS. FULLER: At this time, Your Honor, the
5 State seeks to introduce into evidence State's
6 Exhibit 375.

7 MR. WILLIAMS: Without objection.

8 MR. MAULDIN: No objection.

9 THE COURT: State's Exhibit 375 is admitted
10 into evidence.

11 (State's Exhibit No. 375 admitted into
12 evidence.)

13 BY MS. FULLER:

14 Q. Just laying down 375, is that what's depicted
15 in State's Exhibit 184?

16 A. Yes.

17 Q. For the record, is that SLED item 6?

18 A. Yes.

19 Q. Looking back at State's 175 that we recently
20 talked about, now going into State's 186, can you
21 describe what's on that floorboard?

22 A. Same blue jean jacket.

23 Q. Also in 186, is that just another angle?

24 A. Yes.

25 Q. Looking at 187, is that that same jean jacket?

1 A. Yes.

2 Q. Looking at State's 188, is that another angle
3 of the jacket?

4 A. Yes.

5 Q. Looking at State's 189, is that another angle
6 of the jacket?

7 A. Yes.

8 Q. And what does it appear -- there is some
9 discoloration up here. What does that appear to be?

10 A. It appears to be blood.

11 Q. Looking at State's 190, is this that same
12 jacket?

13 A. Yes.

14 Q. And there's a marking and defect here, going
15 into State's 191. What does that appear to be?

16 A. It appears to be blood next to a defect.

17 Q. Can you tell what kind of defect that is?

18 A. It appears to be a bullet hole.

19 Q. Going back into the trunk of the vehicle,
20 looking at State's Exhibit 192, what does that
21 appear to be?

22 A. It's a shirt.

23 Q. This was in the trunk of the Grand Marquis?

24 A. Yes.

25 Q. Looking at State's 193, what does that appear

1 to be?

2 A. Zoomed-up photo of the shirt.

3 Q. And publishing now State's 194, is that the
4 same shirt?

5 A. Yes.

6 Q. This was found in the trunk of the Grand
7 Marquis?

8 A. Yes.

9 Q. I'm showing you now what's been marked as
10 State's 368 and 369. Do you recognize these items?

11 A. Yes.

12 Q. And how do you recognize these items?

13 A. This is the jacket and the shirt collected from
14 the Mercury.

15 Q. Do you recognize your writing as well on the
16 packaging?

17 A. Yes.

18 MS. FULLER: At this time, Your Honor, the
19 State seeks to introduce into evidence State's
20 Exhibit 368 as well as 369.

21 MR. WILLIAMS: Without objection on behalf of
22 Brannon. We do, I guess, need to know which one is
23 which exhibit.

24 MS. FULLER: I apologize. State's 368 is the
25 blue jean jacket and State's 369 is the white Civil

1 T-shirt.

2 MR. WILLIAMS: Brannon has no objection to
3 those items.

4 MR. MAULDIN: We have no objection as well.

5 THE COURT: State's Exhibit 368 and 369
6 admitted into evidence.

7 (State's Exhibit Nos. 368 and 369 admitted into
8 evidence.)

9 MS. FULLER: Court's indulgence while we open
10 the packages.

11 BY MS. FULLER:

12 Q. Do you also recognize the items in there?

13 A. Yes.

14 Q. Displaying now State's Exhibit 368, is that the
15 same jacket that you collected?

16 A. Yes.

17 Q. And do you notice the defect there as well?

18 A. Yes.

19 Q. Can you point it out to the jury?

20 A. (Witness complies.)

21 MS. FULLER: Your Honor, would you inquire if
22 all the jury can see?

23 THE COURT: Can everyone see? All right.

24 BY MS. FULLER:

25 Q. All right. Now, go ahead and open State's 369.

1 A. (Witness complies.)

2 Q. Do you recognize that as the shirt that you
3 collected from the trunk of the Grand Marquis?

4 A. Yes.

5 Q. Go ahead and display it.

6 A. (Witness complies.)

7 Q. Thank you.

8 While processing that Grand Marquis, I'm going
9 to hand you State's Exhibit 370. Tell me if you
10 recognize it. And what, if anything else, did you
11 do while processing the Grand Marquis?

12 A. Yes, I recognize them.

13 Q. And what is that?

14 A. These are swabs collected from the inside of
15 the Mercury.

16 Q. What were those swabs? What's the purpose of
17 collecting those swabs?

18 A. Swabs A were from a reddish-brown stain we
19 believe might have been blood. And swabs B were
20 from the steering wheel.

21 Q. And you collected those yourself?

22 A. Yes.

23 Q. And submitted them into evidence?

24 A. Yes.

25 MS. FULLER: At this time, Your Honor, the

1 State seeks to introduce into evidence State's
2 Exhibits, the bag marked 370, swab A, SLED item 7,
3 which is 371, and swab B is 372.

4 MR. WILLIAMS: Without objection on behalf of
5 Brannon, Your Honor.

6 MR. MAULDIN: No objection.

7 THE COURT: State's Exhibits 370, 371, and 372
8 are admitted into evidence.

9 (State's Exhibit Nos. 370 through 372 admitted
10 into evidence.)

11 MS. FULLER: Thank you, Your Honor. I believe
12 I might be done, but beg the Court's indulgence.

13 Looks like everything is in, Your Honor. Thank
14 you. No further questions.

15 THE COURT: All right. Cross-examination will
16 begin after a short break.

17 Ladies and gentlemen, please go down and
18 refresh yourselves in the jury room. Don't discuss
19 the case. We'll see you back up here in a few
20 minutes. Thank you.

21 (The jury exits the courtroom at 11:18 AM.)

22 THE COURT: I'll try to get them back in here
23 in about ten minutes.

24 Obviously, you can refresh yourself as well.
25 If you get off the witness stand, please don't

1 discuss your testimony with anyone involved in the
2 case. Okay? Thank you.

3 (Short break.)

4 THE COURT: All right. The jury is ready. Are
5 we ready to go?

6 MS. FULLER: Yes, just briefly for the record.
7 There is packaging that SLED -- that's in for all of
8 the projectiles and casings as well as a GSR kit
9 just for ID so that SLED can recognize their seal.
10 It's, like, a bag within a bag within a bag.

11 So for the firearms, which is projectiles and
12 casings, it's marked for ID as 394 and for the two
13 GSR kits marked for ID as 395.

14 THE COURT: All right. Mr. Williams, are you
15 ready to proceed?

16 MR. WILLIAMS: Defendant Brannon is ready, Your
17 Honor.

18 MR. MAULDIN: We are ready, too, Your Honor.

19 THE COURT: Bring the jury in.

20 (The jury enters the courtroom at 11:34 AM.)

21 THE COURT: All right. Madam Forelady, ladies
22 and gentlemen of the jury, welcome back. I guess
23 it's good to have jury duty after Halloween.
24 There's things around that you can have.

25 We will kick off where we stopped with our

1 cross-examination.

2 MR. WILLIAMS: May it please the Court?

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Good morning.

7 A. Good morning.

8 Q. How are you? Good to see you again. So you're
9 with Greenwood now?

10 A. Yes, sir.

11 Q. And Greenwood Sheriff's Department?

12 A. Yes, sir.

13 Q. Doing the same thing you did with Lexington?

14 A. No, sir. I'm a patrol officer with Greenwood.

15 Q. So that's the same thing as road patrol, I
16 guess, what we call in Lexington, right? A patrol
17 officer?

18 A. Yes, sir.

19 Q. How long were you actually doing crime scene
20 investigation with Lexington County?

21 A. From September of 2014 to September of 2017.

22 Q. Did you take any special classes to become a
23 CSI?

24 A. A few. It was mostly on-the-job training.

25 Q. All right. What classes, if any, did you take

1 for that?

2 A. I remember taking a few latent print classes, a
3 blood stain pattern analysis, and a photography
4 class.

5 Q. No ballistics classes?

6 A. No.

7 Q. So I guess having said that, a lot of questions
8 were asked of you in reference to three vehicles --
9 or actually four vehicles, weren't they? Which four
10 vehicles did you examine for your crime scene
11 investigation?

12 A. The Mercury Grand Marquis, the Dodge Charger,
13 the Dodge Stratus, and the Kia Optima.

14 Q. What, the Mercury? Did you say that?

15 A. Yes.

16 Q. So in your answers to the questions that were
17 propounded to you, I think you probably looked at
18 some photographs and made some decisions about where
19 would the -- I guess, the projectile have been
20 coming from.

21 Were you answering those questions just in
22 terms of direction, just direction, meaning where
23 would a person be standing if the projectile came
24 from a gun? Just directional, is that the answer to
25 the questions?

1 A. General area. Yes.

2 Q. And when you refer to general area, that would
3 be like me being on the golf course and saying I'm
4 going to hit it to the right side of the green or
5 hit it to the left side of the green, but general
6 direction, right?

7 A. Correct.

8 Q. You certainly don't have any idea with regards
9 to the distance the projectile would have had to
10 travel, right?

11 A. Correct.

12 Q. You don't have any idea in regards to the
13 height of the individual or the height of the area
14 from which the projectile came from, do you?

15 A. I don't have no knowledge.

16 Q. And you wouldn't have any indication or
17 knowledge in regards to what exactly made the damage
18 that you're looking at other than it was damaged
19 from some item that appears to be high speed, like a
20 bullet, versus somebody throwing, like, a rock?

21 A. Correct.

22 Q. Thank you. I think you said -- when you first
23 came out there, you went straight to the hospital.
24 Scotty Friar, was he your supervisor?

25 A. He was watch commander. Yes.

1 Q. And watch commander, that means he is in charge
2 of what goes on for a specific period of time during
3 that day?

4 A. Correct.

5 Q. And he ordered you to go to the hospital to see
6 Antonio Stroman; is that correct?

7 A. Yes.

8 Q. When you got there, obviously you found him at
9 the hospital. The types of testing that you did on
10 him were gunshot residue testing on the hands; is
11 that correct?

12 A. Yes.

13 Q. Obviously, you took pictures of him?

14 A. Yes.

15 Q. You seized his clothing, didn't you?

16 A. Yes.

17 Q. Did you do gunshot residue testing on his
18 clothing?

19 A. No.

20 Q. Well, you've already indicated you have
21 knowledge about gunshot residue. And how is that
22 normally -- where do you normally find gunshot
23 residue in a crime scenario? Other than the hands,
24 where else would gunshot residue be?

25 A. I'm not sure I understand --

1 Q. Would it be on the clothing?

2 A. Potentially.

3 Q. Were you instructed not to take the clothing of
4 Mr. Stroman to see if there was gunshot residue on
5 them?

6 A. I was just ordered to collect it.

7 Q. You didn't have independent decision-making in
8 your job as the crime scene investigator in regards
9 to what you were supposed to do or not do, or was
10 there direction from somebody?

11 A. There's standard procedures that we follow.

12 Q. So if you're checking somebody for gunshot
13 residue on the hands, would it not be standard
14 procedure to check for someone's clothing to see if
15 there's gunshot residue on the clothing also?

16 A. That's typically sent straight to SLED for
17 testing.

18 Q. All right. So did you seize his clothing and
19 send it to SLED for testing?

20 A. It was seized. I do not have knowledge if it
21 was sent or not.

22 Q. And the reason why you do it that way is
23 because the expertise of SLED in determining gunshot
24 residue is different from simply taking -- taking
25 the gunshot residue kit and taking it off the

1 people's hands, right?

2 A. Well, the kit is just collecting any gunshot
3 residue that may be there. It's still tested by
4 SLED.

5 Q. Right. So you seized all of the clothing on
6 the victim, Antonio Stroman?

7 A. Yes.

8 Q. All right. Well, there were two other alleged
9 victims in this case. One was obviously at the
10 Newberry Pathology Coroner's Office. Did you seize
11 gunshot residue from his hands as well as the
12 clothing? Mr. Gantt, I believe, is the one at
13 Newberry pathology.

14 A. No. Just -- just clothing and the projectiles
15 were collected.

16 Q. All right. So no gunshot residue testing was
17 done on Mr. Gantt's hands, who was a victim, just
18 like the other two, right?

19 A. Correct.

20 Q. And in regards to the other victim -- what was
21 the name of the other victim in this case?

22 A. I'm not sure. I've never dealt with anybody
23 other than Mr. Gantt and Mr. Stroman.

24 Q. So those are the only two individuals that you
25 tested for gunshot residue?

1 A. I did not test Mr. Gantt --

2 Q. I mean, that you took the gunshot kits for?

3 A. Just from Mr. Stroman.

4 Q. Oh, okay.

5 All right. When you went to Newberry, I think
6 you said you got the clothing from Mr. Gantt, is
7 that correct, or from the coroner for Mr. Gantt?

8 A. Yes.

9 Q. Were you present when the pathologist did the
10 test on Mr. Gantt?

11 A. Which test?

12 Q. I assume that some autopsy was done by the
13 coroner.

14 A. Yes, there was an autopsy done.

15 Q. Were you present when it was being performed?

16 A. Yes.

17 Q. So you would have taken the clothing from the
18 coroner's office to take it to SLED, right?

19 A. It would have been collected from autopsy.

20 Q. And taken to SLED, correct?

21 A. At a later time, yes.

22 Q. When did you take it to SLED?

23 A. I did not take it to SLED. I'm not sure who
24 did.

25 Q. What did you do with the clothing?

1 A. I collected it and turned it in to evidence.

2 Q. So it went to Lexington County Sheriff's
3 Department?

4 A. Yes.

5 Q. All right. Did you have any other connection
6 with that clothing once it went to Lexington County
7 Sheriff's Department?

8 A. Not to my knowledge.

9 Q. So you never took it to SLED?

10 A. Correct.

11 Q. Now, those fragments that you -- bullet
12 fragments, there were two, correct, from Mr. Gantt
13 that were seized at -- from the coroner's autopsy?

14 A. Yes.

15 Q. Did you seize those? You took them?

16 A. Yes.

17 Q. I don't mean to use the word seize like it's a
18 bad thing. But you took those?

19 A. Collected those for evidence. Yes.

20 Q. And where did you take those?

21 A. To the sheriff's department evidence.

22 Q. So, again, you didn't take those to SLED for
23 analysis, did you?

24 A. No.

25 Q. Did you ever take them to SLED for analysis?

1 A. Not to my knowledge.

2 Q. Because your job as a CSI, generally, is just
3 the collector of evidence, not necessarily the
4 transporter or the testing of those items, correct?

5 A. In general, yes.

6 Q. Okay. So there were four vehicles which you
7 examined, right?

8 A. Yes.

9 Q. There was a picture, which you introduced --
10 I'm sorry. You didn't introduce it. But there was
11 a picture showing a fragment on the pavement which
12 came at a location of a truck stop. Do you recall
13 that without me digging it out?

14 A. Yes.

15 Q. Well, you made the comment that it was --
16 someone had told you that it had fallen out of the
17 door when it was opened, is what you testified to, I
18 believe.

19 A. Other law enforcement personnel, yes.

20 Q. Who was the law enforcement person that told
21 you that?

22 A. Just a moment. Deputy Aaron Spaulding.

23 Q. So he would have been the officer that located
24 or at least observed it -- do you know if he's the
25 one who opened the door or he's the one that just

1 found it after somebody opened the door?

2 A. I have no knowledge. He's just the one who
3 provided the information.

4 Q. So you don't know if he's actually the one that
5 opened the door and saw it fall out or not?

6 A. Correct.

7 Q. He's just some individual who was on scene and
8 told you that that occurred while they were there?

9 A. Correct.

10 Q. Now, what time did you get to the truck stop?

11 A. I arrived at 0620 hours.

12 Q. You actually got your assignment to go to, is
13 it Lexington County? Or did you go to -- which
14 hospital did you go to, to see Mr. Stroman?

15 A. Palmetto Health Richland.

16 Q. So you got your assignment and you got down to
17 see him about what time?

18 A. I arrived on scene at 0520 hours.

19 Q. And then you went straight from that to the
20 truck stop; is that correct?

21 A. Yes.

22 Q. And at that point in time is when you proceeded
23 to take pictures of the vehicle, which was at the
24 truck stop?

25 A. Yes.

1 Q. And did you actively go through that vehicle at
2 that point in time or did you wait until it was
3 towed to go through it?

4 A. I waited until it was towed.

5 Q. So you didn't really do a search of the vehicle
6 then?

7 A. Correct.

8 Q. When was it that you actually went and did a
9 search of the vehicle? It was after you got a
10 search warrant, right?

11 A. Correct.

12 Q. And when was that?

13 A. The search warrant was obtained June 8th. It
14 was executed June 9th.

15 Q. And you were down there on June the 6th, right?

16 A. Yes.

17 Q. So -- and it was parked behind the sheriff's
18 department at the time?

19 A. In a secure impound lot.

20 Q. But it was behind the sheriff's department,
21 right, or was it not? There's an impound lot at the
22 sheriff's department, is what I'm trying to figure
23 out.

24 A. Yes, sir.

25 Q. So that would have been three days after this

1 event had occurred. And, obviously, I guess, the
2 door had been opened because somebody had opened it
3 and looked through it. Do you know if anybody else
4 did any preliminary examination of the inside of the
5 car before you got a hold of it?

6 A. I have no knowledge.

7 Q. The only thing you can testify to is what you
8 found in that car three days later. It was
9 unlocked -- those cars that were there were all
10 unlocked except the trunk of the Marquis; is that
11 correct?

12 A. I'll have to check my notes real quick. Bear
13 with me. Yes.

14 Q. Okay. When you went out there, who was present
15 with you when you went through those vehicles?

16 A. Evidence custodian Beth Holliman.

17 Q. And she's present in the courtroom, isn't she?

18 A. Yes.

19 Q. Now, I just want to clear it in my own mind.
20 You went to the scene known as The Spot; did you
21 not?

22 A. Yes.

23 Q. What time did you go to The Spot?

24 A. I arrived there at 0650 hours.

25 Q. So you went to the hospital, then to the truck

1 stop, then to The Spot?

2 A. Yes.

3 Q. And at The Spot is where -- what did you --
4 what did you actually do at The Spot?

5 A. I just assisted CSI Ross with locating
6 evidence.

7 Q. So how many of the shell casings did you find
8 at The Spot?

9 A. I don't recall.

10 Q. All right. Well, if you find them, how did you
11 tell the officer that these are the shell casings
12 that you found? What was the procedure used to
13 notify them?

14 A. I would point it out to CSI Ross, he would
15 photograph, then place placards and collect it.

16 Q. So you'd wait till he came over to the area
17 that you were in before you left that area?

18 A. Yes.

19 Q. And did you use any type of equipment to locate
20 shell casings which may or may not have been
21 underneath the sand area?

22 A. Not to my knowledge.

23 Q. You would know, wouldn't you?

24 A. I was not primary on that scene --

25 Q. Do you ever -- I guess I'm kind of curious. Do

1 you ever use things like metal detectors, like, you
2 know, our children would use in the backyard to see
3 if there's metal there?

4 A. We do occasionally.

5 Q. But on this particular occasion, you don't
6 recall using any metal detectors to see if there are
7 additional bullet shells there, right?

8 A. Not to my knowledge.

9 Q. What area did you check at The Spot looking for
10 shells?

11 A. The driveway near the Kia and the Stratus.

12 Q. That's the only area that you checked?

13 A. That I checked personally, yes. I'm not sure
14 what CSI Ross covered.

15 Q. Okay. Fair enough. So you have no knowledge
16 as to whether or not there were shell casings that
17 were to be found further down the hill towards The
18 Spot or closer to the wood lines on the left and
19 right-hand sides of that tract of land, correct?

20 A. Correct.

21 Q. Because it's kind of a large area, isn't it?

22 A. Yes.

23 Q. Guesstimate the number of acres that is, if you
24 can.

25 A. I have no clue.

1 Q. Right. But there's an area down there which is
2 obviously used for parking cars, right?

3 A. Yes.

4 Q. And if individuals -- if you have areas where
5 they're parking cars, individuals normally
6 assimilate or associate those areas where you park
7 cars, don't they, if you're going to a place, a bar
8 or whatever, right? That's where the people would
9 be until they went inside the place, right?

10 A. Sometimes, yes.

11 Q. But to your knowledge, no one checked those
12 areas?

13 A. Not to my knowledge.

14 Q. Now, the four vehicles that you looked at,
15 you've already introduced -- well, you didn't
16 introduce, but there was a car that was found which
17 was in Antonio Stroman's name, correct?

18 A. I'm not sure which vehicles were owned by who.

19 Q. How did you designate in your worksheets, if
20 you will, ownership of the vehicles? Or did you
21 just refer to them as vehicles and give Stratus,
22 Mercury, Marquis? Did you do any designation of
23 ownership of the vehicles that you were looking at?

24 A. I notated them by color, make, model, and if
25 they had a tag.

1 Q. Let me ask you to look at State's
2 Exhibit No. 124.

3 MR. WILLIAMS: May I approach the witness, Your
4 Honor?

5 THE COURT: Yes, sir.

6 BY MR. WILLIAMS:

7 Q. What is that?

8 A. It's a black handgun magazine.

9 Q. And it's a magazine for a pistol?

10 A. Yes, a handgun.

11 Q. And what kind of handgun is that a magazine
12 for?

13 A. A semi-auto.

14 Q. What kind of semi-auto? Nine-millimeter? 22?

15 A. I don't know.

16 Q. And did it have any shells in it?

17 A. It was empty.

18 Q. It was empty. Which vehicle was it in?

19 A. The Dodge Stratus.

20 Q. Dodge Stratus?

21 A. Yes.

22 Q. Did that Stratus also include the holster for
23 the nine-millimeter pistol?

24 A. Which holster?

25 Q. How many holsters did you find?

1 A. A one black cloth hanging holster from the
2 driver's floorboard of the Stratus.

3 Q. So it was found in the same vehicle?

4 A. If that's the holster you're referring to, yes.

5 Q. Was there another holster that was found?

6 A. Not to my knowledge.

7 Q. So that would be the only holster that was
8 found?

9 A. Yes.

10 Q. By you?

11 A. Yes.

12 Q. Same vehicle, right?

13 A. Yes.

14 Q. You were going through -- for the solicitor,
15 you were going through a list of numbering systems
16 on all these shells which were found. Did you
17 identify SLED numbers on those? Is that what you
18 were doing?

19 A. Yes.

20 Q. Now, you just collected these items and took
21 them to the sheriff's department, right?

22 A. Correct.

23 Q. So you didn't take them to SLED. So you didn't
24 observe anybody create those numbers on those
25 packagings, did you?

1 A. Correct.

2 Q. And when you were referring to, I guess, the
3 numbering system, you were referring to some list
4 that has been presented that has those numbers on
5 it. But you don't know which officer wrote those
6 down, do you, with SLED?

7 A. Wrote down what?

8 Q. Those numbers on the packaging.

9 A. I do not.

10 Q. Because you didn't take them there. Do you
11 know when these items were taken to SLED?

12 A. I do not.

13 Q. Do you know when anything was taken anywhere
14 for examination?

15 A. I do not.

16 Q. Did you see a streetlight by the road when you
17 got there or was it -- or was there no streetlight
18 there?

19 A. I don't recall.

20 MR. WILLIAMS: That's all the questions I have,
21 Your Honor.

22 THE COURT: Mr. Mauldin?

23 MR. MAULDIN: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. MAULDIN:

1 Q. I was looking at some of those pictures of the
2 Hill View. You said you got there around 6ish, the
3 Hill View Truck Stop, to look at the Charger?

4 A. I arrived at 0620 hours.

5 Q. It looked to me like it was kind of business as
6 usual. There was customers there. The store was
7 open.

8 A. There were other cars in the parking lot.

9 Q. Okay. And I didn't see any crime -- did you
10 see any crime tape at all to mark that off?

11 A. I don't recall.

12 Q. Don't recall. You talked about collecting
13 projectile fragments and projectiles from various
14 vehicles, and we saw many pictures of such and they
15 were introduced into evidence. And I noticed that,
16 some of them, the projectile fragments were right
17 there, like, there on the floorboard or something.
18 Is that right?

19 A. Yes.

20 Q. And in those instances, you would just pick
21 them up with your fingers. And I suppose you wore
22 gloves, right?

23 A. Right.

24 Q. What about the ones that were embedded into the
25 vehicles? How did you get those projectiles out?

1 A. Those had to be removed.

2 Q. How were they removed?

3 A. Some by hand, others by removing the interior
4 door panels.

5 Q. And how did -- so you're saying you took the
6 door panel off and then picked up a projectile from
7 the bottom, like if it fell between the panel and
8 the outside?

9 A. It was inside the door. The interior door
10 panels had to be removed to access the interior of
11 the door.

12 Q. Were any of these projectiles or projectile
13 fragments embedded in any of the metal of the cars?

14 A. No.

15 Q. Are you sure or you don't recall?

16 A. There were several that penetrated. I do not
17 recall any that were, per se, stuck in the metal and
18 had to be removed from a piece of metal.

19 Q. If that was the case, what would you do?

20 A. It would be removed to the best of my ability
21 without damaging.

22 Q. What would you use?

23 A. Depends on the situation. There's any number
24 of things that could be used.

25 Q. When you talk about going to Palmetto Richland

1 Hospital to see Mr. Stroman and you took photos of
2 his injuries; is that right?

3 A. Yes.

4 Q. Did we see any of those today? Did you see any
5 of those today here in court?

6 A. No.

7 Q. Okay. And the Grand Marquis, the last vehicle,
8 I believe, that had two exterior defects on the back
9 of the vehicle, one in the trunk and one in the back
10 windshield; is that correct?

11 A. Yes.

12 Q. And then there was one on the passenger's side,
13 up near the hood of the car; is that right?

14 A. Yes.

15 Q. And one on the driver's side up near the hood
16 of the car?

17 A. Yes.

18 Q. So that's from both sides of the car?

19 A. Yes.

20 MR. MAULDIN: No further questions.

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION

23 BY MS. FULLER:

24 Q. Just to clarify that last question, regarding
25 the Grand Marquis, you're saying there were defects

1 on the front of the car?

2 A. No, there's defects on the driver's side and
3 the passenger's side.

4 Q. On the rear doors?

5 A. Correct.

6 Q. Okay. Just wanted to make sure I was clear.
7 But there was no defects on the front of the Grand
8 Marquis?

9 A. Correct.

10 Q. Okay. Just wanted to make sure it's clear.
11 With regards to the Hill View Truck Stop, when you
12 arrived on scene, was law enforcement present?

13 A. Yes.

14 Q. And for all intents and purposes, was the
15 vehicle secured by law enforcement until you
16 arrived?

17 A. Yes.

18 Q. What does that mean to you again?

19 A. It means not allowing anybody to disturb it.
20 It's left as it is until I arrive and photograph it.

21 Q. Do you rely on the word of fellow officers when
22 you arrive on scene?

23 A. Yes.

24 Q. And is that customary to be trained in securing
25 a scene to maintain it until crime scene or other

1 personnel can arrive on scene?

2 A. Yes.

3 Q. In terms of the evidence at the Lexington
4 County Sheriff's Department impound lot, is that
5 also a controlled environment?

6 A. Yes.

7 Q. And that's controlled by the evidence custodian
8 of Lexington County?

9 A. Yes.

10 Q. So even though the vehicles were there and you
11 executed your search warrant three days after the
12 shooting, for all intents and purposes, the vehicles
13 were secured?

14 A. Yes.

15 Q. And what does that mean to you?

16 A. It means that nobody has access to them other
17 than the evidence custodian, as they control who
18 goes.

19 Q. Regarding -- I believe defense counsel showed
20 you State's Exhibit 124 --

21 A. I believe it's still up there.

22 Q. I'm going to show you somewhere around 120.
23 Displaying State's 121, can you point out to the
24 jury where the item in State's 124 is in this
25 photograph?

1 A. It's concealed by the coroner's box here, but
2 it was in this area.

3 Q. Did you cover it up with that box?

4 A. No.

5 Q. So this is where you found it?

6 A. Yes.

7 Q. Looking at State's 122, can you point it out
8 for the jury as well?

9 A. Right in here.

10 Q. So it's tucked there behind in the right corner
11 of that trunk of the Dodge Stratus; is that correct?

12 A. Yes.

13 Q. And it's tucked there also behind the Jimenez
14 box?

15 A. Yes.

16 Q. And that's this box that we're talking about?

17 A. Yes.

18 Q. Now, the holster that was also discussed, that
19 would be State's Exhibit 117 and 118. This holster
20 was found in the front of the Dodge Stratus,
21 correct?

22 A. Yes. It was in the driver's floorboard.

23 Q. Looking at State's 118, how were you able to
24 obtain this photograph?

25 A. I got down in the corner of the door so I could

1 peer up under the seat.

2 Q. So when you say you got down in the corner of
3 the door, you physically had to get down --

4 A. Yes.

5 Q. -- as low as the Stratus?

6 A. Yes.

7 Q. And photograph it at an angle?

8 A. Yes.

9 Q. Underneath the seat?

10 A. Yes.

11 Q. Now flipping to State's Exhibit 162, this is
12 that Grand Marquis that we're talking about?

13 A. Yes.

14 Q. And looking at the front of that Grand Marquis,
15 just so it's clear, when we're talking about bullet
16 defects, did you find any bullet defects on the
17 front driver's side front area of that Grand
18 Marquis?

19 A. No.

20 Q. And to be clear, looking at 163, this is what
21 would be considered the rear passenger door of the
22 Grand Marquis?

23 A. Yes.

24 Q. Looking at 169, this is also the rear driver's
25 side door of the Grand Marquis, correct?

1 A. Yes.

2 Q. And that was State's 169.

3 MS. FULLER: Beg the Court's indulgence.

4 No further questions.

5 MR. WILLIAMS: Just one question on recross.

6 RECROSS-EXAMINATION

7 BY MS. WILLIAMS:

8 Q. You were asked by the solicitor about items
9 being found underneath the trunk -- underneath --
10 some items in the trunk, I think, is what y'all were
11 just covering?

12 A. Which vehicle?

13 Q. I think you were talking about the Stratus?

14 A. Just now?

15 Q. Yes.

16 A. Yes.

17 Q. So you referenced in your direct testimony that
18 a window fell out during the towing of one of these
19 vehicles, right?

20 A. I believe that was the Kia.

21 Yes, that was the Kia.

22 Q. So the mere act of towing a vehicle sometimes
23 causes the interior items of the vehicle to move
24 around and/or fall out; is that correct?

25 A. Shattered glass. Yes.

1 Q. Or, or, depending on who the tow truck driver
2 is, moving things around in a vehicle, don't they?

3 A. Potentially.

4 MR. WILLIAMS: That's all the questions I have,
5 Your Honor.

6 MR. MAULDIN: No further questions, Your Honor.

7 THE COURT: The witness may step down.

8 Counsel, if y'all could approach real quick.

9 (Sidebar conference.)

10 THE COURT: All right. Ladies and gentlemen,
11 we'll go ahead and take our lunch break now. Your
12 lunch is waiting for you down in the jury room.
13 Please don't discuss the case while you're down
14 there. I think the bailiff is going to escort you,
15 if you need to get out of the building for any
16 reason.

17 But remember to stay away from people, don't
18 get into any conversations with anyone outside --
19 with anyone outside of this room. Otherwise, don't
20 discuss the case, don't do any independent research
21 about the case. We'll see you after your lunch in
22 an hour. Okay? Thank you.

23 (The jury exits the courtroom at 12:09 PM.)

24 THE COURT: All right. We'll break for lunch.

25 MR. WILLIAMS: I do have one question, Your

1 Honor.

2 THE COURT: Okay. I may have an answer.

3 MR. WILLIAMS: Thank you. My client is asking
4 if his mother can get him a sandwich.

5 THE COURT: I don't know of any reason --
6 Is there some policy here in the courthouse?

7 THE DEPUTY: It's up to you.

8 MR. MAULDIN: We'll join in on that one.

9 THE COURT: You get the food and take it to
10 your client.

11 MS. FULLER: Well, it has to go to law
12 enforcement.

13 THE COURT: To you, to you, to him.

14 MR. WILLIAMS: We'll make sure law enforcement
15 gets it.

16 (Luncheon recess 12:10 PM - 1:23 PM.)

17 THE COURT: Just prior to coming out here, I
18 did meet with the lawyers briefly as far as
19 scheduling goes. And, obviously, we want to try to
20 maximize our time here at the courthouse in getting
21 things done, so we plan on staying a little bit
22 later tonight with the approximate adjournment time
23 of 6:00 p.m.

24 I haven't told them that yet, although I told
25 them 5:30. I'll give them a heads-up at our

1 afternoon break. If they need to make any phone
2 calls, they can do that. I am going to let them
3 know we plan to be here till at least 6:00 the next
4 two days.

5 Are we ready proceed with the next witness?

6 MR. MCNAIR: The State is ready, Your Honor.

7 MR. WILLIAMS: Defendant Brannon is ready, Your
8 Honor.

9 MR. MAULDIN: Yes, Your Honor.

10 THE COURT: All right. Let's bring up the
11 jury.

12 (The jury enters the courtroom at 1:27 PM.)

13 THE COURT: Madam Forelady, ladies and
14 gentlemen of the jury, welcome back. I hope you had
15 a nice lunch and had a chance to refresh yourselves
16 and recharge.

17 At the beginning of the trial, I mentioned we
18 normally break at approximately 5:30 -- or, excuse
19 me, 5:00 to 5:30. We are going to go a little bit
20 later today, to at least 6:00, I suspect. And you
21 can probably plan to do that tomorrow as well.

22 If you need to make any phone calls at your
23 afternoon break, if there's anyone you need to let
24 know we might be a little bit later tonight and
25 tomorrow, that's certainly fine.

1 Obviously, we want to maximize our time here
2 and be as efficient as possible with your time. So
3 just go ahead and prepare yourself to stay a little
4 bit later today, tonight, and tomorrow. All right?

5 We'll pick up with the next witness in the
6 State's case in chief.

7 MR. MCNAIR: Thank you, Your Honor. The State
8 calls Andy Barnes.

9 THE COURT: Very well.

10 ANDY BARNES

11 being first duly sworn, testified as follows:

12 THE WITNESS: Yes.

13 THE CLERK: Have a seat. Take your mask off,
14 state your full name, and spell your last for the
15 record.

16 THE WITNESS: My name is Andy Barnes, that's
17 B-A-R-N-E-S.

18 DIRECT EXAMINATION

19 BY MR. MCNAIR:

20 Q. Mr. Barnes, tell the jury a little about
21 yourself. Where did you grow up?

22 A. I grew up in North Augusta.

23 Q. What do people call you?

24 A. Teddy P.

25 Q. Now, how old are you right now?

- 1 A. 37.
- 2 Q. Do you work?
- 3 A. Yes, sir.
- 4 Q. Where do you work?
- 5 A. I work at Generac.
- 6 Q. Are you married?
- 7 A. No, sir.
- 8 Q. Kind of?
- 9 A. Yes. It's a work in progress.
- 10 Q. You have a longtime girlfriend?
- 11 A. Yes.
- 12 Q. You have kids?
- 13 A. I've got five.
- 14 Q. They all live with you?
- 15 A. Yes, sir.
- 16 Q. Now, do you know Tyrone Gantt?
- 17 A. Yes, sir.
- 18 Q. What name do you know him by?
- 19 A. Shine.
- 20 Q. Were you with him the night that he was killed,
- 21 June 6th of 2015, at The Spot in Batesburg?
- 22 A. Yes, sir.
- 23 Q. Were you with Brandon Jeffery that night as
- 24 well?
- 25 A. Yes, sir.

1 Q. And others that we're hear about later.

2 Let's go back, I guess, to June 5th, the night
3 leading up to June 6th. How did y'all come about
4 hanging out that night?

5 A. See, June 5th, I got off work that morning.

6 Q. How did you come to meet up with Shine that day
7 or that night?

8 A. Well, that night, my daddy had dropped me off
9 at the house. And I looked at my pack and seen I
10 had a couple cigarettes, so I went to the store. He
11 called me from the store, asked me what I was doing.
12 I told him I was getting some cigarettes. So he
13 told me to stop by the house and pick him up.

14 Q. So did you go pick him up?

15 A. Yes, sir.

16 Q. At his house?

17 A. Uh-huh.

18 Q. Where did y'all go after that?

19 A. We went to Trel Smith house to play Madden.

20 Q. To play Madden. A video game?

21 A. Yes, sir.

22 Q. Who else was at Trel Smith's house?

23 A. Pedro, OB, Trel. It was a couple more people.
24 It was about six of us.

25 Q. And Pedro, is that Brandon Jeffery?

1 A. Yes.

2 Q. And OB, is that O'Brien Gilliam?

3 A. Yes.

4 Q. And do you remember a female named Dominique
5 Williamson being there?

6 A. She had pulled up not too long after.

7 Q. Did you know her prior to that night?

8 A. No, sir.

9 Q. Did you know all the other people prior to that
10 night?

11 A. Yes, sir.

12 Q. Had you known the other people for some time?

13 A. Yes.

14 Q. So y'all are just at this guy, Trel Smith's
15 house playing Madden, right?

16 A. Uh-huh.

17 Q. At some point, does somebody have the idea to
18 leave that location and go somewhere else?

19 A. Yes. That girl, Dee Dee, had called on the
20 phone or something saying she wanted to go to the
21 club that night.

22 Q. Do you know why she wanted to go to the club?

23 A. I think one of her family members was throwing
24 a party or something.

25 Q. So was it her idea to go to the club?

1 A. Uh-huh.

2 Q. Had y'all planned to go to the club that night
3 prior to that coming up at Trel Smith's house?

4 A. No, sir.

5 Q. So after that came up, did y'all, in fact, go
6 to The Spot?

7 A. Yes, sir.

8 Q. How did y'all get there?

9 A. We drove my car. Me and Shine drove my car,
10 and we followed behind Dee Dee and them in they car.

11 Q. What kind of car do you have?

12 A. It was a Dodge Stratus.

13 Q. Dodge Stratus. And Shine was with you?

14 A. Uh-huh.

15 Q. Who drove?

16 A. I did.

17 Q. And you said Dee Dee drove the other car?

18 A. Yes, sir.

19 Q. Do you remember what that was?

20 A. I want to say a Charger.

21 Q. Dodge Charger?

22 A. Yes.

23 Q. And who was in her vehicle?

24 A. Her, Pedro, and OB.

25 Q. And y'all followed each other to The Spot?

1 A. Uh-huh.

2 Q. Do you know approximately what time y'all got
3 to The Spot?

4 A. Not offhand, I can't.

5 Q. That's fine. That's fine.

6 A. Yep.

7 Q. Now, when y'all got there, where did y'all
8 park?

9 A. We parked, like, on top of the hill. We had
10 backed in on top of the hill.

11 Q. Okay. Did y'all park side-by-side?

12 A. Yes, sir.

13 Q. I'm going to show you State's 285. Do you
14 recognize this aerial photo?

15 A. Yes, sir.

16 Q. Do you have a laser pointer up there by chance?

17 A. This little blue pen?

18 Q. Yeah.

19 A. Yeah.

20 Q. You see the button on it, on the side?

21 A. Uh-huh.

22 Q. Let me get over here. Can you just indicate on
23 this exhibit the area where y'all parked?

24 A. Right up in there.

25 Q. Okay. And y'all backed in to park?

- 1 A. Yeah.
- 2 Q. Any reason you backed in?
- 3 A. No. We just backed in.
- 4 Q. Were other people backed in the area as well?
- 5 A. Yes, sir.
- 6 Q. Now, State's 3, does this fairly represent how
- 7 y'all were parked that night?
- 8 A. Yes, sir.
- 9 Q. The Dodge Charger being whose vehicle?
- 10 A. Dee Dee vehicle.
- 11 Q. This Dodge Stratus is what you testified to as
- 12 your vehicle?
- 13 A. Yes, sir.
- 14 Q. And that's another car beside you?
- 15 A. Yes, sir.
- 16 Q. So once y'all got there, just go through. What
- 17 did you do?
- 18 A. We got out; we head down the hill to go to the
- 19 club.
- 20 Q. Did everybody go down to the club together?
- 21 A. Yeah.
- 22 Q. Y'all all walked down to the club together as a
- 23 group?
- 24 A. Uh-huh.
- 25 Q. Did everybody get in the club?

1 A. No, everybody did not get in the club.

2 Q. Okay. What happened?

3 A. One of the bouncers, I guess, whatever you want
4 to call them --

5 Q. Pull that microphone down a little bit towards
6 you so everybody can hear you.

7 A. One of the bouncers said Shine had a gun on
8 him, so he wouldn't let Shine in.

9 Q. Were they patting people down at the door?

10 A. Yeah.

11 Q. So did everybody else get in the club but
12 Shine?

13 A. Yeah -- well, I didn't go in either. I stood
14 by the door.

15 Q. So after they didn't let Shine in, what
16 happened?

17 A. He went back up the hill. I guess he put the
18 gun in the car and came back down the hill.

19 Q. Okay. Did you wait on him to get back?

20 A. Yes, sir, stood by the door.

21 Q. What happened when he got back to the club?

22 A. He got back to the club. We went in, paid to
23 get in, got pat down again.

24 Q. And they let y'all in?

25 A. They let us in and we went to the bar.

1 Q. You and Shine went in the club and went to the
2 bar?

3 A. Uh-huh.

4 Q. Did you get a drink?

5 A. Yeah. I got a beer.

6 Q. After getting a drink, where did y'all go?

7 A. We walked to the floor.

8 Q. Who else was there on the floor?

9 A. Pedro and O'Brien.

10 Q. Now, while you were standing there by the
11 floor, did you see anything that concerned you?

12 A. Yeah.

13 Q. Okay. Do you know -- or prior to that night,
14 did you know of a guy named Fresh?

15 A. Yes, sir.

16 Q. Do you see him in the courtroom today?

17 A. Yes, sir.

18 Q. All right. What color suit is he wearing?

19 A. A blue suit.

20 Q. So that's the guy you knew as Fresh?

21 A. Yes, sir.

22 Q. When you're standing there by the floor, did
23 you see Fresh?

24 A. Yes, sir.

25 Q. Was he with other people?

1 A. Yes, sir.

2 Q. What did you observe him doing?

3 A. Um --

4 Q. Let me ask very specific questions. Did you
5 observe him, for lack of a better word, jumping
6 around?

7 MR. WILLIAMS: Objection to leading, Your
8 Honor.

9 THE COURT: Real quick, y'all come up.
10 (Sidebar conference.)

11 BY MR. MCNAIR:

12 Q. Did you observe him jumping around?

13 A. Yes, sir.

14 Q. Did you observe him doing things with his
15 hands?

16 A. Yes, sir.

17 Q. And did that concern you?

18 A. Very.

19 Q. And was he with other people?

20 A. Yes, sir.

21 Q. After you saw that, what did you and the others
22 with you do?

23 A. Oh, man, I throw my beer away and walked out
24 the door. Time to go then.

25 Q. Okay. Who left the club with you at that time?

1 A. Me and Shine had walked out first.

2 Q. Y'all walked out first?

3 A. Yes, sir.

4 Q. Where were the others?

5 A. Brandon and them were still in there.

6 Q. All right. Did they leave shortly after y'all?

7 A. Shortly after, uh-huh.

8 Q. Do you remember -- well, did you see Brandon
9 Jeffery after you left the club prior to getting up
10 the hill?

11 A. Yes, sir. He had came up to us and stopped us
12 and said them boys got them guns up in the club
13 and --

14 MR. WILLIAMS: Objection, Your Honor.

15 A. -- they going to start --

16 THE COURT: Please stop talking, because an
17 objection is made.

18 THE WITNESS: Sorry.

19 MR. WILLIAMS: Your Honor, I have a motion to
20 make outside the presence of the jury.

21 THE COURT: All right. Ladies and gentlemen,
22 I'm going to --

23 Actually, y'all approach first.

24 MR. MAULDIN: We object as well.

25 (Sidebar conference.)

1 THE COURT: The previous objection is
2 sustained.

3 Nobody told you this before: But if you hear
4 an attorney object after a question, please don't
5 continue with your answer to the question.

6 THE WITNESS: Okay.

7 THE COURT: So I'm going to sustain the
8 objection and strike your last statement from the
9 witness stand.

10 I don't know if the jury heard anything, but to
11 the extent you did, disregard that statement.

12 However, counsel may continue the examination.

13 BY MR. MCNAIR:

14 Q. Mr. Barnes, when we left off, you had just left
15 the club and you were having a conversation with
16 Mr. Jeffery. Can you describe Mr. Jeffery's
17 behavior when you were speaking to him?

18 A. He was concerned.

19 Q. Was he concerned about something that had just
20 happened?

21 MR. WILLIAMS: Objection, Your Honor;
22 speculation.

23 MR. MAULDIN: Your Honor, I would join in.

24 THE COURT: Sustained. But continue to try to
25 lay a foundation for this.

1 MR. MCNAIR: Okay.

2 BY MR. MCNAIR:

3 Q. Was the event that you were talking to
4 Mr. Jeffery about, was that something -- based on
5 your understanding, something that just immediately
6 happened preceding y'all's conversation?

7 MR. WILLIAMS: Same objection, Your Honor.

8 THE COURT: Overruled.

9 MR. MAULDIN: Join in, Your Honor.

10 THE COURT: Overruled.

11 You can answer the question.

12 THE WITNESS: Oh, okay.

13 Yes, sir.

14 BY MR. MCNAIR:

15 Q. And you described him as being concerned?

16 A. Yes, sir.

17 Q. Is startled another word that may describe --

18 MR. WILLIAMS: Objection to leading now, Your
19 Honor.

20 MR. MCNAIR: I'm trying to lay a foundation,
21 Your Honor.

22 MR. WILLIAMS: It's still leading, Your Honor.

23 THE COURT: Overruled.

24 MR. MAULDIN: Join in.

25 THE COURT: So noted.

1 You can answer the question.

2 THE WITNESS: Can you repeat that question one
3 more time?

4 BY MR. MCNAIR:

5 Q. When he's talking to you at that time, does he
6 appear to be startled about whatever had just
7 happened?

8 A. Yes, sir.

9 Q. And you know him pretty well, correct?

10 A. Yes, sir.

11 Q. And you testified he appeared to be concerned?

12 A. Yes, sir.

13 Q. All right.

14 MR. MCNAIR: At this point, Your Honor, I would
15 ask what their conversation was about.

16 MR. WILLIAMS: Your Honor, do we need to go
17 into whether or not it's spontaneous or not at this
18 point in time outside the presence of the jury?

19 THE COURT: At this point, I'll take a short
20 break to put some stuff on the record.

21 So, ladies and gentlemen, don't get too comfy
22 down there. We'll get you back up here as soon as
23 possible. Please don't discuss the case.

24 (The jury exits the courtroom at 1:45 PM.)

25 THE COURT: All right. So we've heard

1 testimony from this witness. One of the objections
2 was leading, as far as asking the witness whether he
3 appeared startled or concerned. To the extent some
4 of you have to -- well, I'll let you respond to
5 that.

6 MR. WILLIAMS: I've never known the exception
7 of you've got to lead a witness except for if you're
8 dealing with children. But I was referring to the
9 leading on the back end, not on the front end we
10 talked about at the bench.

11 Because I understand what the Court was trying
12 to direct me to and I think that was probably -- you
13 know, we didn't want something else to come out. I
14 think that was okay in that regard.

15 But he's trying to bring out something that
16 occurred or allegedly occurred, which was testified
17 to by another witness where I objected to that
18 coming in. And I think Your Honor ruled in my
19 favor, and kept that from going in.

20 THE COURT: The previous response from
21 Mr. Jeffery, I know we did the hearsay exceptions on
22 what was done with the law enforcement officer at
23 the scene of the ambulance.

24 MR. WILLIAMS: There was alleged testimony, as
25 I recall, that was trying to come in through Jeffery

1 about Six Pack and saw him in the bathroom -- saw
2 Six Pack, and there was something being said about
3 guns. I objected to that about hearsay because,
4 obviously, Six Pack is not here for us to talk to.
5 I think Your Honor ruled that shouldn't come in.

6 And what he's bringing in the second time
7 around, like a bad Barbara Streisand movie, he's
8 trying to say that Brandon Jeffery told what Six
9 Pack told him after we've already prevented that
10 from coming in the first time.

11 MR. MAULDIN: It's double hearsay.

12 MR. WILLIAMS: Well, it is double hearsay.

13 Then after that happens, then the solicitor is
14 going through leading; he's using every possible way
15 to lay a foundation to create that and make it
16 acceptable.

17 Your Honor, it wasn't right the first time
18 coming in and I don't think it's right this time.
19 We don't have that witness. We don't have Mr. Six
20 Pack here who can testify that he actually saw the
21 gun.

22 MR. MCNAIR: And, Your Honor --

23 THE COURT: I don't remember specifically that
24 exchange.

25 MR. MAULDIN: Well, Your Honor, I would join in

1 with that, and also say the leading question using
2 the word startling. Startling is the same word used
3 in the Rule 803(2), exception for excited utterance.
4 Amazing coincidence.

5 MR. MCNAIR: Don't be a smart ass.

6 THE COURT: Y'all approach so we can have a
7 conversation about it.

8 (Sidebar conference.)

9 (The jury enters the courtroom at 1:57 PM.)

10 THE COURT: All right. Madam Forelady, ladies
11 and gentlemen of the jury, we'll pick up where we
12 left off.

13 MR. MCNAIR: Thank you, Your Honor.

14 CONTINUED DIRECT EXAMINATION

15 BY MR. MCNAIR:

16 Q. Mr. Barnes, we left off with you had left the
17 club or you were leaving the club. And as you were
18 leaving, you had a conversation with Mr. Jeffery,
19 correct?

20 A. Yes, sir.

21 Q. As a result of that conversation with
22 Mr. Jeffery, did you make the decision to leave the
23 club?

24 A. Yes, sir.

25 Q. All right. And what happened after that?

1 A. About the time we got to the top of the hill to
2 the car, we're missing one. We was missing OB, he
3 was the last one up the hill.

4 Q. Okay. I'm going to slow you down. When you
5 say we, we got to the top of the hill, who's we?

6 A. Me, Shine, Pedro, and Dee Dee.

7 Q. All right. And y'all got to the top of the
8 hill before OB?

9 A. Yes, sir.

10 Q. What were you prepared to do when you got to
11 the top of the hill?

12 A. Get in the car and leave.

13 Q. How much longer was it before OB got to where
14 y'all were?

15 A. About not even two, three minutes.

16 Q. After OB got there, what happened?

17 A. I mean, I ain't going to be able to say it. I
18 can say that, what happened?

19 Q. You can say what you heard and what you saw.

20 A. Fresh coming up the hill, swinging a gun,
21 "where them pussy motherfuckers at?"

22 Q. When did you first hear or see him?

23 A. We got past -- where the picture at?

24 Q. Hold on one second. Let me show you State's

25 13.

1 A. So use the pen to put a little dot on there?

2 Q. Can you represent on this picture where you
3 first saw Fresh?

4 A. He was coming up, right up in there.

5 Q. All right. Let me show you State's 12. You
6 can barely see the front of the vehicle here on the
7 left. Where did you first see him in this photo?

8 A. He was coming up the hill, swinging his gun
9 right up in here.

10 Q. When you say swinging his gun --

11 A. He had his hand like this [demonstrating].

12 "Where them pussy motherfuckers at?"

13 Q. What, if anything, else did you see around him?

14 A. It was a couple people with him.

15 Q. You saw a couple other people?

16 A. Yes.

17 Q. Did you see anything behind where he was?

18 A. Yeah. It was a vehicle pulling up.

19 Q. What kind of vehicle?

20 A. Burgundy Crown Vic, Marquis, or something like
21 that.

22 Q. A burgundy Crown Vic or Marquis?

23 A. Uh-huh.

24 Q. How far behind Fresh was the vehicle?

25 A. It wasn't that far behind him because the

1 vehicle passed him and stopped right in front of
2 him, like, boxed us in.

3 Q. So that vehicle was coming up the hill behind
4 Fresh as he's walking up, swinging the gun?

5 A. Yeah.

6 Q. And once Fresh gets up to where y'all are, what
7 does he do?

8 A. Shine was like, who is you talking to? Who is
9 you talking about --

10 Q. They're having trouble hearing you.

11 A. Shortly after that car stopped, Shine was like,
12 who is you talking about? Next thing you know, pow.

13 Q. Where was the Grand Marquis at the time that
14 Shine said who are you talking about?

15 A. It was stopped right in front of us.

16 Q. Now, where was Fresh in relation to where Shine
17 was?

18 A. He was still on the dirt road in front of us,
19 like, on my left side.

20 Q. Where was the Grand Marquis? Was it right
21 behind Fresh or was it somewhere else?

22 A. No. It was on my right side, like, parked
23 diagonally by my car.

24 Q. Had it pulled past where Fresh had stopped?

25 A. Yes, sir.

1 Q. What, if anything, did you notice about the
2 Grand Marquis or anybody in the Grand Marquis?

3 A. What you mean?

4 Q. Did you see anybody get out of the Grand
5 Marquis?

6 A. Somebody on the driver's side. Somebody on the
7 driver's side. I couldn't tell who from the front
8 seat or the back seat, but somebody got out that
9 car.

10 Q. Was that at the same time that Fresh was
11 standing there in front of Shine?

12 A. Yes, sir.

13 Q. And that Grand Marquis stopped.

14 And what happened after that Grand Marquis
15 stopped?

16 A. Shots were fired.

17 Q. Could you tell where the shots were coming
18 from?

19 A. It was coming from the left side at first.

20 Q. Your left side?

21 A. Yes, sir.

22 Q. Was it coming from the area where you had last
23 seen Fresh?

24 A. Yes.

25 Q. Was it coming from the area where the Grand

1 Marquis was?

2 A. Right afterwards. Right after he shot,
3 somebody from the right side started shooting, too.

4 Q. When you say he shot, who are you talking
5 about?

6 A. Fresh. I guess, Fresh.

7 MR. WILLIAMS: Objection to speculation, Your
8 Honor.

9 Q. You didn't actually --

10 THE COURT: Overruled. But I'd like you to ask
11 the question you were about to ask.

12 BY MR. MCNAIR:

13 Q. You didn't actually see Fresh shoot?

14 A. Not offhand, because I jumped in my car. After
15 the first shot, I jumped in my car to grab my gun
16 out the glove box.

17 Q. How soon after you heard shots, saying who you
18 talking about, did you hear the shot?

19 A. About two seconds later.

20 Q. Was that right in the same area where you had
21 seen Fresh?

22 A. Yes, sir.

23 Q. Did you see Shine pull out a gun or shoot?

24 A. No, sir.

25 Q. How confident are you that he didn't shoot?

1 A. I'm confident.

2 Q. After the shooting started, what did you do?

3 A. I dove in my car, grabbed my gun out the glove
4 compartment. I returned fire.

5 Q. Where was your gun?

6 A. In my glove compartment.

7 Q. And you had the Dodge Stratus. What side of
8 the Dodge Stratus were you on?

9 A. I was on my driver's side by my driver's door.

10 Q. Can you point out where you were?

11 A. Right here.

12 Q. At the time this was happening, was there
13 another vehicle beside yours to the right, if you're
14 facing this photo?

15 A. What you talking --

16 Q. The Dodge Charger?

17 A. Dee Dee car was over there beside mine.

18 Q. So facing this photo, she was to the right,
19 correct?

20 A. Yeah. Dee Dee was parked right here.

21 Q. So you were in between those two cars?

22 A. Uh-huh.

23 Q. And you climbed through your driver's side?

24 A. Yes, sir.

25 Q. You got your gun out the glove box?

1 A. Yes.

2 Q. What type of gun did you have?

3 A. It's a nine-millimeter.

4 Q. Do you remember what brand?

5 A. It's an odd name. I want to say a Gemini or

6 something like that.

7 Q. Jimenez maybe?

8 A. Yeah, something like that.

9 Q. Was that gun in a holster?

10 A. Yes, sir. It was a half-cut holster.

11 Q. Do you remember anything happening as you're

12 climbing through your vehicle to try to get your

13 gun?

14 A. Yeah. A bullet came through my windshield,

15 came through the radio, shot right past me.

16 Q. As you were inside?

17 A. Yes, sir.

18 Q. So after you got your gun, what did you do?

19 A. I got right back out the car. I mean, I wasn't

20 fixing to sit in there.

21 Q. Did you return fire?

22 A. Yes, sir.

23 Q. Do you know what you hit or who you hit or even

24 if you hit anybody?

25 A. No. I don't have the slightest idea.

1 Q. Were you getting shot at, at the time you were
2 returning fire?

3 A. Yes, sir.

4 Q. Where were you standing when you started
5 shooting back?

6 A. Right on that side right there.

7 Q. So behind your vehicle?

8 A. Yes, sir.

9 Q. I guess, as you're shooting, what do you see?

10 A. I seen one jump back in the car on the driver's
11 side. Then I seen Fresh and another guy jump in the
12 backseat of that car and peeled off.

13 Q. What side did they jump in the backseat?

14 A. On the driver's side.

15 Q. You saw Fresh and another guy jump in the back
16 driver's side of the burgundy Grand Marquis?

17 A. Yes, sir.

18 Q. You know how many people were in that vehicle?

19 A. At least three to four.

20 Q. After everybody got in the vehicle, got in that
21 Grand Marquis, what happened next?

22 A. I turned to my left. I seen Mr. Jeffery up
23 under the car. I'm like, Pedro, what you doing up
24 under the car? He was like, man, I got hit in my
25 leg twice.

1 So we helped him get in Dee Dee car, and they
2 took him to the hospital, I guess. So I was like,
3 so where is Shine at? So I turned behind me and
4 seen Shine, and he was laying over there dead.

5 Q. Did you go up to him?

6 A. Yes, sir.

7 Q. Was he still breathing?

8 A. Barely. But when I grabbed him, I was like,
9 come on, man; I'm going to take you to the hospital,
10 take you to the hospital. I seen him cough up that
11 blood. It was a wrap then.

12 Q. Did he say anything?

13 A. No, sir.

14 MR. WILLIAMS: Objection.

15 Q. I'll ask --

16 THE COURT: Hold on a minute. Let me ask y'all
17 a quick question.

18 (Sidebar conference.)

19 THE COURT: All right.

20 BY MR. MCNAIR:

21 Q. Did Shine -- did you hear him say anything?

22 A. No, sir.

23 Q. Did he pass away while you were there beside
24 him?

25 A. Yes, sir.

1 Q. Now, as you're there with him, does -- I guess,
2 what happens?

3 A. Some guy came behind me and was like, man, let
4 me get them guns, let me get them guns. So, I mean,
5 I wasn't thinking; I was in shock. I just give him
6 the gun. He left and I stayed right there with
7 Shine.

8 Q. Did you know who that guy was?

9 A. Now, I do.

10 Q. Okay. That night, you didn't know who he was?

11 A. No, sir.

12 Q. Do you know who he is now?

13 A. Yes, sir.

14 Q. What's his name?

15 A. John Wayne.

16 Q. And do you know what his relationship is to
17 Defendant Brannon?

18 A. Come to find out, I heard it's his cousin.

19 Q. All right. And do you know why you gave him
20 the guns?

21 A. Not thinking.

22 Q. And you're talking guns plural. So what guns
23 are you talking about?

24 A. I gave him my gun and Shine gun.

25 Q. All right. And where was Shine's gun?

1 A. I got it off him.

2 Q. What type of gun did he have?

3 A. A P22.

4 Q. To your knowledge, did he ever fire a shot?

5 A. No, sir.

6 Q. Now, were you able to, at some point after
7 that, get those guns back?

8 A. Yes, sir. I gave them to the investigators.

9 Q. Who did you get those guns back from?

10 A. I had met the dude, John Wayne, at the hardware
11 store and got them back from him at Hardee's.

12 Q. How did you even get in touch with him to get
13 the guns back?

14 A. Through a friend.

15 Q. You met John Wayne and got the guns back?

16 A. Yes, sir.

17 Q. And you turned those over to law enforcement?

18 A. Yes, sir.

19 Q. I'm going to show you State's Exhibit 1. Does
20 that fairly and accurately represent how your
21 vehicles were parked that night?

22 A. Yes, sir.

23 Q. Is that where you recall Mr. Gantt being after
24 he was shot?

25 A. After he was shot?

1 Q. After he had been shot?

2 A. No, sir. He was a little bit farther back.

3 Q. Little bit farther back towards the tree line?

4 A. Yes, sir.

5 Q. Okay. Now, do you have your little pointer?

6 A. Yeah.

7 Q. Can you point out where everybody was when you
8 saw Fresh walking up, swinging his arm, saying where
9 they at?

10 A. I was right here. Brandon Jeffery was right
11 there. Shine was parked right up in here.

12 Q. And where did Fresh walk up to?

13 A. I mean, I can't see it from here.

14 Q. I guess, where did you see him stop after he
15 walked up?

16 A. About right up in here somewhere.

17 Q. Okay. Where did that Grand Marquis stop?

18 A. That Grand Marquis had to stop right over here.

19 Q. I've got a demonstrative exhibit marked as
20 State's 247, and it's just a red Grand Marquis.
21 Tell me where on here is accurate, based on where
22 you saw the car stop.

23 A. Back it up some. Right up in there.

24 Q. About right there?

25 A. Yes, sir.

1 Q. And, to be clear, based on where you were
2 standing, you heard shooting coming from that area
3 as well?

4 A. Yes, sir.

5 Q. And the area where you had seen Fresh?

6 A. Yes, sir.

7 Q. I'm going to show you State's Exhibit 376. Do
8 you recognize this?

9 A. Yes, sir.

10 Q. What is that?

11 A. That's my gun.

12 Q. Is that the gun you shot that night?

13 A. Yes, sir.

14 MR. MCNAIR: Your Honor, at this time, we'd
15 offer State's 376 into evidence.

16 MR. WILLIAMS: Without objection on behalf of
17 Brannon, Your Honor.

18 MR. MAULDIN: No objection, Your Honor.

19 THE COURT: State's Exhibit 376 admitted.

20 (State's Exhibit No. 376 admitted into
21 evidence.)

22 BY MR. MCNAIR:

23 Q. And State's 377, you recognize this gun?

24 A. Yes, sir.

25 Q. What is that?

1 A. That's a P22.

2 Q. Whose gun is that?

3 A. That's Shine's gun.

4 Q. Is that the gun he had that night?

5 A. Yes, sir.

6 MR. MCNAIR: Your Honor, we'd offer State's 377
7 into evidence.

8 MR. WILLIAMS: No objection on behalf of
9 Defendant Brannon, Your Honor.

10 MR. MAULDIN: No objection, Your Honor.

11 THE COURT: State's Exhibit 377 admitted into
12 evidence.

13 (State's Exhibit No. 377 admitted into
14 evidence.)

15 MR. MCNAIR: Mr. Barnes, I think that's all I
16 have. Please answer any questions the defense
17 attorneys have. Thank you.

18 THE COURT: Cross-examination?

19 MR. WILLIAMS: May it please the Court?

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. WILLIAMS:

23 Q. Mr. Barnes, people call you Teddy P; is that
24 right?

25 A. Yes, sir.

1 Q. And what neck of the woods are you from,
2 Monetta or Aiken?

3 A. I'm from North Augusta.

4 Q. North Augusta. Okay. You live in North
5 Augusta now?

6 A. No, sir.

7 Q. Where do you live now?

8 A. I'd rather not say.

9 Q. But it's not North Augusta?

10 A. No, it's not.

11 Q. So on the particular night that this occurred,
12 it would have been the night of June the 5th of
13 2015; is that correct?

14 A. Yes, sir.

15 Q. All right. As I understand it, you went to
16 some sort of gathering where you played some sort of
17 video game; is that right?

18 A. PlayStation 4.

19 Q. And it's called Maddox or -- what's it called?
20 Madden?

21 A. Madden Football.

22 Q. The heavysset guy who used to coach the Oakland
23 Raiders, that's who it's named for?

24 A. Uh-huh.

25 Q. So who all was there?

1 A. Me, Pedro, OB, Trel, Chamus, there was a couple
2 more people in there.

3 Q. So everybody was playing this game or was there
4 a party and people were maybe drinking a little bit
5 and that kind of thing?

6 A. No, sir. Everybody playing the game.

7 Q. So what time did y'all decide to go down to The
8 Spot?

9 A. I couldn't tell you the exact time.

10 Q. It was somebody else's idea. It wasn't your
11 idea to go down there, right?

12 A. Correct.

13 Q. You've been to The Spot before, right?

14 A. That was my first and last time.

15 Q. Had Mr. Gantt ever been to The Spot before or
16 you don't know?

17 A. I don't know.

18 Q. The person who actually got you going down
19 there, was that the young female?

20 A. Dee Dee.

21 Q. Dee Dee. She's the one that said let's go down
22 there. So you got two cars. You had Shine in your
23 car with you, right?

24 A. Uh-huh.

25 Q. And I'm going to leave this thing up here just

1 so I can remember stuff. There we go. So we're
2 talking about that Dodge Stratus, right?

3 A. Uh-huh.

4 Q. That's your car. And it's gray, right?

5 A. That's correct.

6 Q. And if we're looking at this car right here,
7 yours is actually the cooler-looking car, it's kind
8 of short, shiny, got a better paint deal on it right
9 now?

10 A. No. It ain't had no paint deal.

11 Q. You're on the right, right?

12 A. Yes, sir.

13 Q. But it doesn't show that third car, right,
14 which is a Dodge Charger, right?

15 A. Yes, sir.

16 Q. What color was that Dodge Charger?

17 A. It was silver.

18 Q. So everybody, basically, had a silver or gray
19 car?

20 A. Uh-huh.

21 Q. And when you went down there, all of y'all went
22 down to The Spot. And I think we've already kind of
23 walked and shown that a little bit. If you look at
24 this, The Spot is which way? You got your little
25 pen there, don't you?

1 A. The Spot is down the hill.

2 Q. That's right. And it's got like a red roof on
3 it or something like that, tin roof? Or does it
4 not?

5 A. I can't recall.

6 Q. All right. Well, I'm going to leave that up
7 there one more second. You can't quite see the car
8 here -- or you can see a car.

9 Can you tell from this picture which car that
10 is, if it's the Stratus car, if it's the Charger
11 car, or if it's the Kia car? Can you tell which car
12 that is on this picture?

13 A. I don't think nobody could, sir.

14 Q. I don't think anybody could tell that either.
15 I agree with you.

16 So how about this picture? All that does is
17 show you a better shot of the driveway, right; shows
18 you how far you go down? Because if you look at
19 this one, that doesn't show you quite the same
20 angle. It shows you more of a shot on the cars. It
21 doesn't show you going down to The Spot, right?

22 Now, on the other side of this vehicle is where
23 the other gray car is, right? The Dodge charger?
24 It's not pictured in this picture, though, is it?

25 A. No, sir.

1 Q. But there was a Dodge Charger on the other side
2 of this car?

3 A. On the other side of my car.

4 Q. On the other side of your car, which is that
5 cute little lower car. It's more sporty. Your car
6 is more sporty. It's on the other side of that car,
7 right?

8 A. Yes, sir.

9 Q. Let me take you back to that night. Now, you
10 didn't have a particular reason why the two of y'all
11 decided to park at the upper part of the hill up
12 there near those woods, did you?

13 Was there any reason why you parked up there
14 and backed in as opposed to pulling in, you know,
15 like you're just driving into a parking lot? Why
16 did you back in at the top of the hill?

17 A. The same reason why everybody backed in.

18 Q. Everybody parks at the same spot, though,
19 right? I mean, everybody parks at the top of the
20 hill?

21 A. No. People park at the bottom, too.

22 Q. All right. Is there a particular reason y'all
23 parked at the top of the hill next to the wood line?

24 A. No, sir. We just stopped and parked.

25 Q. All right. Who is in a lighter gray car right

1 there? Who drives that car?

2 A. I haven't the slightest idea.

3 Q. That's the Kia Optima. You don't know who
4 drives that Kia Optima?

5 A. No, sir.

6 Q. Was it already there when you pulled in?

7 A. Yes, sir.

8 Q. Okay. So you and Shine went down to The Spot.
9 You got down there and they had a doorman there or a
10 bouncer or checker, whatever he is, to make sure
11 nobody brings guns in there, right?

12 A. Yes, sir.

13 Q. And he stopped Shine. And instead of Shine --
14 made Shine go out and Shine was supposed to take his
15 gun and put it away, right?

16 A. Yes, sir.

17 Q. And that's what you thought, right?

18 A. Yes, sir.

19 Q. So you're waiting at the front, waiting on
20 Shine to come back, right?

21 A. Yes, sir.

22 Q. And Shine never came back, did he?

23 A. Yeah, he came back.

24 Q. He did? All right. How long was he gone?

25 A. Not long. He wasn't gone long.

1 Q. Okay. Did he get checked again when he went
2 inside that Spot?

3 A. Yeah. Both of us did.

4 Q. Got checked again?

5 A. Yeah.

6 Q. Did he tell you -- or, I'm sorry, I can't ask
7 you what he told you.

8 But did you give him keys to open up your car
9 to put his gun away?

10 A. Yes, sir.

11 Q. So when he came back, did he give you the keys?

12 A. Gave me my keys back.

13 Q. Was it locked up then?

14 A. I don't know if the doors were locked or not
15 because I was down the hill.

16 Q. Okay. When you got back to The Spot, was your
17 car locked up or not -- I mean, back to the top of
18 the hill, was it locked or not? I can't use the
19 spot anymore because that's the name of the place.
20 When you got back to the location, was your car
21 locked or not?

22 A. I don't know because I hit the unlock button on
23 the key chain.

24 Q. Well, when you got back to that location, did
25 you have to hit the key chain to open it up to go

1 and sit inside the car?

2 A. To sit inside the car?

3 Q. Did you ever sit inside the car?

4 A. No, I ain't never sit inside the car.

5 Q. Tell me what you did when you walked back up to
6 where your car was parked.

7 A. We had walked back up there. We stood in front
8 of the cars for a second because we was waiting on
9 OB to come up the hill.

10 Q. All right.

11 A. And then we was getting ready to leave.

12 Q. All right. Getting ready to leave?

13 A. We was fixing to pull out.

14 Q. So you never got inside the car, right?

15 A. I did get inside my car.

16 Q. After the shooting happened?

17 A. Yes.

18 Q. But you didn't get inside the car before?

19 A. No.

20 Q. Did Shine go inside the car before?

21 A. No.

22 Q. I'm going to ask you to do the same thing that
23 the solicitor asked you to do. It's not going to be
24 complicated. I think you've already testified if
25 that -- it's not an accurate drawing, but if that

1 drawing is a drawing of where Shine was after he was
2 shot, it would be further towards the tree line; is
3 that correct?

4 A. Yes, sir.

5 Q. And your description of where you were when
6 Fresh was walking up the hill, I think you said it's
7 not quite good to show him here. You show me where
8 Fresh was when you first saw him.

9 A. I can't show you from right here.

10 Q. Because it's off the chart? I mean, it's not
11 even showing on this, right?

12 A. Yes, sir.

13 Q. Pretend this map goes out further. Show me
14 where it would be.

15 A. Right up in here.

16 Q. All right. Where were you standing?

17 A. Right here by my driver's door.

18 Q. Where was Shine?

19 A. Shine was right up in here.

20 Q. And --

21 A. Mr. Jeffrey was right here.

22 Q. Thank you. Exactly what I wanted. So he walks
23 up, says something to Shine, and Shine says
24 something back to him. And he says, I'm not looking
25 for you. That's what he says, something like that;

1 is that right?

2 A. Yes, sir.

3 Q. Okay. And then you hear a shot, right?

4 A. Yes, sir.

5 Q. But you don't see a shot, do you?

6 A. I didn't see the first one.

7 Q. And what you heard was communication from Fresh
8 to Shine saying, you're not the person I'm looking
9 for, right?

10 A. Yes, sir.

11 Q. That's what he said?

12 A. Uh-huh.

13 Q. Now, when you were talking to the police
14 officer about that night, you indicated there were
15 no fights and there was no arguing going on, right?

16 A. No, sir.

17 Q. So besides Fresh walking up there, you said you
18 saw some other individuals behind him?

19 A. Yes, sir.

20 Q. So they weren't with -- they weren't walking
21 side-by-side with Fresh, were they? They were
22 behind him is what you just said?

23 A. I ain't said walking behind him. I said
24 walking with him.

25 Q. So they were walking side-by-side?

1 A. I mean, not really. They ain't fixing to be
2 shoulder-to-shoulder.

3 Q. They weren't holding hands, were they?

4 A. Nah.

5 Q. Okay. How far apart were they? One was
6 behind, obviously, the other guy, right, is what
7 you're describing?

8 A. Technically.

9 Q. Okay. How many people did you see walking up
10 that hill?

11 A. Three.

12 Q. All right. So where was Fresh in the three --
13 in the -- compared to the other two individuals who
14 were walking up that hill?

15 A. Fresh was in the middle.

16 Q. Okay. Had two guys back behind him, two on one
17 side, one on each side?

18 A. One on each side.

19 Q. They weren't talking to each other, were they?

20 A. No.

21 Q. There's nothing to indicate that they even knew
22 each other. They weren't holding hands; they
23 weren't talking to each other. Some other group was
24 coming up behind Fresh; is that right?

25 A. Yes, sir.

1 Q. Now, there couldn't have been somebody right
2 next to him anyway, because what you're describing
3 is you said Fresh had his arms swinging like that.
4 If somebody had been beside him, he would have been
5 popped in the mouth, wouldn't he?

6 A. Uh-huh.

7 Q. So they had to be behind him, right?

8 A. (Nonverbal response.)

9 Q. It was his right hand he was swinging? Right
10 hand or left hand?

11 A. It was his right hand.

12 Q. He's right-handed, so it had to be his right
13 hand, right? Right?

14 A. Right.

15 Q. Okay. So you heard the sound. How many shots
16 did you hear before you jumped in your car and got
17 your gun?

18 A. That second shot.

19 Q. You heard two shots and you were in there?

20 A. Uh-huh.

21 Q. So show me again where you were?

22 A. Right there.

23 Q. And you swung open the driver's side of the
24 door and jumped in, right?

25 A. Yes, sir.

1 Q. And then you took your gun out of the glove
2 box, right?

3 A. Yes, sir.

4 Q. So when you took your gun out of the glove box,
5 did you see that .22 caliber gun in the glove box?

6 A. I can't recall.

7 Q. Well, Shine had his gun there, right?

8 A. Yeah.

9 Q. And we already know that he had to leave The
10 Spot to go back up, put his gun away, right?

11 A. Yes.

12 Q. Shine is outside the car, right?

13 A. Yeah.

14 Q. And when you reach inside that glove box, you
15 didn't hit two weapons inside that glove box, did
16 you? You just found one weapon?

17 A. Yeah, mine.

18 Q. Okay. If you actually put two weapons inside
19 that little small glove box, it would be kind of
20 tight, wouldn't it?

21 A. No, not really.

22 Q. Not really? But you didn't find the other one
23 in there? It wasn't in there when you stuck your
24 hand in there, was it?

25 A. No, sir.

1 Q. So if it wasn't in there when you stuck your
2 hand in there, where do you think that gun was?

3 A. I haven't the slightest idea.

4 Q. Okay. So the shooting is going on. You heard
5 the sound come from the direction where Fresh was,
6 right?

7 A. Yes, sir.

8 Q. How many shots were fired -- pretty soon after
9 two shots, you fired off ten shots, right? Isn't
10 that what you fired off?

11 A. Nah, after the second shot. I had to get back
12 out the car first.

13 Q. All right. You got back out of the car so that
14 you could aim and shoot, right?

15 A. Yes, sir.

16 Q. So when you were aiming and shooting, what were
17 you aiming and shooting at?

18 A. The person that was shooting from the vehicle.

19 Q. From the --

20 A. From the vehicle that got out the Grand
21 Marquis.

22 Q. So the person who was shooting at you was
23 somebody from the Marquis, right, the red Marquis?

24 A. Burgundy or red, whatever --

25 Q. I don't care what color that car is. It's the

1 only car there. He's the guy shooting at you,
2 right?

3 A. Yes, sir.

4 Q. Okay. Now, you said -- show me again where he
5 pulls up. Show me up here.

6 A. He pulled right up in here.

7 Q. Okay. Matter of fact, he's cutting off Fresh
8 from going anywhere at that point in time. I mean,
9 he's out in front of everybody. Fresh is back
10 here -- is Fresh in the dirt road, too?

11 A. Yeah, he was in the dirt road still.

12 Q. Now, let me look at that dirt road. That's
13 that dirt road right there. I know you can't see
14 that car there. This will be better so you can see
15 the cars.

16 That dirt road is pretty skinny. Marquis is a
17 pretty big car, ain't it?

18 A. Yes, sir.

19 Q. Kind of takes up most of the dirt road, doesn't
20 it?

21 A. Not really.

22 Q. Depends on how you drive, right?

23 A. Yeah.

24 Q. Take the shoulder and take a little grass,
25 right?

1 A. Right.

2 Q. So the person you saw getting out of that red
3 Marquis, what is your description of that person?

4 A. I can't say. I mean -- I mean, I ain't zoom in
5 on him, like, can I take a picture of you.

6 Q. Would be great, wouldn't it?

7 A. Yeah.

8 Q. I gotcha. Did you have your cell phone with
9 you?

10 A. Yeah.

11 Q. That gun is quicker than the cell phone?

12 A. Basically.

13 Q. So that -- let me make sure I understand this,
14 too. So if he's pulling up there, which
15 direction -- which direction -- if you can tell from
16 this way, which direction is The Spot? And I think
17 The Spot is down that way, to the right?

18 A. Yeah, The Spot's down that way. One way in and
19 one way out.

20 Q. And Parrish Road is to the left, right, or
21 whatever that paved road is?

22 A. Yeah.

23 Q. Okay. So the driver would have been on the
24 left-hand side of where you were located, right?

25 A. Yes, sir.

1 Q. So when he has to jump out -- he's not shooting
2 through his car? He doesn't have the window down on
3 the passenger's side of the seat on the passenger's
4 side shooting through it at y'all, right? He has to
5 get out?

6 A. Yes, sir.

7 Q. When he gets out, does he go -- did he hide
8 behind the Marquis or something? Or does he get out
9 in the road where he has a better shot? Describe
10 how he was shooting at you.

11 A. He was standing behind me.

12 Q. Standing --

13 A. Yeah.

14 Q. Don't let me cut you off.

15 A. On top of it.

16 Q. He was kind of on top of it using the car as
17 some sort of protection or something like that?

18 A. Yes, sir.

19 Q. Then what happens next?

20 A. I seen Fresh and another guy run and jump in
21 the backseat and they peel off.

22 Q. Because everybody is shooting, right?

23 A. Yes, sir.

24 Q. Everybody is shooting at that point in time,
25 right?

1 A. Yeah.

2 Q. How many people are in that red car that you
3 see pull up?

4 A. At that time, I only seen the driver.

5 Q. Well, if you only a saw one, that's all you can
6 talk about, right?

7 A. Uh-huh.

8 Q. Let me take you back up here again. Where were
9 you when you were firing those shots?

10 A. I was standing right up in here.

11 Q. So you were standing directly behind the Dodge
12 Stratus, right?

13 A. Not directly behind it, but I was --

14 Q. You were close to where that figure of the body
15 is, right? Right there?

16 A. Yep, about right there.

17 Q. Okay. Do you remember you gave a written
18 statement to law enforcement? And I'm not going to
19 read from it because I got to ask you a question
20 about it first.

21 A. Yes, sir.

22 Q. About what happened. Did you indicate in your
23 first statement that more than one person was
24 walking up the hill?

25 A. Yes, sir.

1 Q. You did?

2 Did you indicate that more than one person was
3 walking up the hill with a gun?

4 A. No, sir, I did not say that.

5 Q. Okay. So you didn't see a gun with either one
6 of the individuals who was behind Fresh, right?

7 A. No, sir, not at the time.

8 Q. Who are you indicating is shooting the gun at
9 you, the guy in the car?

10 A. Not really, because, I mean, gunshots was
11 coming from all angles.

12 Q. All angles, gunshots were coming from
13 everywhere?

14 A. Yes.

15 Q. Who did you actually see shooting guns?

16 A. The one that was in the car. And that's all --
17 all I can say at the time.

18 Q. Okay. Do you remember who you said shot first
19 when you talked to the police officer?

20 A. I said Fresh and them shot first.

21 Q. Well, let me ask you to look at your statement,
22 June 6th of 2015.

23 THE COURT: Real quick.

24 (Sidebar conference.)

25 BY MR. WILLIAMS:

1 Q. When I asked you who shot first in your
2 statement, who did you say shot first?

3 A. It says the one that jumped out the car shot
4 first.

5 Q. There you go. Now let me ask you about the
6 guns. So what kind of gun did you have?

7 A. Huh?

8 Q. What kind of gun did you have that you pulled
9 out and shot ten times?

10 A. It was a nine-millimeter.

11 Q. And that had been in the glove box and you
12 pulled that out of the holster. Where was it
13 located in the car?

14 A. What?

15 Q. The gun? It was in the holster, where?

16 A. In the glove compartment.

17 Q. It was in the glove box.

18 So some guy runs up to you after all the
19 shooting is going on?

20 A. Yes, sir.

21 Q. That burgundy car is gone, right?

22 A. Yes, sir.

23 Q. And how many people did you say jumped in the
24 burgundy car?

25 A. I seen two jump in the backseat. I seen Fresh

1 and another guy jump in the backseat.

2 Q. So you saw Fresh and another guy jump in the
3 backseat. But you said that there were two guys
4 walking with him, so that makes three people. So
5 what happened to the third person?

6 A. I guess he went somewhere else.

7 Q. So there's some unknown individual who was
8 walking up behind Fresh who was with some guy who
9 jumped in the car with Fresh, right?

10 A. Yes, sir.

11 Q. And you don't know where that person went?

12 A. No, sir.

13 Q. What did that guy have on?

14 A. I can't remember. It's been six years ago.

15 Q. I know. I can't remember what I did
16 yesterday, so --

17 A. I can't remember.

18 Q. So you see Shine laying down there, he's
19 already been shot. And you didn't see him until
20 after you pulled Pedro in the car, right?

21 A. Yes, sir.

22 Q. Did you get in the car with Pedro and Dee Dee?

23 A. I never left the scene, sir.

24 Q. You stayed there?

25 A. Stayed until they picked Shine up.

1 Q. Okay. And you were waiting on the ambulance
2 and police to get there, right?

3 A. I called his mother first.

4 Q. Okay. Did you call his mother before you spoke
5 to the police?

6 A. I called his mother first, let her know first.
7 That's her child.

8 Q. Okay. I agree. So after you did that, when is
9 it that this person came up to you and took the guns
10 away?

11 A. He been took the guns before I even called his
12 mother.

13 Q. Why would you ever give your gun and Shine's
14 gun to some stranger --

15 A. Man, I couldn't even tell you. I kicked myself
16 about it because he could have turned around and
17 shot me in the back of the head. Ain't no telling.

18 Q. Why wouldn't you want to have those guns to
19 give them to the police so they could look at it and
20 check out the ballistics and check out the
21 fingerprints and the GSR and all the other stuff?

22 A. It was at the spur of the moment.

23 Q. Spur of the moment was to get rid of the
24 weapons because the cops were coming?

25 A. No. I wasn't worried about that. I mean, I

1 just handed them to him. I was still down there
2 with Shine.

3 Q. Okay. All right. So when was it that you got
4 the guns back?

5 A. After the funeral.

6 Q. How many days after the funeral?

7 A. I guess --

8 Q. About three or four days?

9 A. Something like that -- no. It was longer than
10 that. I think the funeral was about four or five
11 days after.

12 Q. So did someone call you and tell you that you
13 needed to get the guns back and get them to the
14 police?

15 A. No. I had talked to the investigators and they
16 wanted the guns.

17 Q. Right. And did you call somebody and ask them
18 where the guns were?

19 A. Yes, sir.

20 Q. How did you know who to call about where the
21 guns were?

22 A. I didn't.

23 Q. Well, you just said you called somebody asking
24 about where the guns --

25 A. Yeah, because I don't know them people in

1 Batesburg like that.

2 Q. Well, who did you call?

3 A. I called my friend.

4 Q. Who is your friend?

5 A. I'd rather not say his name, sir.

6 Q. I bet you wouldn't. But who did you call?

7 THE WITNESS: Your Honor, do I have to answer?

8 THE COURT: Before you answer, y'all come up
9 here.

10 (Sidebar conference.)

11 BY MR. WILLIAMS:

12 Q. Did you have to pay any money to get your two
13 guns back? Meaning, did somebody try to shake you
14 down for the guns or they just brought them to you?

15 A. No. No.

16 Q. And are you sure that the only two guns that
17 were taken from that scene was a 22-caliber pistol
18 and your gun?

19 A. Yes, sir.

20 Q. There is in your trunk, when it was recovered,
21 a magazine which was empty, wasn't there?

22 A. Yes, sir.

23 Q. Whose magazine is that?

24 A. Mine.

25 Q. So is it a 22-caliber magazine or is it a

1 magazine that fits your gun?

2 A. A magazine that fits a nine-millimeter.

3 Q. So it doesn't fit a 22-caliber?

4 A. No, sir.

5 Q. Is that the one you emptied out on that
6 particular day?

7 A. No, sir.

8 Q. It was another one?

9 A. It's another one.

10 Q. Did you fire more than one load of magazines
11 out of that gun?

12 A. No, sir. They got all my shells.

13 Q. They got all your shells?

14 A. They got all my shells.

15 Q. Do you know where they found those shells?

16 A. Around my car, I guess.

17 MR. WILLIAMS: That's all the questions I have
18 right now, Your Honor.

19 THE COURT: Mr. Mauldin?

20 MR. MAULDIN: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. MAULDIN:

23 Q. Okay. I know we're all tired of this, but,
24 nonetheless. Hey, man, how's it going?

25 A. All right. All right.

1 Q. All right. So you said you were standing at
2 the driver's side door of the Dodge Stratus. I
3 point here on State's Exhibit 1. You were standing
4 at the driver's side door of that when you saw Fresh
5 walk up, swinging that gun; is that right?

6 A. Yes, sir.

7 Q. And you said that Shine was standing kind of
8 towards the front passenger's side of the Dodge
9 Charger; is that right?

10 A. Yes, sir.

11 Q. Or was he closer to you?

12 A. No; right there where your finger was.

13 Q. Okay. So that's a yes?

14 A. I said yes, sir.

15 THE COURT: Hold on. Make sure you speak into
16 that microphone when you answer. I'm having a tough
17 time hearing you and I'm next to you.

18 BY MR. MAULDIN:

19 Q. And that might have been the issue.

20 A. All right.

21 Q. And OB was right -- where was OB?

22 A. OB was on the driver's side of the backseat.

23 Q. Okay. He was inside the car or outside the
24 car?

25 A. OB was already inside the car.

1 Q. He was inside the car. And was Dee Dee inside
2 the car in the driver's seat?

3 A. Yes, sir.

4 Q. And you said Pedro was in the back passenger
5 door?

6 A. No. Pedro was standing right there by the
7 passenger door.

8 Q. Okay. So he was by the front passenger door
9 and Shine was kind of in front of him toward the
10 hood, front part of the Dodge Charger; is that
11 correct?

12 A. Yes, sir.

13 Q. On the other side. So you were standing at
14 your driver's door and Shine was standing there?

15 A. We were getting ready to leave.

16 Q. Getting ready to leave. Do you remember this
17 man right here, Investigator Marthers -- Detective
18 Marthers?

19 A. Yes, sir.

20 Q. Do you remember talking to him that night?

21 A. Yes, sir.

22 Q. Do you remember writing him a statement that
23 night?

24 A. Yes, sir; on the side of his car.

25 Q. Do you remember writing in your statement that

1 when Fresh was walking up, you were sitting on the
2 hood of your car and Shine was sitting on the
3 driver's side of the hood of the car?

4 A. I can't recall that.

5 Q. Okay. Did you write in your statement, we was
6 sitting on the car when the dude walked up --

7 A. I never wrote a statement at all. I was just
8 talking. He wrote the statement himself. That's
9 not my handwriting.

10 Q. Okay. Well, I'll take a look at it. Would
11 looking at what I have as a written statement from
12 you refresh your memory?

13 A. That's not my handwriting.

14 Q. Well, would looking at the one I have -- you're
15 saying that's not your handwriting?

16 A. No.

17 Q. And these aren't your scratch-outs and your
18 initials when words are scratched out and initialed?

19 A. I see the initials. But, no, that's not my
20 handwriting. I don't write like that.

21 Q. All right. Do you reckon the police just wrote
22 up a statement for you without consulting you?

23 A. I was all shook up. I mean, I was sitting
24 right behind him.

25 Q. So you never told the police y'all was sitting

1 on the hood when Fresh was walking up; is that
2 right?

3 A. No, sir. We was ready to go.

4 Q. And you never mentioned any other people
5 walking up with Fresh when you talked to the police
6 and they wrote that statement for you, did you?

7 A. They never asked.

8 Q. They never asked. And you mentioned a car.
9 But the first time you mention it being a burgundy
10 Grand Marquis was in October of this year; is that
11 correct?

12 A. Not to my knowledge. I don't know.

13 Q. Was that because they didn't ask what kind of
14 car it was?

15 A. Yeah. They never asked.

16 Q. Okay. So the investigator in a murder case,
17 when you talked about a car, never asked you what
18 type of car it was?

19 A. No. They ain't never ask me about no car.

20 Q. Okay. And this man here, when he talked to
21 you, you first told him that when shots went out,
22 you went and hid behind your car and didn't say
23 nothing about having a gun, did you?

24 A. No, because I told him I shot back.

25 Q. It took him several minutes of talking with you

1 before you even admitted you had a gun and shot
2 back; isn't that true?

3 A. Yeah.

4 Q. First you said you were just hiding behind your
5 car, and he had to keep talking at you before you
6 would admit.

7 A. No, sir. I never said I was hiding behind my
8 car.

9 Q. Okay. Now, you're talking about Pedro being
10 hit hiding under the car; is that right?

11 A. Yes, sir.

12 Q. Okay. And did Dee Dee and OB almost leave out
13 with him under the car and you had to stop them from
14 doing that?

15 A. No.

16 Q. Nobody had to, like, get their attention and
17 let them know there was somebody under the car
18 before they left?

19 A. No. Because if they left, they would have just
20 rolled on off. He was under the trunk part. He
21 never would have got run over.

22 Q. Did the police try to get an appointment with
23 you to swab your cheek for DNA?

24 A. No, sir.

25 Q. They never did?

1 A. No, sir.

2 Q. Did the police ever swab your hands for gunshot
3 residue?

4 A. No, sir.

5 Q. Did they take your clothes into evidence?

6 A. No, sir.

7 MR. MAULDIN: No further questions.

8 THE COURT: All right. Redirect?

9 REDIRECT EXAMINATION

10 BY MR. MCNAIR:

11 Q. Mr. Barnes, when you spoke to the police, was
12 it that night after your friend Shine got killed?

13 A. Yes, sir, I spoke to them probably about --

14 Q. Is it possible that you gave a statement to the
15 police that night and just don't remember that
16 today?

17 A. Yes, sir, if I can recall.

18 Q. Now, when you met with us recently, did we ask
19 you questions the police didn't ask you that night?

20 A. Yes, sir.

21 Q. Now, Mr. Williams was asking you about the two
22 other people with Fresh, and you testified that they
23 were with him and there was a Grand Marquis behind
24 them. Correct?

25 A. Yes, sir.

1 Q. Did it appear they were all in the same group
2 or were they in a different group?

3 A. Oh, man, you know, they were all in the same
4 group.

5 Q. So they appeared to be all in the same group to
6 you?

7 A. Yes, sir.

8 Q. Even though they weren't side-by-side, they
9 were walking up together in front of the Grand
10 Marquis?

11 A. Yes, sir.

12 Q. Now, when Fresh initially walks up, where is
13 your focus?

14 A. My focus was on Fresh at first until I seen the
15 car pull up.

16 Q. When the car pulled up, where was your focus?

17 A. I was focused on the car, like, what's going
18 on. Kind of like they boxed us in like some little
19 rats.

20 Q. And just to be clear, you saw somebody from
21 that Grand Marquis shoot, right?

22 A. Yes, sir.

23 Q. And that's the same Grand Marquis that you saw
24 Fresh get in as they were leaving, correct?

25 A. Yes, sir.

1 Q. Now, did you give your gun and Shine's gun to
2 this guy who came up to you because you felt you had
3 something to hide?

4 A. No, sir. I ain't have nothing to hide. My gun
5 registered.

6 Q. Other than you, did anybody in your group ever
7 fire a gun?

8 A. No, sir.

9 Q. Did you ever fire a gun prior to being shot at?

10 A. No, sir.

11 Q. Do you know why the defendant's cousin wanted
12 your gun?

13 A. I don't know.

14 MR. MCNAIR: That's all I have, Your Honor.

15 MR. WILLIAMS: One follow-up question.

16 THE COURT: Yes, sir.

17 RECROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q. You certainly don't know if the defendant's
20 cousin is friendly with his cousin or not, do you?

21 A. No, sir, I do not.

22 Q. Because everybody in Batesburg is kin to
23 everybody in Batesburg, right?

24 A. I guess.

25 MR. WILLIAMS: That's all I have, Your Honor.

1 THE COURT: Mr. Mauldin?

2 MR. MAULDIN: I got one.

3 RE CROSS-EXAMINATION

4 BY MR. MAULDIN:

5 Q. Did you get the guns back directly from him in
6 a hand-to-hand?

7 A. Yes, sir.

8 Q. Well, did you or did you not write another
9 statement for the police on the 6th of June of '15?

10 A. Yes, sir. That's what I was told, said --

11 Q. Told that?

12 A. Yes. I was told that the guns were wrapped up
13 on a dirt road by the store.

14 Q. Okay. Down the dirt road by the store by an
15 old house in the woods and it was wrapped up in a
16 shirt? Is that what you wrote?

17 A. Yes, sir. That's what I was told.

18 Q. And that's where you found them?

19 A. No, that's not where I found them.

20 Q. After that sentence, didn't you write: I went
21 and got them?

22 A. Yeah. But I ain't get them off no dirt road.

23 Q. Okay.

24 A. I went and got them personally. I met him at
25 Harvey's.

1 MR. MAULDIN: No further questions.

2 THE COURT: All right. The witness may step
3 down.

4 All right. I think we'll take a short break.
5 Refresh yourselves. And as soon as you're done
6 doing that, let the bailiff know so I can get you
7 right back up here. Please don't discuss the case.

8 (The jury exits the courtroom at 3:01 PM.)

9 THE COURT: We'll take a short recess.

10 (Brief recess.)

11 (The jury enters the courtroom at 3:19 PM.)

12 THE COURT: All right. Madam Forelady, ladies
13 and gentlemen of the jury, I hope you had a nice
14 break. We'll pick up where we left off with the
15 next witness in the State's case in chief.

16 MR. MCNAIR: Thank you, Your Honor. The State
17 calls Detective Miles Rawl.

18 MILES RAWL

19 being first duly sworn, testified as follows:

20 THE CLERK: Have a seat and take your mask off.
21 State your name and spell your last for the record.

22 THE WITNESS: Miles Rawl, R-A-W-L.

23 DIRECT EXAMINATION

24 BY MR. MCNAIR:

25 Q. Detective Rawl, where are you currently

1 working?

2 A. I'm currently working for the South Carolina
3 Office of the Attorney General.

4 Q. Prior to that, where did you work?

5 A. I was a detective in the Major Crimes Unit for
6 the Lexington County Sheriff's Department.

7 Q. How long were you with the sheriff's
8 department?

9 A. About 13 years.

10 Q. What was your position back in June of 2015?

11 A. I was a major crime detective.

12 Q. Now, in this case, were you tasked with meeting
13 a gentleman by the name of Andy Barnes to retrieve
14 firearms?

15 A. Yes, sir.

16 Q. All right. And what date did you meet with
17 him?

18 A. On June the 13th, 2015.

19 Q. Where did you meet with him?

20 A. I met with him at 788 Kendron Church Road in
21 Aiken.

22 Q. I'm going to show you what's in evidence as
23 State's 376 and ask if you can identify this. Can
24 you identify that?

25 A. Yes, sir.

1 Q. What is that?

2 A. It's the Jimenez nine-millimeter firearm and
3 magazine.

4 Q. And the magazine was in it when Mr. Barnes
5 turned it over to you?

6 A. That's correct.

7 Q. Were there any bullets in it when he turned it
8 over to you?

9 A. No, sir.

10 Q. What did you do with this after you received
11 it?

12 A. I entered it into the Lexington County
13 Sheriff's Department evidence room.

14 Q. This is already in evidence. And State's 377,
15 tell us whether or not you can identify this.

16 A. Yes, sir, I can. This is the Walther .22
17 pistol with the magazine.

18 Q. And that was also turned over to you by Andy
19 Barnes?

20 A. Yes, it was.

21 Q. And that had a magazine in it when he turned it
22 over to you?

23 A. It did.

24 Q. Did it have any bullets in the magazine?

25 A. Yes, sir. It had ten Super X-22 hollow-point

1 bronze-gold bullets.

2 Q. So did that gun appear to be fully loaded,
3 based on the magazine capacity?

4 A. Yes, sir.

5 Q. I'll show you State's 396. Now, when you
6 collected that gun, what did you do with the bullets
7 that were in the magazine?

8 A. So based on Lexington County Sheriff's
9 Department policy, we cannot leave rounds in the
10 magazine. So I emptied the magazine and entered
11 them in a separate package.

12 Q. I'm going to show you State's 396.

13 A. You want them out?

14 Q. Are they in a bag?

15 A. No, sir.

16 Q. Are those the bullets that you collected from
17 the P22?

18 A. Appears to be, based on the way I sealed them
19 and the 22 live rounds.

20 MR. MCNAIR: Your Honor, at this time, we'd
21 offer State's 396 into evidence.

22 MS. WILLIAMS: Without objection.

23 THE COURT: All right. State's Exhibit 396 is
24 admitted into evidence.

25 (State's Exhibit No. 396 admitted into

1 evidence.)

2 BY MR. MCNAIR:

3 Q. And when you recovered that P22 from
4 Mr. Barnes, were any bullets in the chamber?

5 A. I don't recall any bullets in the chamber.

6 Q. Okay.

7 MR. MCNAIR: That's all I have, Your Honor.

8 MS. WILLIAMS: Yes, Your Honor. Two questions.

9 CROSS-EXAMINATION

10 BY MS. WILLIAMS:

11 Q. You said you collected these guns on June 13th,
12 2015?

13 A. That's correct.

14 Q. Was the date of this incident June 6th, 2015?

15 A. The date of this incident was June 6th, 2015.

16 Q. So was that seven days later?

17 A. Yes, ma'am.

18 Q. Thank you, sir.

19 MS. WILLIAMS: No further questions.

20 THE COURT: Mr. Mauldin.

21 MR. MAULDIN: I have no questions for this
22 witness.

23 THE COURT: Any redirect?

24 MR. MCNAIR: No, sir, Your Honor.

25 THE COURT: The witness may step down.

1 MS. FULLER: Thank you, Your Honor. The State
2 calls Michelle Eichenmiller.

3 MICHELLE EICHENMILLER
4 being first duly sworn, testified as follows:

5 THE WITNESS: I do.

6 THE CLERK: Have a seat, take your mask off.
7 State your name and spell your last name for the
8 record.

9 THE WITNESS: Michelle Eichenmiller,
10 E-I-C-H-E-N-M-I-L-L-E-R.

11 DIRECT EXAMINATION

12 BY MS. FULLER:

13 Q. Ms. Eichenmiller, where are you currently
14 employed?

15 A. I work for the South Carolina Law Enforcement
16 Division, otherwise known as SLED. I work in the
17 forensic lab in the firearms department.

18 Q. And how long have you been employed by SLED?

19 A. 15 and a half years.

20 Q. And how long have you been in the firearms
21 department?

22 A. All of my time at SLED.

23 Q. And in the firearms department, what exactly
24 are your duties?

25 A. I'm a forensic firearms examiner. Firearms

1 identification is what I do. It's the part of
2 forensic science that deals with firearms, fired
3 bullets, fired cartridge cases, and anything
4 relating to firearms and/or tool mark analysis.

5 Q. And can you explain to the jury, what is your
6 educational background?

7 A. I have a Bachelor's Degree in biology. I also
8 have a Master's Degree in forensic science.

9 Q. Do you have you specialized training in this
10 field?

11 A. In order to be a firearms examiner, there's no
12 college you can go to. You learn where you're hired
13 at, so it's like an apprenticeship program. It's a
14 three-to-four year program at SLED, which I
15 completed by learning from the examiners that were
16 there.

17 I did a lot of reading and mock casework on my
18 own examinations. At the end, I took a
19 comprehensive exam. And when I passed, they said I
20 could do casework on my own.

21 Q. And are you a member of professional
22 organizations associated with firearms and firearm
23 identification?

24 A. I am. I'm a member of the Association of
25 Firearm and Tool Mark Examiners, which is an

1 international organization for people in my field.

2 Q. Do you keep up with the literature and training
3 in the field of firearms identification?

4 A. I go to training whenever possible.

5 Q. And what is exactly firearms identification?

6 A. So it's the branch of forensic science that
7 deals with firearms. So sometimes, from cases,
8 we'll get fired bullets, we'll get fired cartridge
9 cases, or we'll get firearms that we do examinations
10 on.

11 Q. And what makes such identifications possible?

12 A. During the process of firing, bullets and
13 cartridge cases can be marked by a firearm. So I
14 will try to determine if the bullets and cartridge
15 cases were fired by a firearm.

16 MS. FULLER: Your Honor, there's a lot of noise
17 in the background. No disrespect, but it's
18 distracting.

19 THE COURT: Thank you.

20 MS. FULLER: Thank you.

21 BY MS. FULLER:

22 Q. I apologize. What makes identification
23 possible? I apologize.

24 A. The marks on the cartridge cases of bullets,
25 I'll compare to test fires that I create from

1 firearms and try to match them to see if they're
2 fired by the same firearm.

3 Q. Have you testified previously in court in the
4 field of firearm identification?

5 A. I have.

6 Q. And approximately how many times?

7 A. Approximately 100.

8 MS. FULLER: Your Honor, at this time, the
9 State offers SLED forensic analyst, Michelle
10 Eichenmiller, as an expert in the field of firearm
11 identification.

12 THE COURT: All right. Any voir dire?

13 MR. WILLIAMS: No, Your Honor. Defendant
14 Brannon agrees with that.

15 THE COURT: Very well.

16 Mr. Mauldin?

17 VOIR DIRE EXAMINATION

18 BY MR. MAULDIN:

19 Q. So your expertise is in forensic ballistics; is
20 that correct?

21 A. It's in forensic firearms identification.

22 Q. You're not an expert in internal, external, or
23 terminal ballistics, are you?

24 A. Correct. I'm not an expert in ballistics.

25 MR. MAULDIN: Just wanted to clear that up. No

1 further questions, Your Honor.

2 THE COURT: All right. Ladies and gentlemen,
3 normally, a person cannot give opinion testimony.
4 And when a person testifies, they testify as to what
5 they either saw, heard, or sensed by smell or
6 something of that nature.

7 However, there is an exception when someone's
8 qualified because of education or experience.
9 They're permitted to give their opinion in certain
10 areas, if the Court qualifies them that way.

11 This witness will be qualified in the area of
12 firearm identification and can give opinion
13 testimony in that area. That does not mean you must
14 accept the opinion, but it is evidence for you to
15 use as you see fit.

16 MS. FULLER: Thank you, Your Honor.

17 CONTINUED DIRECT EXAMINATION

18 BY MS. FULLER:

19 Q. And just to follow up on that question, what is
20 ballistics?

21 A. Ballistics is the projectile either in flight
22 or after it hits an object.

23 Q. And compare that to firearms identification.

24 A. I only deal with bullets after they come into
25 contact with something.

1 Q. Thank you for clarifying that. As it relates
2 to SLED Lab No. L-1613875, is it accurate that you
3 received 66 items of evidence of firearm analyses
4 requested in relation to the shooting that occurred
5 on June 6th, 2015, involving Donovan Brannon and
6 Shantrez Robertson?

7 A. Yes.

8 Q. And what date did SLED receive those 66 items
9 of evidence with firearms analyses requested?

10 A. According to the notes I have, it was on
11 September 30th, 2016.

12 Q. And what is the process of intake when -- let's
13 back up for a second.

14 SLED, can you explain the different branches of
15 SLED to the jury?

16 A. SLED is an assisting agency. We assist any
17 agency in the State that asks for our help.
18 Forensic lab can accept evidence from any agency in
19 the state. They just submit it to the lab, and then
20 we'll do our examinations.

21 Q. And when you say any agency, what type of
22 agencies are you talking about?

23 A. Sheriff's offices, police departments;
24 sometimes, occasionally, the FBI, the ATF will also
25 submit evidence.

1 Q. Anything within the state, is that including
2 all 46 counties of the State of South Carolina?

3 A. Yes.

4 Q. And that's all 16 judicial circuits of the
5 State of South Carolina?

6 A. Yes.

7 Q. So within each county, within each circuit,
8 there's multiple agencies within those areas as
9 well?

10 A. Yes.

11 Q. And your lab is responsible for ones requested
12 for processing all of the evidence as it relates to
13 potential shootings, speaking in firearms, across
14 the State of South Carolina?

15 A. Yes.

16 Q. And when items are submitted to SLED, is there
17 an intake process?

18 A. Yes.

19 Q. Can you explain that to the jury?

20 A. The agency will go to our log-in department.
21 We now have instituted a process of dropping
22 evidence in lockers where they pre-log it and then
23 they just place their evidence in a locker.

24 A log-in technician will go to the locker, take
25 the evidence out, and log it into our system, which

1 is just a tracking system that we have in the lab.

2 Q. And is that tracking system maintained at SLED?

3 A. Yes.

4 Q. When items are logged in, are they assigned
5 item numbers?

6 A. Yes. They get a SLED lab number when they're
7 logged into our system so we can track them.

8 Q. So it's clear, so if local law enforcement has
9 items logged in under their lab number, when they
10 bring them to SLED, they log it under a new number
11 when it's submitted to SLED?

12 A. Yes. Each case that's submitted get a unique
13 identifying lab number, and then each item in the
14 case will get a unique item number.

15 Q. Is there a chain of custody maintained when
16 items are submitted to SLED?

17 A. Yes.

18 Q. How does that work internally?

19 A. When it's first logged in, it will get assigned
20 a barcode. And then, going forward, every time that
21 evidence switches hands or switches locations, it
22 will get scanned. And then that's recorded
23 electronically in the chain of custody.

24 So even analysts' lockers log in when I
25 transfer it to my locker or when I transfer it back

1 to log-in or when log-in transfers back to the
2 agency, it's all scanned and tracked.

3 Q. I'm going to hand you what's been marked for ID
4 State's Exhibit 276 and ask if you recognize it.
5 It's a 115-page document.

6 A. This is a certified chain of custody from SLED
7 for this case.

8 Q. And on that chain of custody, is the submission
9 date for items also included in there?

10 A. Yes.

11 Q. And those 66 items of evidence, as it relates
12 to firearms analysis, is that also included in
13 there?

14 A. It says that they were logged in and then they
15 were placed in an evidence -- a firearms evidence
16 storage location.

17 Q. And what date were they logged in?

18 A. They were logged in on September 30th, 2016.

19 Q. When did you take these items into your
20 possession?

21 A. October 19th of 2016.

22 Q. Where did they remain for a period of time?

23 A. Once I take them into my custody, they're in my
24 evidence locker. I'm the only one who has a key for
25 it. And they remain locked and sealed in my locker

1 until I'm prepared to work on them.

2 Q. Over the last several years, did you work on
3 this case multiple times?

4 A. Yes.

5 Q. Ultimately, were you able to generate a report
6 in this case?

7 A. Yes.

8 Q. And when were you able to generate a report in
9 this case?

10 A. It was finished August 1st of 2021.

11 Q. So that's this year?

12 A. Yes.

13 Q. Before I actually dive into the evidence, I
14 want to take some time and go over the anatomy of a
15 cartridge in this case. I'm going to hand you
16 what's been premarked as State's 248 and ask you if
17 you recognize it.

18 A. It's a copy of a diagram that I had received
19 prior to today.

20 Q. And do you believe that this diagram will
21 assist in your explanation to the jury the anatomy
22 of a cartridge case?

23 A. Yes.

24 MS. FULLER: Your Honor, at this time, the
25 State seeks to introduce and publish State's Exhibit

1 248 into evidence.

2 MR. WILLIAMS: Without objection.

3 THE COURT: All right. State's Exhibit 248 is
4 admitted into evidence.

5 (State's Exhibit No. 248 admitted into
6 evidence.)

7 BY MS. FULLER:

8 Q. Looking at the anatomy of a cartridge, can you
9 go ahead and describe to the jury what they're
10 looking at in this diagram?

11 A. This is an individual piece of ammunition. So
12 every piece of ammunition that is a cartridge has a
13 bullet in it, which is that front part. It also has
14 the case which holds everything together. So it
15 holds the primer, the gun powder, and the bullet
16 together. The primer is at the back end, the little
17 silver area.

18 And when a cartridge is fired is when it
19 becomes separate pieces. So then you'll have a
20 fired bullet and a fired cartridge case.

21 Q. And just so it's clear -- I think there's a
22 laser pointer up there -- can you point out the
23 parts that you just described?

24 A. So this is the bullet that once the gunpowder
25 that's in here is ignited, it will propel the bullet

1 through a barrel, so the bullet will be gone. And
2 then the cartridge case also will be spent. So in a
3 semi-automatic, it will be ejected from the pistol.

4 Q. And then you touched on the primer. Where's
5 the primer?

6 A. Right back here. So that's the part that's
7 struck by the firearm, ignites the powder, and
8 propels the bullet out of the barrel.

9 Q. In looking at the anatomy of the cartridge,
10 when it comes to the -- for the purpose of firearms
11 identification, what exactly are you looking for in
12 order to make an identification and where on the --
13 I don't want to call it a bullet, because I guess
14 there's different parts -- but on the cartridge are
15 you examining?

16 A. So when we have fired bullets, we'll look at
17 this part, which will be out of the case at that
18 point. It gets marks from the barrel. The
19 manufactures can put numbers of lands and grooves,
20 different measurements, different twists in a
21 barrel. So those will mark the bullet. That's what
22 I look for there.

23 And then on the cartridge case, the firing pin
24 will get an impression, and then sometimes the
25 breach face also gets marked. Those will be unique

1 to that firearm as well, and I'll be looking at
2 those as well.

3 Q. When you say barrel, just not taking it for
4 granted, are you talking about the barrel of a
5 firearm?

6 A. Yes.

7 Q. Okay. So the barrel will strike the cartridge,
8 ejecting the bullet, and the bullet will go
9 through -- is that -- I don't want to call it a
10 muzzle. The bullet will go through the barrel and
11 eject from the front of the firearm?

12 A. Yes.

13 Q. And then where does the cartridge case go?

14 A. The cartridge case comes out the side of the
15 ejection port.

16 Q. And in this case, there were cartridge cases
17 submitted, fragments, projectiles, are you able to
18 actually compare casings to projectiles and match
19 them to one gun?

20 A. No. There's no testing for that.

21 Q. And are you able to test cartridge case to gun
22 separately from projectile to firearm?

23 A. Yes.

24 Q. Okay. In this case, three weapons were
25 submitted for analysis; is that accurate?

1 A. Yes.

2 Q. And they're already in evidence, but I'll show
3 them to you for you to identify as well. That's
4 State's 377, 376 -- and I'll grab the other one --
5 and State's 298. Do you recognize these items?

6 A. Whenever I receive evidence in a case, I will
7 engrave it with the case number, my item number, and
8 my initials.

9 Q. When you say engrave, what are you engraving?

10 A. I have an electronic engraver that I actually
11 mark the evidence with to later on verify that
12 that's the actual firearm I looked at.

13 Q. Were you able to verify that with --

14 A. Item 377. Yes, these are the three firearms I
15 examined in this case.

16 Q. Thank you. Also on the packaging, there's
17 yellow tape. Can you explain that to the jury?

18 A. Yes. Whenever an analyst would open a box and
19 examine it, and then they're done with it, they'll
20 put yellow tape on it with their initials and the
21 date, and then pass it to the next analyst.

22 So in this case, if this passed through a
23 couple hands, I think it went through a couple
24 different departments, but firearms is always last.
25 My tape is also on here that when I was finished

1 with it, I sealed it and put the date and my
2 initials on there, too.

3 Q. And your initials are ME?

4 A. Yes.

5 Q. In looking at State's Exhibit 377, can you
6 confirm that that's SLED item 10?

7 A. Yes, this is SLED item 10.

8 Q. And what type of firearm is SLED item 10,
9 State's Exhibit 377?

10 A. It's a Walther Model P22 semi-automatic pistol
11 and two long rifle caliber. And it's serial number
12 is WA094889.

13 Q. And there's already been testimony that that
14 firearm was associated with William Tyrone Gantt,
15 the deceased in this case.

16 Were you able -- looking at this particular
17 item, were you able to match this item with any of
18 the cartridge cases and/or projectiles recovered
19 from the scene and vehicles that were submitted to
20 SLED for testing?

21 A. I did not receive any fired evidence that I
22 could match back to this firearm.

23 Q. And then, specifically, what were your results
24 for this firearm associating William Tyrone Gantt?

25 A. I test-fired the firearm, and it was in working

1 order.

2 Q. Okay. And specifically about the projectiles,
3 were you able to exclude that firearm as being
4 responsible for any of the projectiles collected and
5 submitted in evidence in this case?

6 A. Yes. This was excluded as firing any of the
7 projectiles I received.

8 Q. And specifically -- I'm separating the question
9 so it's clear.

10 Specifically, for the cartridge cases submitted
11 and collected, were you able to exclude this firearm
12 as well?

13 A. Yes. This firearm did not fire any of the
14 cartridge cases I received.

15 Q. Looking at 376, can you confirm this is SLED
16 item 9?

17 A. Yes, this is SLED item 9.

18 Q. And what type of firearm is that?

19 A. It's a Jimenez Arms, model JA9 semi-automatic
20 pistol. It's chambered for a nine-millimeter Luger
21 caliber. And the serial number is 298353.

22 Q. And we've already had testimony that that's
23 associated with Andy Barnes in this case. Looking
24 at State's Exhibit 298, can you confirm that that is
25 SLED item 14?

1 A. Yes, this is SLED item 14.

2 Q. And what type of firearm is that?

3 A. It's a Ruger model LC9 semi-automatic,
4 nine-millimeter Luger caliber, serial 32023229.

5 Q. And we already have testimony that was
6 recovered from Creek View in Batesburg? I'm going
7 to hand you collectively to just generally look at
8 the additional 63 items of evidence that were
9 submitted for analysis.

10 Recognize your markings, initials, and then
11 we'll just use one of them to display to the jury to
12 show what you would have done with the evidence
13 marking and then also confirm you would have done
14 that with each and every item so we don't do it
15 individually.

16 A. So once I completed my examination of evidence,
17 after I've marked it with the lab number, the item
18 number, and my initials, I also seal the internal
19 packaging with my initials and the date and the
20 external envelope as well.

21 This does appear to be all the evidence I
22 examined in this case.

23 Q. Just taking one by way of example and
24 displaying it, displaying for the record State's
25 Exhibit 302, can you point out to the jury your

1 handwriting on this exhibit?

2 A. This is my handwriting here. When I received
3 it, I marked it so that when I took pictures, it
4 would have documentation in the pictures. This is
5 my seal on here. When I was completed with it, I
6 heat-seal it and then initial it and date it.

7 Q. Down here, what information did you write?

8 A. I wrote the SLED lab number, the item number,
9 and then my initials.

10 Q. So the marking here that says I-1 ME, what
11 would that indicate?

12 A. Item 1.

13 Q. And then your initials?

14 A. Yes.

15 Q. Did you do this on each and every one of those
16 63 -- well, 62 plus 1 items?

17 A. Yes, I did.

18 MS. FULLER: And, Your Honor, just to save us
19 from going through all of them one by one for
20 identification -- it's without objection -- I'll
21 just publish the exhibit numbers into the record
22 that she's adopting that testimony onto.

23 THE COURT: Without objection, Mr. Williams or
24 Ms. Williams?

25 MS. WILLIAMS: Without objection, Your Honor.

1 THE COURT: Mr. Mauldin?

2 MR. MAULDIN: No objection.

3 THE COURT: Thank you.

4 MS. FULLER: So for the record, bear with me so
5 I can do it just one time, she has reviewed State's
6 Exhibits 375, 354, 355, 360, 361, 362, 365, 367,
7 376, 298 -- I already said that. Remove 376 and
8 298.

9 Going back to the specific ones, 351, 300, 356,
10 357, 302, 301, 359, 363, 364, 366, 367, 299, 310,
11 309, 328, 329, 330, 331, 332, 333, 334, 335, 336,
12 345, 346, 347, 308, 307, 306, 305, 316, 317, 318,
13 319, 320, 321, 322, 323, 324, 325, 314, 313, 312,
14 311, 327, 338, 339, 340, 341, 342, 343, 344.

15 Beg the Court's indulgence. If I missed any --

16 MR. WILLIAMS: Can Solicitor and I approach two
17 seconds? Two seconds. Nothing is wrong.

18 (Sidebar conference.)

19 MS. FULLER: Thank you, Your Honor. And if I
20 missed any, hopefully, the record will reflect that
21 all 63 items are adopted, as well as the bags within
22 the bags within the bag.

23 THE COURT: The record will reflect that every
24 effort was made to do so.

25 MS. FULLER: Thank you. I'll remove those

1 items.

2 BY MS. FULLER:

3 Q. Looking at your report, starting with what I
4 have down as SLED item 6, what do you have SLED item
5 6 listed as?

6 A. It's one lead fragment and two nonmagnetic
7 metal fragments.

8 MS. FULLER: And for the record, and if it's
9 allowed, I might just lead with it to just get to
10 the question. For the record, that is State's
11 Exhibit 375, SLED item 6, projectile fragment
12 collected from the trunk of the Mercury Grand
13 Marquis underneath the spare tire.

14 BY MS. FULLER:

15 Q. Can you publish to the jury what your results
16 were?

17 A. I physically and microscopically examined item
18 6. The nonmagnetic fragments were not consistent
19 with ammunition components. They bore no marks of
20 value and were unsuitable for identification with
21 the firearms-related evidence. Item 6, lead
22 fragment, also had no marks of value and was
23 unsuitable for identification.

24 Q. Regarding State's Exhibit 354, SLED item 17
25 listed as a projectile fragment collected from the

1 front passenger door threshold of the gray Dodge
2 Charger, what were your results?

3 A. Item 17 was one steel fragment. My results
4 were that they had no marks of value and was
5 unsuitable for identification.

6 Q. Looking at State's Exhibit 355, which you
7 identified as SLED item 18, projectile fragment
8 collected from the front passenger door of the gray
9 Dodge Charger, what were your results?

10 A. Item 17 and 18 were both not consistent with
11 ammunition components and had no marks of value and
12 were unsuitable for identification.

13 Q. Looking at State's Exhibit 360, 361, 362,
14 identified as SLED number -- respectively as SLED
15 item numbers 21, 22, 23, and also described as
16 projectiles collected from the gray Kia,
17 respectively from the driver's side door frame,
18 collected from the bottom of the driver's door and
19 then inside the bottom of the driver's door, what
20 were your results?

21 A. Item 21, 22, and 23 -- SLED item 21, 22, and 23
22 were both physically and microscopically examined.
23 They bore no marks of value and were unsuitable with
24 other firearms-related evidence.

25 Q. Looking at State's Exhibit 365, SLED item 26,

1 projectile collected from the engine compartment of
2 the gray Kia Optima, what were your results?

3 A. Item 26 was a lead fragment, which also had no
4 marks of value and were not suitable for
5 identification.

6 Q. Turning specifically to two of the projectiles
7 recovered from the autopsy done on William Gantt in
8 this case, collectively marked as State's Exhibit
9 349 -- and I believe there's a bag within a bag, so
10 the accompanying exhibits as well -- they're
11 identified in the report as SLED item 16 and 15. Is
12 that correct?

13 A. Yes.

14 Q. Can you publish to the jury, regarding SLED
15 item 16, the projectile from William Gantt's left
16 arm, what were your results?

17 A. Item 16 was most consistent with a bullet or a
18 jacket portion of a bullet loaded into
19 nine-millimeter Luger caliber cartridges. It was a
20 nine-millimeter bullet.

21 Q. Were you able to exclude any firearms that
22 relates -- that you had to compare to SLED item 16?

23 A. Item 16, due to differences in class, so it's
24 overall characteristics, were different than the
25 item 9, 10, and 14 pistols. So we could exclude it

1 as fired by those firearms.

2 Q. And then so it's clear for the record, SLED
3 item 9, which is the Jimenez associated with Andy
4 Barnes, SLED item 14, would be the Ruger recovered
5 from Creek View, and SLED 10 would be the P22; is
6 that correct?

7 A. Yes.

8 Q. And based on your training and experience, what
9 type of firearm would have fired that
10 nine-millimeter projectile?

11 A. In the absence of receiving a firearm in a
12 case, we can take measurements of the general
13 characteristics of a bullet and then put it into a
14 database that we have that will tell us what
15 manufacturers make firearms with those
16 specifications.

17 In this case, I put it into the database and it
18 told me that Fabrique Nationale, Ruger, or Smith &
19 Wesson make firearms with those specifications found
20 on that bullet.

21 Q. And based on your training and experience,
22 which type of firearm do you believe is responsible
23 for SLED item 16?

24 A. I can't really say out of those three.

25 Q. So either a Smith & Wesson -- and what was the

1 other one?

2 A. A Ruger or a Fabrique Nationale.

3 Q. So you were able to narrow it down to three
4 type of firearms. Looking now at SLED item 15,
5 which is the projectile recovered from William
6 Gantt's right leg, what were your results? And
7 that's State's Exhibit 351.

8 A. SLED item 15 was most consistent with being a
9 40-caliber or ten-millimeter auto bullet.

10 Q. And based on your training and experience, can
11 you tell whether or not the firearm that fired that
12 projectile was a -- could be a Glock 40-caliber?

13 A. In this case, I didn't receive a 40-caliber
14 pistol, so I did the same thing; I measured the
15 general characteristics and put it into the database
16 and came up with a list.

17 There are just a couple guns on that list. The
18 most common one that I see in my training and
19 experience is a Glock.

20 Q. And just to be clear for SLED item 15, being a
21 40-caliber, was that -- were the weapons that were
22 submitted -- the firearms that were submitted, SLED
23 item 9, 10, 14, the Jimenez P22, and the Ruger, were
24 they naturally excluded from SLED item 15?

25 A. Yes.

1 Q. Now turning to SLED item 11, SLED item 19, SLED
2 item 69, and SLED item 70, State's Exhibit 300, 356,
3 357, collectively, what were your results?

4 A. You said 11?

5 Q. Yes, 11, 19, 69, and 70. We can take them one
6 at a time.

7 SLED item 11, listed as a fired projectile,
8 labeled item G from the ground at the crime scene,
9 State's Exhibit 300, what were your results?

10 A. Okay. So 11, 19, 69, and 70 were most
11 consistent with 40-caliber bullets. And they were
12 also excluded from any of the firearms that I
13 received in this case.

14 Q. Now looking at SLED item 1, which is State's
15 Exhibit 302, it's a fired projectile collected from
16 the gray Dodge Charger at Hill View Truck Stop on
17 Ben Franklin Road, what were your results?

18 A. Item 1 was physically examined and
19 microscopically compared with bullets that I
20 test-fired from item 14, which is the Ruger.
21 Matching individual characteristics were found, and
22 it was concluded that item 1 was fired by item 14.

23 Q. So it's clear for the record, item 1 is
24 associated with the Ruger recovered from the Creek
25 View Apartments?

1 A. Yes.

2 Q. Looking at SLED item 20, which is State's
3 Exhibit 359, what were your results? And I'll
4 publish that was a projectile fragment collected
5 from the top of the driver's door of the gray Kia
6 Optima.

7 A. Yes. It was a fired bullet jacket that had
8 rifling that was consistent with being from the
9 Jimenez, which was item 9. It did not --

10 MR. MAULDIN: Your Honor, I object. I think we
11 need to approach the bench.

12 (Sidebar conference.)

13 BY MS. FULLER:

14 Q. Looking at SLED item 20, I believe that's where
15 we were, State's Exhibit 359, what were your results
16 in this case?

17 A. Item 20, after I physically and microscopically
18 examined it, due to differences in class, was not
19 fired by item 10 or item 14. The other answer that
20 we can give in firearm identification is
21 inconclusive. So in this case, item 20 was
22 inconclusive. There weren't enough marks on there
23 to say for sure whether it was fired by item 9 or a
24 different firearm.

25 Q. Regarding your results there, were you able to

1 tell whether it had similar rifling to SLED item 9?

2 A. Yes, it was similar.

3 Q. So SLED item 20 has similar rifling to SLED
4 item 9 as associated with Andy Barnes in this case?

5 A. Yes.

6 Q. Looking at SLED item 24, the projectile
7 collected from the inside roll bar of the driver's
8 door of the gray Kia Optima, State's Exhibit 363,
9 what were your results?

10 A. The results with item 24 were also
11 inconclusive.

12 Q. Were you able to examine the rifling in that
13 for SLED item 24 as well?

14 A. Yes.

15 Q. Can you tell whether or not it had similar
16 rifling to SLED item 9 associated with Andy Barnes?

17 A. It had similar rifling characteristics.

18 Q. Were you able to exclude SLED item 24 from the
19 other firearms in this case?

20 A. Yes.

21 Q. And it was inconclusive with SLED item 9?

22 A. Correct.

23 Q. Looking at SLED item 25, a projectile collected
24 from the driver's floorboard underneath the fuse box
25 of the gray Kia Optima, State's Exhibit 364, what

1 were your results?

2 A. Item 25 was also inconclusive with item 9, but
3 negative for -- excluded from items 10 and 14.

4 Q. And in regards to being inconclusive with SLED
5 item 9 associated with Andy Barnes, can you tell
6 whether or not it had similar rifling?

7 A. It did.

8 Q. Looking at SLED item 27, projectile fragment
9 collected from the front passenger floorboard near
10 the center console of the gray Kia Optima, which is
11 State's Exhibit 366, what were your results?

12 A. Item 27 was also inconclusive with item 9, but
13 was excluded from being fired by item 10 or item 14.

14 Q. Regarding it being inconclusive with SLED item
15 9, associated with Andy Barnes, could you tell
16 whether or not it had similar rifling?

17 A. It did have similar rifling.

18 Q. Looking specifically now at SLED item 9, can
19 you describe that type of firearm? What kind of
20 firearm was that?

21 A. SLED item 9 was a Jimenez Arms, Model JA9.
22 It's not known for being a high-quality firearm.
23 The manufacturing process is not as finished as some
24 other firearms that I've seen, so the barrel didn't
25 mark as well as other firearms.

1 Q. And when you say the barrel didn't mark as
2 well, is that what led to your inconclusive finding?

3 A. That and another combination of when bullets
4 hit objects, they also become damaged. Sometimes if
5 they pass through an object, the rifling can be
6 damaged and then you won't be able to tell what
7 firearm fired them.

8 Q. So specifically about SLED item 9, the gun that
9 Andy Barnes had was a cheap, I guess, a lower
10 quality?

11 A. Yes, a lower quality.

12 Q. And that's what resulted in the -- how did you
13 describe it when you test-fired it? I'm trying get
14 to -- a poorly asked question -- the condition of --
15 the specific condition that would result in
16 inconclusive findings, I guess. I don't know if you
17 get where I'm going.

18 A. It's a combination of things: Either a poorly
19 made barrel, poorly rifled, damage to the bullets.
20 So all of that combined does not give me the
21 positive or negative, I'd have to go down the middle
22 of the road.

23 Q. But by examining it, you were able to determine
24 that it had similar rifling, just not enough for
25 SLED standards to say that it matched this firearm,

1 correct?

2 A. Yes.

3 Q. Looking now at SLED item 28, the projectile
4 fragment collected from the front passenger
5 floorboard next to the door of the gray Kia Optima,
6 State's Exhibit 367, what were your findings?

7 A. Item 28 was also consistent with being a
8 nine-millimeter Luger caliber bullet. And I could
9 exclude it as being fired by item 9, item 10, or
10 item 14.

11 Q. Looking now at SLED items -- and bear with me
12 because I'm going to group them together. Looking
13 now at SLED items 12, 33, 34, 50, 51, 52, 53, 54,
14 55, 56, 57, 58, 66, 67, 68, respectfully listed as
15 CSI items H, 5, 6, 22, 23, 24, 25, 26, 27, 28, 29,
16 30, 38, 39, 40, respectfully listed as State's
17 Exhibit 299, 310, 309, 328, 329, 330, 331, 332, 333,
18 334, 335, 336, 345, 346, and 347, what were your
19 results?

20 A. I microscopically examined them and compared
21 them with each other and with test fires from each
22 of the guns. I concluded that matching individual
23 identifying characteristics were found on these
24 items and they were all fired by the same firearm.

25 Q. And for the record, what type of evidence were

1 you looking at? What were they, projectiles or
2 casings?

3 A. Oh, I'm sorry. They were fired cartridge
4 casings.

5 Q. And what type of firearm is responsible for
6 those 15 cartridge casings?

7 A. We don't really render conclusions on that.
8 Just based on my opinion, I've seen Smith & Wesson
9 firearms that have those kind of firing pin
10 impressions that I saw on those items.

11 Q. So for the record, those 15 SLED items, State's
12 Exhibits and CSI items listed identifying cartridge
13 cases recovered from the scene, it's your opinion
14 that they were fired by one firearm consistent with
15 a nine-millimeter Smith & Wesson?

16 A. Yes, a Smith & Wesson is possible.

17 Q. It's possible, but it's a nine-millimeter
18 Luger-type caliber?

19 A. Yes.

20 Q. Now for the next grouping.

21 MS. FULLER: And for the record, Your Honor,
22 I'm streamlining it so we don't go one at a time.
23 So bear with me again.

24 BY MS. FULLER:

25 Q. The next grouping, SLED item 35 through SLED

1 item 48, respectfully, CSI items 7 through 20,
2 respectfully, State's Exhibits 308, 307, 306, 305
3 and 316 through 325, what were your results?

4 A. I compared those items to each other. They
5 were all 40-caliber fired cartridge cases. Matching
6 individual identifying characteristics were found.
7 And all of those items were fired by the same
8 firearm.

9 Q. And what type of -- for those 14 SLED items,
10 cartridge case, what type of firearm most likely
11 fired those casings -- those cartridge casings?

12 A. In my experience, the kind of firing pin
13 impression that I saw on those cartridge cases would
14 be typical of a Glock pistol.

15 Q. And that would be a Glock 40-caliber?

16 A. Yes.

17 Q. Looking now at SLED items 29 through 32 and
18 SLED item 49, respectfully listed as CSI items 1
19 through 4, from the ground at the crime scene and
20 item 21, respectfully listed as State's Exhibit 314,
21 313, 312, 311 and 327, what were your findings?

22 A. I compared those microscopically and found
23 matching individual identifying characteristics
24 between those items and the cartridge cases that I
25 fired from item 14. So those items were fired by

1 the item 14 Ruger.

2 Q. And that is the item 14 Ruger that was
3 recovered from Creek View in this case?

4 A. Correct.

5 Q. Looking at SLED items 59 through 65,
6 respectfully listed as CSI items 31 through 37,
7 respectfully listed as State's Exhibit 338 through
8 344, what were your findings?

9 A. I compared those to each other and to cartridge
10 cases test-fired by item 9. Matching individual
11 characteristics were found, and it was presumed that
12 those items were fired by item 9, the Jimenez.

13 Q. So those seven casings were fired by the SLED
14 item 9 associated with Andy Barnes in this case?

15 A. Correct.

16 Q. I'm going to show you what's been pre-marked as
17 State's Exhibit 250 and ask you to take a look at
18 that for a moment. Did you have an opportunity to
19 review this document prior to today?

20 A. I did.

21 Q. And is this a cartridge case summary in this
22 case?

23 A. Yes.

24 Q. And were you able to verify the accuracy of
25 this in comparing it to your report?

1 A. Yes.

2 Q. Does this fairly and accurately reflect a
3 summary of your report?

4 A. It does.

5 Q. Do you believe that this will assist the
6 factfinder in remembering what you just testified
7 to?

8 A. Yes.

9 MS. FULLER: Your Honor, at this time, the
10 State seeks to introduce State's 250 into evidence.

11 MS. WILLIAMS: No objection, Your Honor, on
12 behalf of Defendant Brannon.

13 MR. MAULDIN: No objection, Your Honor.

14 THE COURT: State's Exhibit 250 admitted into
15 evidence.

16 (State's Exhibit No. 250 admitted into
17 evidence.)

18 BY MS. FULLER:

19 Q. Now, I'll stop talking and ask you to explain
20 this summary to the jury now that they can visualize
21 it.

22 Can you please describe to the jury what
23 they're looking at here? And you can use the laser
24 pointer.

25 A. So all of these SLED item numbers as listed in

1 my report are fired by one firearm, which is
2 nine-millimeter Luger caliber firearm. All of this
3 column is fired by a 40-caliber firearm. These ones
4 right here were fired by the Ruger, which is SLED
5 item 14. And these cartridge cases right here were
6 fired by the Jimenez, which is SLED item 9.

7 Q. And also describing the accuracy of this, were
8 you able to confirm that, based on the submission at
9 intake, the CSI item numbers matched up with the
10 SLED item numbers?

11 A. Yes.

12 Q. And so highlighted there in red, your testimony
13 for those 15 casings that, based on your training
14 and experience, that was most likely fired by a
15 nine-millimeter Smith & Wesson firearm?

16 A. Yes, a Smith & Wesson is a possible firearm
17 that could have fired those.

18 Q. And looking at State's -- looking at column --
19 the second column that's in blue, those 14 casings,
20 it's your opinion that that was fired by one
21 firearm, a 40-caliber?

22 A. Yes.

23 Q. And most commonly what you've seen as a Glock?

24 A. Yes.

25 Q. And the SLED item 14 that was recovered from

1 the Creek View, those five casings were fired by
2 that one firearm?

3 A. Yes.

4 Q. And those seven were fired by Andy Barnes in
5 yellow, correct?

6 A. Yes.

7 Q. And doing the math, adding that up on the fly,
8 does that account for all 41 casings recovered in
9 this case?

10 A. Yes.

11 Q. So you were able to match conclusively or group
12 all of the casings and boil them down to four
13 firearms used on -- at 1150 Parrish Road; is that
14 correct?

15 A. Correct.

16 Q. And that's based on the casings that were
17 collected, recovered, and submitted to SLED?

18 A. Correct.

19 Q. I'm going to also hand you what's been marked
20 for ID as State's 249. It's a chart. And I'll ask
21 you to just take your time to review it. In looking
22 at this chart, does this chart now include the
23 additional projectiles in which you testified about
24 findings?

25 A. Yes.

1 Q. Do you believe that in terms of the
2 projectiles, this summary -- did you have an
3 opportunity to review the summary of the
4 projectiles?

5 A. I did.

6 Q. And do the listings here appear to be accurate,
7 based on your report?

8 A. Yes.

9 Q. And do you believe that this will assist the
10 factfinder in remembering your testimony?

11 A. Yes.

12 MS. FULLER: Your Honor, at this time, the
13 State seeks to introduce State's 249 into evidence.

14 MS. WILLIAMS: Your Honor, we would object to
15 the introduction of this into evidence at this time.

16 MR. MAULDIN: We would as well, Your Honor.

17 MS. WILLIAMS: Your Honor, may we approach?

18 THE COURT: Yes, you may.

19 (Sidebar conference.)

20 BY MS. FULLER:

21 Q. In looking at this chart, taking the first
22 column regarding projectiles, your results for SLED
23 item 16 again, what was it?

24 A. SLED item 16 was consistent with being not
25 fired by any of the firearms that we received. And

1 then when I put it into the database, the firearms
2 that came up for it was Fabrique, Ruger, and Smith &
3 Wesson.

4 Q. And what caliber firearm?

5 A. A nine-millimeter.

6 Q. And based on the evidence submitted at the
7 crime scene, the -- I know you cannot -- just so
8 it's clear, so that this isn't a misrepresentation,
9 but your testimony earlier was you can't match
10 cartridge case to projectile. Correct?

11 A. Correct.

12 Q. But you can say what type of cartridge case was
13 fired by a firearm, and you can say what type of
14 projectile was fired by a firearm, correct?

15 A. Correct.

16 Q. Okay. Does this chart appear to be misleading
17 in any way in terms of what your testimony is?

18 A. I can't say for sure, because we can't compare
19 bullets to cartridge cases that that bullet was
20 fired by the same firearm as the cartridge cases I
21 received without the firearm.

22 Q. Correct. And this chart does not suggest that;
23 you're saying that, correct?

24 A. It's possible it could be misunderstood that
25 way because they're listed.

1 Q. Okay. So then we will separate it out, same
2 columns. But, respectfully, the 16 was fired by
3 nine-millimeter Luger caliber?

4 A. Yes.

5 Q. Looking at SLED item 11, 15, 19, 69, and 70,
6 those respectfully were fired by a 40-caliber Smith
7 & Wesson?

8 A. Correct.

9 Q. Looking at SLED item 1, those were fired by --
10 that was fired by SLED item 14, correct?

11 A. Correct.

12 Q. And then separately, SLED items 20, 24, 25, 27
13 has similar rifling to SLED item 9, correct?

14 A. Correct.

15 Q. So I will prepare one that separates it. But
16 that's your testimony?

17 A. Correct.

18 Q. Looking at -- I'll show you what's been marked
19 as State's Exhibit 2 and ask you if you've had an
20 opportunity to review this document.

21 A. I have.

22 Q. And can you describe what this document is?

23 A. It's a drawing of what I assume is the crime
24 scene.

25 Q. Okay.

1 A. And the different marker numbers that pertain
2 to different cartridge casings.

3 Q. And the marker numbers that are associated with
4 the cartridge casings, are these the marker numbers,
5 which would be CSI items 1 through 40 and H that
6 also were submitted to SLED, the 41 items that were
7 just described in State's Exhibit 250, I believe; is
8 that correct?

9 A. Yes.

10 Q. And were you able to verify the accuracy of the
11 numbers and colors associated with the chart in 250?

12 A. Yes.

13 MS. FULLER: At this time, Your Honor, the
14 State seeks to introduce State's Exhibit 2 into
15 evidence.

16 MS. WILLIAMS: No objection from Defendant
17 Brannon, Your Honor.

18 MR. MAULDIN: Okay.

19 THE COURT: Without objection, Mr. Mauldin?

20 MR. MAULDIN: Without objection, Your Honor.

21 THE COURT: State's Exhibit 2 admitted into
22 evidence.

23 (State's Exhibit No. 2 admitted into evidence.)

24 MS. FULLER: And, Your Honor, for ease of the
25 jury, I'm going to publish -- we'll display them on

1 the TVs.

2 THE COURT: Ladies and gentlemen, why don't we
3 just stand up real quick and stretch your arms a
4 little bit while we're getting this technology set
5 up?

6 All right. Thank you.

7 BY MS. FULLER:

8 Q. Okay. In looking at the diagram you just
9 compared, publishing for the jury, were you able to
10 confirm that the firearm that was fired, the red
11 that you see on the charts, which is SLED items
12 listed in the chart, those 15 are highlighted
13 accurately reflecting here this matches your chart,
14 your summary?

15 A. Yes.

16 Q. And those displayed right now were all fired by
17 one firearm, a nine-millimeter Luger caliber?

18 A. Correct.

19 Q. Looking at what's labeled as blue on your chart
20 were fired by one firearm, a 40 Smith & Wesson.
21 Those 14 cases matching up with the CSI numbers 7
22 through 20, is that what's displayed on the diagram?

23 A. Yes, it is.

24 Q. And you were able to confirm the accuracy of
25 that?

1 A. Yes.

2 Q. Looking now at what's labeled in green, which
3 is the firearm that's a nine-millimeter Luger
4 associated with SLED item 14, those five casings,
5 were you able to confirm that their positioning and
6 color code on the diagram matches up with the column
7 in this chart?

8 A. Yes.

9 Q. And looking at the firearm that's associated
10 with Andy Barnes in this case, the Jimenez matches
11 up with the chart in yellow for SLED item 9 as
12 reflected in this diagram?

13 A. Yes.

14 Q. And displaying a printout for the jury that
15 they'll also have.

16 MS. FULLER: Beg the Court's indulgence.

17 No further questions at this time.

18 THE COURT: Cross-examination?

19 MS. WILLIAMS: May it please the Court?

20 CROSS-EXAMINATION

21 BY MS. WILLIAMS:

22 Q. Good afternoon.

23 A. Hello.

24 Q. Now, if I understand the questions that the
25 solicitor asked you earlier correctly, you were able

1 to exclude all of the shells that you were provided
2 with from SLED item 10, which was the 22; is that
3 correct?

4 A. Correct.

5 Q. Okay. And then you were able to exclude all of
6 the projectiles that you were provided with from
7 SLED item 10 as well?

8 A. Correct.

9 Q. Were you able to exclude all of the projectile
10 fragments that you examined from SLED item 10?

11 A. Yes.

12 Q. All of --

13 A. The ones that were actually ammunition
14 components.

15 Q. What other types of components would have been
16 present?

17 A. I received some steel fragments, which could
18 have been from cars or other items. I also received
19 lead fragments, which had no marks of value, so I
20 couldn't compare them to anything. And then I think
21 there were a couple -- two nonmagnetic fragments,
22 which were not consistent with ammunition. So...

23 Q. Would the lead fragments be consistent with
24 ammunition in some cases?

25 A. Yes.

1 Q. But you were unable to exclude them from any
2 sort of gun?

3 A. Correct. I couldn't say any gun at all because
4 they had no marks on them.

5 Q. Okay. Regarding SLED item 15, which I believe
6 was the bullet that was removed from the deceased --
7 or one of the bullets that was removed from the
8 deceased, can you just go back over your findings on
9 that one, please?

10 A. It was a 40-caliber bullet or ten-millimeter.
11 Both of those calibers have the same diameter of
12 bullets, so without anything else, all I can tell
13 you is that it measured the same diameter as a
14 40-caliber or a ten-millimeter.

15 Q. And were you provided with any weapon that you
16 could tie to that particular item?

17 A. No.

18 Q. Okay. And if you'll go back over your findings
19 for SLED item number 16, which was the other
20 projectile that was removed from the decedent?

21 A. SLED item 16 was a fired bullet that was a
22 nine-millimeter Luger caliber. It had five right
23 conventional rifling, which was not consistent with
24 any firearm that I received.

25 Q. So not to repeat what you just said, but it did

1 not match any of the firearms you received?

2 A. Correct.

3 Q. Okay. You spent some time discussing that
4 Jimenez -- if I'm pronouncing that correctly --

5 A. Yes.

6 Q. Sorry -- is a less high-quality gun. And so
7 there were some rifling characteristics on multiple
8 of the projectile fragments that were consistent
9 with that. Could those rifling characteristics have
10 been produced by a different gun?

11 A. Yes.

12 Q. For example -- are you able to list any other
13 types?

14 A. Other less expensive or less well-made
15 firearms, some that come to mind could be a
16 Highpoint, could be a Lorsen.

17 Q. Okay. Let's see. I know that it was made
18 clear that you're not a ballistics expert. But I
19 assume that you have fired a gun in your life.

20 A. Yes.

21 Q. And if you were firing a gun from a vehicle, is
22 it possible that there would be shell casings in
23 that vehicle?

24 A. I would assume that there could be. I've never
25 done that myself and, of course, in my examinations,

1 but --

2 Q. Just checking my notes.

3 MS. WILLIAMS: Your Honor, I believe those are
4 all the questions I have at this time.

5 THE COURT: Very well.

6 Mr. Mauldin?

7 MR. MAULDIN: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. MAULDIN:

10 Q. Let's see. Now, looking at the State's chart,
11 State's 250 there, the column with the red headline
12 there, the nine-millimeter Luger, those items, you
13 testified here today that you thought those would
14 come from a Smith-and-Wesson-type gun; is that
15 right?

16 A. Yes, just based on my experience of examining
17 thousands of cartridge cases, I most often see those
18 kind of firing pin impressions with Smith & Wesson.

19 Q. What page of your report did you put that on?

20 A. We don't put that in a report.

21 Q. So your report that goes to the Solicitor's
22 Office and defense attorneys, you just don't put
23 that? You just wait until the date of trial to come
24 up?

25 A. That's just based on my experience and

1 training.

2 Q. And same thing with the 35 through 48 in the
3 blue that you said would be fired by a Glock, that's
4 not in your report either, is it?

5 A. No, it's not.

6 Q. Okay. Now going to the projectiles, you were
7 talking about inconclusive matches. That's -- you
8 can't say with a degree of certainty that something
9 belongs to a gun or this projectile came from this
10 gun? You can't say it to a reasonable certainty
11 that SLED allows, is that what you were saying?

12 A. There are four answers in the field of firearms
13 identification. One is positive, yes, it was fired
14 by that firearm. There are enough marks for me to
15 determine they were fired by a firearm. Negative
16 means they could not have been fired by that
17 firearm.

18 Unsuitable means there weren't any marks on it
19 for me to go one way or the other. And then we have
20 inconclusive, which is there were some marks, but
21 not enough for me to say it was that firearm.

22 Q. So that's like a maybe/maybe not type of
23 situation?

24 A. Correct.

25 Q. Well, that doesn't provide anybody with any

1 guidance about anything, does it?

2 A. It might. I just examine the evidence and
3 issue a report.

4 Q. All right. Well, if somebody says I'm going to
5 die tomorrow and you say maybe, maybe not, how are
6 they going to feel?

7 A. I'm not sure.

8 Q. Yeah. I know how I'd feel.

9 Anyway, moving right along. On items 20, 25,
10 and 27, which I believe came from the Kia, you said
11 there was an undetermined caliber of weapon that
12 fired those weapons; is that right?

13 A. Correct.

14 Q. And then several of the items, I believe 11
15 from the Stratus, 15 from Mr. Gantt's right leg, 19
16 from the Charger, 69 from the Charger, and 70 from
17 the Charger, you said could have been fired from
18 either a 40 or a ten-millimeter auto weapon; is that
19 correct?

20 A. Correct.

21 Q. And those are separate weapons. It's not you
22 can call it a 40 or you can call it ten-millimeter,
23 it's two separate things?

24 A. Correct.

25 Q. And then the projectiles from the left arm,

1 number 16, the Kia in number 24, and the Kia in
2 number 28 are from a nine-millimeter Luger weapon;
3 is that right?

4 A. 16 and what were the other numbers? I'm sorry.

5 Q. 24 and 28.

6 A. 16 was a nine-millimeter, 24 was also a
7 nine-millimeter, and 28 was a nine-millimeter.

8 Q. Now, in your conclusion as far as number 16,
9 the bullet extracted from the arm, is that -- not
10 only was it from a nine-millimeter, but your
11 expertise would lead you to believe it was either a
12 Smith & Wesson, a Ruger, or Fabrique Nationale?

13 A. Based on the information I received from the
14 database when I put the measurements for that bullet
15 in, those were the three manufacturers that
16 currently manufacture firearms with those
17 specifications.

18 Q. Okay. By those specifications, are they class
19 characteristics, subclass characteristics, or
20 individual characteristics?

21 A. Those characteristics are class. They are the
22 number of lands and grooves, the direction of twist,
23 the type of rifling. There are two types:
24 Polygonal or conventional. And the actual
25 measurements in a thousandths of an inch for the

1 lands and grooves.

2 Q. Right. Because I noticed that in some of
3 these, you're talking class characteristics and
4 individual characteristics. And individual is the
5 differences from gun to gun, even within the same
6 class; is that correct?

7 A. Correct. The difference between one Smith &
8 Wesson versus another Smith & Wesson.

9 Q. And then there's also that subclass, which
10 involves temporary manufacture process. A special
11 limited run of guns, let's say only so many guns
12 have that in their line of manufacturing?

13 A. Correct.

14 Q. Because I know I heard a lot of class and I
15 heard a lot of individual, but I wanted to clarify
16 it. So when you're saying class characteristics,
17 those would be the design features of the same type
18 of firearms all across, let's say, 40 Smith &
19 Wesson; is that right?

20 A. Yes, the class characteristics are general.

21 Q. So those are general across all guns, and then
22 individual would go as to particular guns within
23 that class?

24 A. Correct.

25 Q. All right. Now going back to number 16 again,

1 the -- you said -- the class of that would fit Smith
2 & Wesson, Ruger, when you put it in the database,
3 and Fabrique Nationale?

4 A. Yes.

5 Q. So that's along all of those. Smith & Wesson
6 and Ruger make nine-millimeter revolvers as well,
7 don't they?

8 A. Correct.

9 Q. Does Fabrique Nationale make a nine-millimeter
10 revolver?

11 A. Not that I'm aware of.

12 Q. I didn't think so. I just figured I'd throw
13 that one out there. And a bunch of different
14 companies make 40-caliber revolvers as well, don't
15 they?

16 A. A few.

17 Q. Chiappa? Yes?

18 A. Yes.

19 Q. Charter Arms is another one, right?

20 A. I'm not familiar with that one.

21 Q. Smith & Wesson?

22 A. Yes.

23 Q. Taurus?

24 A. Possibly.

25 Q. Possibly. Now, if these projectiles were shot

1 by a revolver and no shell casings were left at the
2 scene, you can't tell that from these projectiles,
3 can you?

4 A. Correct.

5 Q. Going back to State's 2. All right. Now, all
6 you're saying with this is that the numbers here on
7 the diagram, the colors correspond -- whoops, I took
8 it off -- with the shell casing items on this chart;
9 is that right?

10 A. Correct. The numbers on the chart are the CSI
11 numbers, and they correspond to the numbers that are
12 on the chart.

13 Q. Right. And you're not saying anything about
14 the placement of the numbers, just that the shells
15 correspond with those numbers?

16 A. Yes.

17 Q. Okay. You had nothing to do with the placement
18 of this; is that right?

19 A. I was not at the scene.

20 Q. Right. So the answer --

21 A. No.

22 Q. So you had nothing to do with that. And what
23 does that say?

24 A. Not to scale.

25 Q. So do you think the person that made that has

1 any idea about the placement if they can't put it to
2 scale?

3 A. I don't know.

4 Q. Yeah, neither do I. Thank you.

5 THE COURT: Redirect?

6 MS. FULLER: Thank you, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. I'm going to show you now what's been marked as
10 State's Exhibit 397, and have you take a look at it.

11 THE COURT: I'm sorry. Were you --

12 MS. FULLER: I wasn't sure. I thought you said
13 redirect.

14 THE COURT: I did. I misinterpreted what you
15 were doing.

16 MR. MAULDIN: I'm almost done.

17 MS. FULLER: I'm so sorry, David.

18 MR. MAULDIN: That's fine.

19 THE COURT: That's on me. I said redirect.

20 MR. MAULDIN: I'm used to it. Nothing further.

21 THE COURT: Are you sure?

22 That's on me, Madam Solicitor.

23 MS. FULLER: I am so sorry.

24 BY MS. FULLER:

25 Q. All right. To avoid any confusion, do you -- I

1 know you had an opportunity to review this prior to,
2 but that portion that's now left on that document,
3 does that appear to be what you reviewed prior?

4 A. Yes.

5 Q. And that would assist the jury as a short
6 summary of some of the items that we talked about?

7 A. Yes.

8 MS. FULLER: At this time, Your Honor, the
9 State seeks to introduce State's Exhibit 397 into
10 evidence.

11 MS. WILLIAMS: Your Honor, Defendant Brannon
12 objects to this the introduction of this
13 demonstrative exhibit. If we can approach?

14 (Sidebar conference.)

15 THE COURT: State's Exhibit 397 is admitted,
16 subject to defendant's objection.

17 (State's Exhibit No. 397 admitted into
18 evidence.)

19 BY MS. FULLER:

20 Q. Looking back at 397, the second column where
21 SLED item 15 is listed, just so it's clear, this is
22 from William Gantt's right leg from autopsy,
23 correct?

24 A. Correct.

25 Q. Based on your training and experience, was SLED

1 item 15 fired by a 40-caliber firearm?

2 A. Yes.

3 Q. So listing it here, is this confusing the issue
4 at all?

5 A. The only confusion I would see is that it says
6 fired by one firearm. So we couldn't say for
7 certain that these, which are all 40-caliber
8 bullets, were all fired by one firearm.

9 Q. I got you. But we can say these items listed,
10 SLED items -- I'm not trying to confuse anything --
11 but listed as SLED item 11, 15, 19, 69, and 70 were
12 all consistent with being fired by a 40-caliber?

13 A. Correct.

14 Q. Got you. But we're not saying that SLED item
15 11, 15, 19, 69, and 70 were all fired by the same
16 40-caliber?

17 A. Correct. Same for the Jimenez.

18 Q. Same for the Jimenez, inconclusive. But these
19 had similar riflings individually with 9.

20 A. Right.

21 Q. So, I guess, a clearer way to do this chart
22 would be list them one at a time with lines through
23 them separating them?

24 A. Yeah.

25 Q. But just so it's clear from your testimony,

1 your testimony isn't that all these items in column
2 blue listed as five different items, your testimony
3 and your opinion is not that they were fired by the
4 same firearm, because you can't say that?

5 A. Correct.

6 Q. But you can say that, individually, they were
7 fired by a 40-caliber?

8 A. Correct.

9 Q. Publishing now so the jury can see.

10 THE COURT: Subject to --

11 Q. And I will point for ease of clarification.
12 Just to cover again what we were describing there,
13 based on your examination, you can say that this
14 number, looking at B, SLED item 11, was fired by a
15 40-caliber, correct?

16 A. Correct.

17 Q. Looking at SLED item 15, you can say it was
18 fired by a 40-caliber, correct?

19 A. Yes.

20 Q. Looking at SLED item 19, you can say it was
21 fired by a 40-caliber?

22 A. Yes.

23 Q. Looking at SLED item 69, you can say that was
24 fired by a 40-caliber?

25 A. Yes.

1 Q. Looking at SLED item 70, you can say it was
2 fired by a 40-caliber?

3 A. Yes.

4 Q. Looking specifically at your report for SLED
5 items 11, 15, 19, 69, and 70, is it accurate when it
6 states that they've been fired through a -- I can't
7 say this word right.

8 A. Polygonally.

9 Q. There you go -- rifled barrel with six grooves
10 with right twist, correct?

11 A. Correct.

12 Q. So all individually were fired by a similar
13 barreled, six grooves, right twist firearm?

14 A. Correct.

15 Q. And in your opinion, what is that most
16 consistent with?

17 A. Most consistent with the firearms that are
18 listed there. Most commonly off that list is a
19 Glock, but there are other manufacturers who make
20 the same rifling.

21 Q. And looking at those items, you're able to say
22 that the firearms that you have, to include Andy
23 Barnes' firearm, William Gantt's, and the one that
24 was recovered at Creek View, did not fire any of
25 these projectiles, correct?

1 A. Correct.

2 Q. And you're able to say that looking at this
3 column that I'm pointing to, one, two, three, four,
4 SLED items 20, 24, 25, 27, they were inconclusive
5 with Andy Barnes' firearm, correct?

6 A. Correct.

7 Q. But the testimony I asked you was whether each
8 individually had similar rifling with Andy Barnes'
9 firearm. And your opinion was yes, correct?

10 A. Yes.

11 Q. Looking at column green, you were able to match
12 this projectile recovered from the Dodge Charger,
13 SLED item one, with the firearm recovered from Creek
14 View, which is SLED item 14, correct?

15 A. Correct.

16 Q. Looking at SLED item 16 from William Gantt's
17 left arm, you're able to say that that projectile
18 was fired by a nine-millimeter Luger, correct?

19 A. Correct.

20 Q. And that would include Smith & Wesson, correct?

21 A. Correct.

22 Q. I just want to make sure I accurately state
23 your testimony, your findings in your report.

24 How long have you been in firearms
25 identification?

1 A. 15 and a half years.

2 Q. And how many times have you testified in court?

3 A. Over 100.

4 Q. Looking at State's Exhibit 250 separately, in
5 your opinion, based on the 41 cartridge cases that
6 were recovered from the scene, that there are four
7 firearms involved in this case?

8 A. Correct.

9 Q. And based on what was submitted into evidence,
10 you are missing two of those firearms, correct?

11 A. Correct.

12 Q. And based on your training and experience, the
13 first firearm that fired these listed 15 cartridge
14 cases that were recovered from the scene, could they
15 have been a nine-millimeter Smith & Wesson firearm?

16 A. Yes.

17 Q. And that's based on your training and
18 experience?

19 A. Correct.

20 Q. Looking at second column, this firearm is also
21 missing, correct?

22 A. Yes.

23 Q. And it's 14 casings listed here, SLED items 35
24 through 48. And it's your opinion that these were
25 fired by one firearm, correct?

1 A. Yes.

2 Q. And it's also your opinion, based on your
3 training and experience, that most commonly you
4 would see Glock -- that a Glock 40-caliber could
5 have fired these casings?

6 A. Correct.

7 MS. FULLER: No further questions.

8 THE COURT: Recross?

9 RECROSS-EXAMINATION

10 BY MS. WILLIAMS:

11 Q. Okay. So I believe the solicitor just asked
12 for your opinion regarding the shell casings summary
13 and said that, based on your training and
14 experience, you said that there were four firearms
15 involved in this case?

16 A. Correct.

17 Q. Based on all of the evidence, so to include the
18 projectiles, the fragments, the shell casings, can
19 you conclusively say how many firearms were involved
20 in this case?

21 A. No, we cannot.

22 Q. Okay. Then looking back at State's 397 -- so I
23 believe the solicitor walked through that with
24 you -- the fired by one firearm caption to this
25 drawing is, perhaps, not 100 percent accurate; is

1 that correct?

2 A. Correct.

3 Q. Okay. Because we're not sure if they were or
4 not, correct?

5 A. They were inconclusive.

6 Q. Looking over here at the last column where it's
7 listed under the Jimenez pistol, I believe all of
8 those had firing -- had rifling that was consistent
9 with the Jimenez.

10 A. Correct.

11 Q. But we discussed that it could be consistent
12 with other less expensive firearms as well?

13 A. They were inconclusive with each other and with
14 the Jimenez, so it could be another firearm.

15 Q. Oh, so they were inconclusive with each other
16 as well?

17 A. Correct.

18 Q. And then, finally, there was a discussion of
19 the polygonally rifle barrel for items 11, 15, 19,
20 69, and 70. Those were the SLED item numbers?

21 A. Correct.

22 Q. And you stated that one of the possible
23 manufacturers would be Glock for -- a 40-caliber
24 Glock?

25 A. Correct.

1 Q. Are there other -- for those items, could they
2 possibly have come from other -- another caliber
3 than a 40-caliber weapon?

4 A. Based on just bullets, they're either
5 40-caliber or ten-millimeter.

6 Q. Okay. And so looking at your report, how many
7 40-caliber -- types of 40-caliber weapons do you
8 state could have generated these items?

9 A. There are eight different manufacturers in
10 40-caliber.

11 Q. And how many manufacturers for the
12 ten-millimeter?

13 A. Two.

14 Q. Okay.

15 MS. WILLIAMS: Thank you. That's all I have.

16 THE COURT: Mr. Mauldin?

17 RE CROSS-EXAMINATION

18 BY MR. MAULDIN:

19 Q. Let's see. We still got 397 up there. And you
20 indicated that the words in the blue "fired by one
21 firearm", that's kind of misleading in that column
22 in the chart. Is that right?

23 A. Yes.

24 Q. Then you just testified it could have been
25 either 40 Smith & Wesson or ten-millimeter, but

1 you're kind of leaning more towards 40. Is that
2 right?

3 A. We more commonly see more 40-caliber weapons
4 than ten-millimeter.

5 Q. But it could be either in your report; is that
6 correct?

7 A. Correct.

8 Q. I'm kind of going to slide State's Exhibit 250
9 up here. Now, there are similar colors here, but
10 you're not saying that this SLED item 16 from
11 Gantt's left arm corresponds with anything fired by
12 the gun that ejected these shell casings, are you?

13 A. Correct. Without a firearm, there's no way to
14 compare bullets and cartridge casings.

15 Q. So despite the similarity in color, this really
16 can't be -- there's no conclusion that you can make
17 saying that the gun that ejected these shells fired
18 these?

19 A. Correct.

20 Q. So never mind that they're both red, right?

21 A. Right.

22 Q. And going back to 397 and the yellow, Andy
23 Barnes, again, that's an inconclusive match that you
24 made with those; is that right?

25 A. Correct.

1 Q. And again, that's maybe/maybe not?

2 A. Right.

3 MR. MAULDIN: All right. No further questions.

4 THE COURT: All right. Witness may step down.

5 Counsel, come up here very quick.

6 (Sidebar conference.)

7 THE COURT: Ladies and gentlemen, we've been
8 going for about an hour and a half. Would you like
9 a break?

10 THE JURY (collectively): Yes.

11 THE COURT: All right. So noted. Let's get
12 you down there. Let the bailiff know as soon as
13 you're ready to come back up so we can get started
14 with more testimony. Okay? Please don't discuss
15 the case.

16 (The jury exits the courtroom at 4:59 PM.)

17 (Brief recess.)

18 (The jury enters the courtroom at 5:17 PM.)

19 THE COURT: All right. Ladies and gentlemen,
20 welcome back.

21 Next witness.

22 MS. FULLER: Thank you, Your Honor. The State
23 calls Dr. Janice Ross.

24 JANICE ROSS, M.D.

25 being first duly sworn, testified as follows:

1 THE WITNESS: I do.

2 THE CLERK: Once you have a seat, if you'll
3 take your mask off. State your name and spell your
4 last name for the record.

5 THE WITNESS: Janice Edwards Ross, R-O-S-S.

6 DIRECT EXAMINATION

7 BY MS. FULLER:

8 Q. Dr. Ross, where are you currently employed?

9 A. I'm currently employed in Charleston, South
10 Carolina, where I do autopsies for the Coroner.

11 Q. And what is your title?

12 A. I'm a forensic pathologist.

13 Q. And what is that?

14 A. A forensic pathologist is a doctor. I've been
15 through four years of college and four years of
16 medical school and over five years' training in the
17 field of pathology.

18 The field of pathology, we learn how to
19 identify and diagnose cancers and different diseases
20 by using a microscope and by using laboratory work.
21 We also learn how to do an autopsy to find cause of
22 death.

23 I've done further training in the field of
24 forensic pathology, which means I've learned how to
25 identify patterns of injury, document those, collect

1 specimens for the Court of law and toxicology, and
2 doing an autopsy and on cases, including natural
3 death, suicides, homicides, accidents and,
4 sometimes, undetermined.

5 Q. Roughly, how many autopsies have you performed?

6 A. About 15,000.

7 Q. And how long have you been in this field?

8 A. 45 years.

9 Q. And have you testified in court as an expert
10 before?

11 A. Yes.

12 Q. Approximately how many times?

13 A. In the State of South Carolina, about 300
14 times.

15 MS. FULLER: Your Honor, at this time, the
16 State seeks to offer Dr. Ross as an expert in
17 forensic pathologist.

18 MR. WILLIAMS: Without objection, Your Honor.

19 MR. MAULDIN: No objection.

20 THE COURT: All right. Ladies and gentlemen,
21 this witness will be qualified in the area of
22 forensic pathology. She can give expert testimony
23 in that manner. It doesn't mean you must accept the
24 opinion, but it's evidence for you to use in any way
25 you see fit.

1 MS. FULLER: Thank you, Your Honor.

2 BY MS. FULLER:

3 Q. As it relates to this case, did you perform an
4 autopsy on William Tyrone Gantt?

5 A. Yes.

6 Q. And when did you perform this autopsy?

7 A. June 8th, 2015.

8 Q. Did you determine the manner of death in this
9 case?

10 A. Yes.

11 Q. What was the manner of death?

12 A. It was exsanguination, which means to bleed out
13 due to perforation of lungs, laceration of both
14 lungs, due to a gunshot wound of the arm going into
15 the chest.

16 Q. And during your autopsy, did you identify other
17 gunshot wounds in this case?

18 A. Yes.

19 Q. Approximately how many gunshot wounds did you
20 discover?

21 A. A total of five.

22 Q. In this case, did you recover any projectiles?

23 A. Yes.

24 Q. How many did you recover?

25 A. Two.

1 Q. And in terms of identifying five of those
2 wounds, what, if anything, can you state about the
3 projectiles that you did not recover? Or what
4 happened with those projectiles?

5 A. Those wounds, there was an entrance wound and
6 an exit wound. In other words, the bullet went in
7 and then came out. Those wounds were pretty much
8 superficial. They went just underneath the skin.

9 Q. And you are identifying an entrance and an exit
10 wound, correct?

11 A. Yes.

12 Q. Is that what we commonly refer to as a
13 through-and-through?

14 A. Yes.

15 Q. So those projectiles were either found at the
16 scene or somewhere else, correct?

17 A. They would be out in the world somewhere, yes.

18 Q. But not in Mr. Gantt's body?

19 A. Correct.

20 Q. So there's no way to identify what type of
21 projectiles caused those three wounds, correct?

22 A. Correct.

23 Q. In terms of the two that you did recover, I'm
24 going to hand you what's already been introduced
25 into evidence, State's Exhibit 349 and the bag

1 within the bag, and ask if you recognize it.

2 A. Yes. These are the projectiles that I
3 retrieved from the -- Mr. Gantt at the time of
4 autopsy. We sealed them and signed -- sign them.

5 Q. And do you also place an identifying number on
6 those projectiles as well?

7 A. Well, we put the autopsy number and the name.

8 Q. Okay. And does the autopsy number and name
9 match the report that you have?

10 A. Yes.

11 Q. So that's another way to identify it as well?

12 A. Correct.

13 Q. And just displaying for the jury, Dr. Ross,
14 where I'm pointing to right there, is that the
15 autopsy number that we were describing?

16 A. Yes. It means forensic autopsy 2015 and number
17 438.

18 Q. And then the name is folded in here, but that's
19 also the name?

20 A. Yes.

21 Q. That's on that label as well?

22 A. Yes.

23 Q. And, similarly, for the other projectile,
24 that's in here as well?

25 A. Correct.

1 Q. Looking at the first gunshot wound, not
2 necessarily indicating the first wound that struck
3 his body, but the first wound that you identified in
4 your report, what, if anything, can you inform the
5 jury about that gunshot wound?

6 A. Yes. When we have multiple gunshot wounds, we
7 number them just for organization purposes from top
8 to bottom and in the front, and then if there's any
9 in the back.

10 So the first one went into the side of the
11 right arm, pretty much went straight across. It
12 didn't -- it went underneath the armpit, so it went
13 in the chest without coming out of the arm. Went
14 through both upper lobes of -- the upper lobes of
15 both lungs and was found in the left arm -- left
16 upper arm.

17 Q. How were you able to determine that path of
18 travel of that projectile?

19 A. Through the autopsy. You could see the path.

20 Q. Okay. Can you tell whether or not Mr. Gantt's
21 arm was up or down when he received that injury?

22 A. The -- at least the upper arm would have been
23 down.

24 Q. And then just to confirm, that would have been
25 a bullet path from right to left across his body?

1 A. That's correct.

2 Q. And that's where you ultimately recovered one
3 of the projectiles into the left arm?

4 A. Yes.

5 MS. FULLER: And for the record, that would be
6 State's Exhibit 352, SLED item 16.

7 Q. Regarding what you identified as gunshot wound
8 number two, what can you describe to the jury about
9 that gunshot wound?

10 A. That one was in the right upper thigh towards
11 the side, and it was superficial. It just went
12 underneath the skin and it came out of the skin just
13 above the pubic area.

14 Q. What, if anything, can you tell regarding the
15 position of Mr. Gantt's body when he received that
16 injury?

17 A. It was going right to left and slightly upward.
18 He could have been maybe bent over a little bit.

19 Q. Okay. But the path is right to left, correct?

20 A. Yes.

21 Q. Looking at what you've identified as gunshot
22 wound number three, what can you tell the jury about
23 that injury?

24 A. That went in the side of the right thigh also,
25 but it went more backwards. It came out of the back

1 of the right thigh.

2 Q. Generally, that path traveled from right to
3 left?

4 A. Right to left and slightly backwards. Yes.

5 Q. What, if anything, would that indicate about
6 the positioning of his body?

7 A. It's hard to say.

8 Q. Regarding gunshot wound number four, what can
9 you -- that you've identified as gunshot wound
10 number four, what can you explain to the jury about
11 that gunshot wound?

12 A. That one went in, again, to the lower right
13 thigh towards the side. It came out of the inside
14 of the right thigh and then re-entered the left
15 thigh. We found that bullet on the -- in the left
16 thigh.

17 Q. And what, if anything, can you describe about
18 that general path of travel, as well as the position
19 of his body?

20 A. The -- it went right to left. But the re-entry
21 wound was below where the exit wound was on the
22 right thigh. In other words, the left thigh was
23 probably up somewhat. Maybe he was walking or
24 running or -- his left leg was up somewhat.

25 Q. And for that gunshot wound number four, is that

1 where you recovered a projectile, in his right leg?

2 A. It was retrieved from the left thigh.

3 Q. The left thigh. I apologize.

4 MS. FULLER: And that's -- the one retrieved
5 from his left thigh, for the record, would be
6 State's Exhibit 351, identified as SLED item 15.

7 BY MS. FULLER:

8 Q. Regarding gunshot wound number five, what, if
9 anything, can you describe to the jury about that
10 injury?

11 A. That was superficial. It went in the right
12 buttock towards the side. It went just underneath
13 the skin and came out of the right buttock towards
14 the middle of the body.

15 Q. So, generally, what can you describe about the
16 positioning of his body and/or the path of travel?

17 A. Bullets go straight. He may have -- the bullet
18 went slightly downward.

19 Q. In your opinion, taking the injuries as a
20 whole, do you have any opinion in terms of whether
21 or not Mr. Gantt was standing or down when he
22 received these injuries?

23 A. He -- all the bullets were going right to left.
24 And it was most likely he was standing with all
25 these wounds coming fairly quickly.

1 Q. Is it safe to characterize it as coming in
2 quick succession?

3 A. Yes.

4 Q. Like back to back?

5 A. Yes.

6 Q. In terms of the fatal gunshot wound, which of
7 these five did you identify as the fatal wound?

8 A. The wound we called number one that went into
9 the right arm and went through the chest and in
10 through the lungs. Once it lacerates a lung, it
11 will keep bleeding until you go in and actually
12 clamp it off.

13 Q. Thank you. And just to display for the jury,
14 in looking at this chart as previously entered as
15 State's 397, just to confirm SLED item 16 here
16 that's listed as collected from William Gantt's left
17 arm, correct?

18 A. Yes.

19 Q. And just to address a point of clarification,
20 what's listed here as SLED item 15 and was listed in
21 the SLED submission as William Gantt's right leg,
22 SLED item 15, where was SLED item 15 recovered from?
23 Is that the one recovered from the -- it was a
24 through-and-through that ended up in the thigh; is
25 that correct?

1 A. It ended up in the left leg, yes.

2 Q. In the left leg. But it entered in the right
3 leg?

4 A. Yes.

5 Q. Okay. In terms of that fatal gunshot wound,
6 what, if anything, can you opine about when
7 Mr. Gantt would have passed away after receiving
8 that fatal gunshot wound?

9 A. With a wound like that, a person can still move
10 around for a matter of maybe 20, 30 seconds until
11 they bleed out enough so that they faint and succumb
12 permanently to a lack of blood. So permanent
13 irreversible death would be within a few minutes.

14 Q. Could Mr. Gantt have survived what you've
15 identified as gunshot wound number one, the fatal
16 wound?

17 A. Only if he were rushed to the hospital. Like I
18 said, you have to open up the chest and clamp off
19 the lungs. So, you know, he would have to have
20 surgery within a matter of minutes.

21 Q. And that would be within a matter of minutes of
22 receiving that fatal wound?

23 A. Yes.

24 Q. I'm going to show you what's been marked as
25 State's Exhibit 398 and ask if you recognize this.

1 A. Yes.

2 Q. What is this?

3 A. It's a diagram that I made from my notes and my
4 autopsy diagram just showing the gunshot wounds.

5 Q. And also for the record, do you also take
6 photographs at autopsy?

7 A. Yes.

8 Q. And in this diagram, what would be contained in
9 the photos, are they generally reflected on this
10 diagram as well?

11 A. Yes.

12 MS. FULLER: At this time, Your Honor, the
13 State seeks to introduce State's Exhibit 398 into
14 evidence.

15 MR. WILLIAMS: Without objection, Your Honor.

16 MR. MAULDIN: No objection.

17 THE COURT: State's Exhibit 398 admitted into
18 evidence.

19 (State's Exhibit No. 398 admitted into
20 evidence.)

21 BY MS. FULLER:

22 Q. Publishing now State's 398, just to your
23 testimony again, Dr. Ross, can you describe to the
24 jury what they're looking at? And, also, can you
25 use the laser pointer, if possible, during your

1 description?

2 A. Yes. Gunshot wound number one goes straight
3 through from arm to arm, and the bullet is found in
4 the left arm. Gunshot wound number two comes in the
5 upper right thigh and goes underneath the skin and
6 comes out just above the pubic area. Gunshot wound
7 number three goes in the right thigh and comes out
8 the back of the right thigh.

9 Gunshot wound number four goes in the lower
10 right thigh, comes out of the right thigh, and
11 re-enters the left thigh, and we found the bullet
12 right in here in the left thigh. Gunshot wound
13 number five comes in the right buttock and comes --
14 and goes just underneath the skin and comes out the
15 right thigh.

16 Q. And in looking at gunshot wound number five, is
17 the entry to -- can you confirm that the entry point
18 is the back of his body?

19 A. Yes.

20 Q. In looking at what you've identified as gunshot
21 wound number one, while the diagram is up here, can
22 you confirm that -- based on the bullet type that
23 you were able to observe during autopsy, that his
24 arm, the part where the projectile entered the upper
25 arm, would have been down at the time that he

1 received this injury?

2 A. Yes. The entry into the right chest was
3 through near rib number two and the exit out of the
4 left chest was the same level of rib number two.

5 Q. Looking at what's in evidence as State's
6 Exhibit 2, Dr. Ross, this has already been admitted
7 into evidence as a general diagram not to scale of
8 the crime scene. Can you see this?

9 A. Yes.

10 Q. Looking at this diagram, in your expert
11 opinion, if deceased Mr. Gantt was standing here in
12 this general area when he received his injury -- I
13 just want to make it clear for the jury.

14 If he is standing this direction in front of
15 this vehicle and the gunshot wound entered the body
16 through the right, where would the firearm that
17 fired that projectile be in relation to his body?

18 A. The gun would be to his right.

19 Q. And if he's standing this way in front of the
20 vehicle, for the injuries that entered on the right
21 side of his body, those projectiles -- the gun that
22 fired those projectiles, where would the gun have to
23 be in relation to his body?

24 A. It would still have to be -- the gun was always
25 from right to left -- well, to the right of the

1 victim.

2 Q. And so looking at gunshot wound number five, if
3 he's standing in front of this vehicle -- in
4 relation to gunshot wound number five that entered
5 the buttock, if he's standing in front of this
6 vehicle, where would the gun that fired that
7 projectile have to be in relation to his body?

8 A. Still on his right.

9 Q. And that bullet path of the gunshot wound
10 number five, can you describe it generally again for
11 the jury, the direction?

12 A. Right to left, slightly downward.

13 Q. Would that potentially be consistent with
14 someone turning away from gunfire?

15 A. He could have turned a little bit, yes.

16 MS. FULLER: No further questions at this time.

17 THE COURT: Cross?

18 MR. WILLIAMS: May it please the Court?

19 CROSS-EXAMINATION

20 BY MR. WILLIAMS:

21 Q. How are you, Dr. Ross?

22 A. Fine. How are you?

23 Q. We're still working, are we?

24 A. Yes.

25 Q. You have to say that when you get to a certain

1 age. Obviously, I've seen her before.

2 The simplest way to explain this is with the
3 body. Every wound was -- the person was shot from
4 the right side, correct?

5 A. That is correct.

6 Q. One thing that was asked about location -- and
7 you talked about it in terms of these numbers of
8 shots and stuff like that. When you get -- when you
9 assign numbers one, two, three, four, and five, are
10 you talking about when the person was shot?

11 A. No, sir. We organize it by -- from the person,
12 we look -- we number them from top to bottom. So
13 the first one down, obviously, is number one, et
14 cetera, in the front. And then we turn them over
15 and look at the back. So that would be a sequential
16 number.

17 Q. So are you able to make a decision or
18 determination in regards to which of the five shots
19 occurred first?

20 A. No, sir.

21 Q. Now, one thing you remarked on was that with
22 the type of injury that happened as a result of the
23 passing through the chest and the arm, that that's
24 about 30 seconds, the person, before they pass out?

25 A. That's an estimate. It depends on a lot of

1 things.

2 Q. I gotcha. Well, is that person who gets that
3 shot able to move a significant amount of distance
4 if they've been shot five times like that? Are they
5 able to move or are they just basically going to
6 crumple where they are?

7 A. They're going to move.

8 Q. Any idea what distance that human body can
9 move?

10 A. No, sir. The leg wounds didn't hit the bone,
11 so he could have been mobile.

12 Q. Okay. The -- when you were doing your testing
13 on the body, I assume you determined the height of
14 the individual that was involved, as well as the
15 weight of the individual that was involved.

16 A. Yes. We measured him at five feet, seven
17 inches. We didn't have a scale. This was done at
18 Newberry County Memorial Hospital. We didn't have a
19 scale there, so we estimated his weight as about
20 160.

21 Q. Did you check the body out in terms of alcohol
22 and/or drugs that was in the body?

23 A. Yes.

24 Q. And what was the -- and you did something
25 unique. You checked the vitreous fluid, didn't you,

1 for the alcohol?

2 A. Yes. We check vitreous on all patients.

3 Q. Tell the jury why you check the vitreous fluid
4 in the eyeball.

5 A. That fluid carries chemicals. You can't test
6 everything, but you can test things like glucose and
7 sugar and alcohol and some electrolytes. The levels
8 in the vitreous fluid, eye fluid, lags behind the
9 blood system an hour or two.

10 In other words, if you have vitreous blood
11 alcohol of .25 and a blood alcohol of .2, you know
12 that, at some point, the blood level was at least
13 2.25.

14 Q. And it's a more reliable system because it
15 doesn't dissipate as quickly as the alcohol in the
16 blood, correct?

17 A. Correct.

18 Q. So what was the alcohol level in the body that
19 you examined?

20 A. In the --

21 Q. In the vitreous fluid?

22 A. The vitreous was .229, I believe.

23 Q. .229?

24 A. Yes.

25 Q. And are you able to make a determination what

1 that translates in terms of intoxication?

2 A. Well, the legal intoxication for a DUI is .08,
3 so it's somewhat two and a half times the legal
4 limit.

5 Q. And were you able to determine whether or not
6 there was THC?

7 A. Yes. There was THC, some cannabinoids, and
8 marijuana in his system.

9 Q. And can you testify with your expertise in
10 regards to what level that represents or what the
11 level was?

12 A. I haven't, but that's interpreted by
13 toxicologists. It's a very different, difficult
14 level to identify because it will last in your
15 system for several hours to days.

16 Q. But there's no doubt that there was some in his
17 system?

18 A. Yes.

19 Q. Okay.

20 MR. WILLIAMS: Your Honor, I think that's all I
21 have.

22 It was a pleasure seeing you again.

23 THE WITNESS: Thank you.

24 THE COURT: Mr. Mauldin?

25 MR. MAULDIN: Thank you, Your Honor.

1

2

CROSS-EXAMINATION

3

BY MR. MAULDIN:

4

Q. Dr. Ross, the height of Mr. Gantt was 67

5

inches; is that correct?

6

A. Correct.

7

Q. Okay. And that -- in my terms, layman's terms,

8

five foot seven inches; is that right?

9

A. Right.

10

Q. And the injury you labeled injury one was --

11

let's see. It was 15 inches below the top of his

12

head?

13

A. That's correct.

14

Q. So if he was standing fully erect, that would

15

be 52 inches from the ground?

16

A. Yes.

17

Q. Okay. And that would translate into four feet,

18

four inches?

19

A. I believe so. Yes.

20

Q. So if he was standing fully erect, the bullet

21

would have entered four foot, four inches off the

22

ground. And, of course, that could vary downward.

23

If he was fully erect, he couldn't get any higher.

24

So just depending on his position would depend on

25

where the bullet entered; is that correct?

1 A. Correct.

2 Q. And you said the -- the trajectory of that, the
3 path was from right to left and slightly upward. Do
4 you have an angle or degree of upwardness or the
5 upward trajectory?

6 A. I believe that went pretty much straight right
7 to left.

8 Q. Okay. So -- so the bullet, I guess, would have
9 had to have been fired almost, I guess, not
10 perpendicular, parallel, but at the same level as
11 the entry of the wound?

12 A. That's correct.

13 Q. Round about. I'm not going to --

14 Now, all you could say is that the bullets
15 entered on the right side on most all of these,
16 right?

17 A. That's correct.

18 Q. And whether they're turning into gunfire or
19 turning, you can't say whether or not that happened,
20 just that they entered from the right side?

21 A. No. You have a movable victim and a movable
22 shooter. So, yeah, all I can say is it did go right
23 to left.

24 Q. Okay. Now, can you explain what stippling is?

25 A. Stippling -- when you shoot a gun, out of the

1 muzzle comes a bullet, obviously, plus soot and some
2 little powder particles. But the soot and the
3 powder only go a few inches whereas, obviously, the
4 bullet goes further.

5 So if you see any evidence of soot or powder,
6 which is stippling on the skin, then you can get an
7 idea of the range; in other words, how far the
8 muzzle of the gun was from the target. But there
9 was no soot or no stippling on any of these wounds.

10 Q. And how far would the -- how far away would a
11 gun have to be to actually cause this stippling
12 effect?

13 A. In general, it would be probably about 24
14 inches. But to get an exact number, you have to
15 have -- do target shooting with the same gun and
16 same ammunition.

17 Q. Okay. And you can only speak as to stippling
18 in the wounds. You don't examine clothes or
19 anything?

20 A. We don't, no. We look at the clothing. And
21 sometimes you can actually see powder or soot on the
22 outside of the clothing, but we did not see that in
23 this case.

24 Q. So if somebody had fired a gun, let's say,
25 close to somebody and it did not strike them, there

1 might be powder on their clothes that you would not
2 see, and those would have to be sent somewhere else?

3 A. It's possible, yes.

4 MR. MAULDIN: No further questions.

5 THE COURT: Redirect?

6 MS. FULLER: Just briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. Dr. Ross, in this case, did you perform a
10 standard autopsy?

11 A. Yes.

12 Q. So just clarifying the word unique, did you do
13 anything unique in this case during this autopsy?

14 A. No.

15 Q. So you performed a standard autopsy?

16 A. Correct.

17 Q. And Defense Counsel Williams went into the
18 toxicology report, and you stated that the
19 toxicologist would be the expert in that.

20 My question for you: In reviewing the report
21 that you requested that would have been sent back to
22 you, were there any other drugs in Mr. Gantt's
23 system?

24 A. No.

25 Q. So the only thing in his system was alcohol and

1 marijuana, correct?

2 A. That's correct.

3 Q. And just so it's clear, too, in terms of not
4 necessarily soot or stippling but the factors that
5 will attribute to where a projectile enters an
6 individual's body, can you confirm that the
7 positioning of the shooter, the positioning of the
8 gun, as well as the positioning of the deceased in
9 this case would all need to be taken into account to
10 actually fully have an opinion in terms of where
11 someone was standing, how far they were, and
12 everything of that nature? Correct?

13 A. Yes.

14 Q. And that's because the general nature of this
15 case or any type of shooting, there's potential that
16 a shooter is moving away from an individual, moving
17 closer, or just moving around, correct?

18 A. Yes.

19 Q. And there's a potential that the deceased in
20 this case, Mr. Gantt, was moving away, turning, or
21 doing anything of that nature, correct?

22 A. He could have been. Yes.

23 Q. So all of those would have to be taken into
24 account, correct?

25 A. Yes.

1 Q. And so --

2 MS. FULLER: I think that's all. I just wanted
3 to clarify that.

4 THE COURT: Recross?

5 MR. WILLIAMS: None, Your Honor.

6 MR. MAULDIN: None, Your Honor.

7 THE COURT: All right. The witness may step
8 down.

9 Thank you, Doctor.

10 (Sidebar conference.)

11 THE COURT: All right. Ladies and gentlemen,
12 it's almost 6:00. We're going to break for the day
13 at this point. I can't actually start tomorrow
14 until 9:30. So I'm going to ask you to be in your
15 jury room at 9:15. So enjoy your half hour of extra
16 sleep tomorrow.

17 Obviously, we're doing some long days here. I
18 recognize that; I appreciate that. Plan to work
19 late again tomorrow night. We're doing everything
20 we can to be as efficient as possible. We
21 appreciate your time. And I'll see you tomorrow
22 morning at 9:15. Please don't discuss the case or
23 do any independent research of the case tonight.
24 Have a pleasant evening.

25 (The jury exits the courtroom at 5:50 PM.)

1 THE COURT: Anything else before we break for
2 the day?

3 MS. FULLER: No, sir.

4 THE COURT: We'll be in recess until tomorrow
5 morning.

6 Now, tomorrow, noontime, around lunch, we
7 can -- actually, we can probably talk, maybe
8 ballpark some things. But I do need to give them a
9 little bit more detail on their future schedule
10 prior to Friday. I think that's something I'd like
11 to discuss with y'all before I do, because I don't
12 want to tell them anything that's not accurate.

13 See y'all in the morning. Court is in recess.

14 MS. FULLER: Thank you.

15 (The following proceedings were held
16 November 18, 2021.)

17 THE COURT: All right. Are we ready to call
18 our first witness?

19 MR. MCNAIR: Give me five minutes, Your Honor,
20 just to get a few exhibits ready real quick.

21 THE COURT: Okay.

22 MR. MCNAIR: Your Honor, I think we're ready to
23 proceed.

24 THE COURT: All right. Bring the jury up,
25 please.

1 (The jury enters the courtroom at 9:39 AM.)

2 THE COURT: All right. Madam Forelady, ladies
3 and gentlemen of the jury, welcome back. I hope you
4 had a nice evening. We'll pick up where we left off
5 yesterday with the next witness in the State's case
6 in chief.

7 Solicitor.

8 MR. MCNAIR: Thank you, Your Honor. The State
9 calls Andrina Harrison.

10 ANDRINA HARRISON

11 being first duly sworn, testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Have a seat and remove your mask.
14 State your name and spell your last, please, for the
15 record.

16 THE WITNESS: Good morning. My name is Andrina
17 Harrison, H-A-R-R-I-S-O-N.

18 DIRECT EXAMINATION

19 BY MR. MCNAIR:

20 Q. Agent Harrison, how are you doing this morning?

21 A. I am good. How are you?

22 Q. Good. Where are you employed?

23 A. I'm employed at the South Carolina Law
24 Enforcement Division, also known as SLED.

25 Q. What exactly do you do for SLED?

1 A. I serve as a class three officer in the
2 forensic department in the latent print unit. I
3 began in 2003 with SLED. I became an agent in
4 forensics in 2007.

5 Q. So how long have you been known as a
6 fingerprint examiner for SLED?

7 A. Since 2003.

8 Q. Will you tell the jury a little bit about your
9 educational background and your training in that
10 regard?

11 A. I received my undergrad degree in prelaw in
12 2003. Then I received my Master's Degree in 2007.
13 My education included being trained by qualified
14 court experts for two years right inhouse. I've
15 been to all kind of states, Florida, California,
16 North Carolina, South Carolina for training. I also
17 served as a training officer and a safety officer.

18 Q. And how many times in this state have you
19 testified as an expert in fingerprint and palmprint
20 analysis?

21 A. 20.

22 MR. MCNAIR: Your Honor, at this time, we'd
23 offer Agent Harrison as an expert in the field of
24 fingerprint, palmprint examination.

25 MR. WILLIAMS: Without objection on behalf of

1 Defendant Brannon.

2 MR. MAULDIN: No objection, Your Honor.

3 THE COURT: Ladies and gentlemen, this witness
4 will be qualified in the area of fingerprint and
5 palm examination analysis.

6 Did I say that correctly?

7 MR. MCNAIR: Examination.

8 THE COURT: Excuse me, fingerprint and palm
9 examination, and can give opinion testimony in that
10 context. That doesn't mean you have to accept the
11 opinion, but it's evidence for you to use in any way
12 you see fit.

13 MR. MCNAIR: Thank you, Your Honor.

14 BY MR. MCNAIR:

15 Q. Agent Harrison, can you explain, I guess, to
16 the jury what a latent fingerprint or palmprint is?

17 A. Okay. So in order to understand a latent
18 fingerprint, you must understand a fingerprint. So
19 if you notice your hands, this part of your skin and
20 the bottom of your feet are different. So they have
21 lines or creases you can see on there. So those are
22 known as ridge detail that we're looking for.

23 A latent, by definition, means to be hidden or
24 not easily seen. So when you leave a latent, it's
25 not intentionally meant to leave or find.

1 Q. How is it possible for a person to leave a
2 latent fingerprint or palmprint?

3 A. So what happens is you can secrete sweat or
4 perspire or you have oil or anything on your skin.
5 So when you touch things, you could possibly leave
6 behind a latent print. So although we're in a
7 criminal setting, latent prints and fingerprints are
8 all around us. You touch a car handle; you see
9 prints on doors; you go to the grocery store, you
10 touch that cart. Prints are all around us.

11 Q. Is it possible for somebody to touch something
12 and not leave a fingerprint?

13 A. That is correct.

14 Q. What factors would play into that?

15 A. There's several factors that plays into why you
16 do not leave a fingerprint. One, it could be the
17 environment. It could be too hot or too cold. So
18 if you're sweating a lot, if you're nervous, or it's
19 just hot and you're sweating, you'll leave like a
20 smeared impression, if you leave one at all. If
21 it's too cold where your hands are dried out, then
22 you're not going to leave anything because you don't
23 have anything built up on your hands.

24 Teachers and brick masons, because they're
25 always dealing with paper and/or bricks or

1 construction, they're rubbing off their ridge detail
2 as far as on your fingers.

3 Another factor that could play a part in it is
4 if the surface is too smooth. Is it rough? Is it
5 bumpy? Is there dirt? There's several factors.
6 And you have to keep in mind, prints are made up
7 99.5 to 99 percent moisture, so it needs to be wiped
8 off at times.

9 Q. Could elements like moisture, water, sand,
10 debris, things like that inhibit your ability to get
11 a fingerprint?

12 A. Yes.

13 Q. What if somebody were wearing gloves?

14 A. If you were wearing gloves, that would
15 definitely inhibit the ability to get prints. And
16 especially if don't leave the gloves behind, we
17 can't test the gloves.

18 Q. What if an item was wiped down?

19 A. The prints would be gone.

20 Q. Were some items submitted to SLED in this case?

21 A. Yes.

22 Q. In general, what type of analysis did you
23 perform on the items that were submitted to you?

24 A. So in this case, the analysis that was done was
25 a chemical process analysis using a chemical

1 cyanoacrylate. Cyanoacrylate is just a fancy word
2 for super glue. So, essentially, the items that
3 were sent were fumed with super glue, cyanoacrylate,
4 and then from there, latent prints were developed.
5 Once those were developed, the latent prints were
6 compared.

7 Q. I'm going to show you State's Exhibit 376, 377,
8 and 298. Can you tell me whether or not these were
9 submitted to your lab at SLED for analysis?

10 A. Yes.

11 Q. Okay. Thank you. I think the simplest way to
12 do this is let's just -- well, first of all, tell me
13 what your -- were you the one who actually did the
14 actual analysis on these items?

15 A. I was not. I was actually the tech reviewer
16 for this case.

17 Q. So are you familiar with what items were
18 submitted, how they were tested, and the results?

19 A. Yes.

20 Q. And are you in agreement with that?

21 A. Yes.

22 Q. And did SLED issue a report regarding their
23 findings to all the items that were submitted to
24 them?

25 A. Yes.

1 Q. Let's just -- I think the simplest way to do
2 this is to go through your report. And let's talk
3 about what, if anything, SLED found regarding these
4 items.

5 Now, in addition to the items that you just
6 looked at, was there also an item described as a
7 metal and black handgun magazine with the markings
8 P22 submitted to SLED?

9 A. Yes.

10 Q. And that was SLED item 3?

11 A. Correct.

12 Q. What, if any, analysis did y'all do on that
13 item?

14 A. A chemical process was done, which was the
15 cyanoacrylate, super glue, and nobody for
16 comparison.

17 Q. Did you attempt to take any DNA swabs from the
18 item?

19 A. Swabs were taken from the item. It was along
20 the base edges of the lower port, and it was
21 forwarded to the DNA department.

22 Q. So, I guess, as you're taking fingerprints,
23 y'all would also take DNA swabs?

24 A. That's correct. So, typically, what happens is
25 we take the DNA swabs before we begin our chemical

1 process so that we don't hinder the DNA analysis.

2 Q. And that item was then forwarded to DNA for
3 testing, correct?

4 A. Correct.

5 Q. All right. SLED item 5 was another item that
6 was submitted to y'all. How was that described?

7 A. One black metal handgun magazine.

8 Q. What if any testing did y'all perform on that
9 item?

10 A. The chemical process was the same,
11 cyanoacrylate, the super glue.

12 Q. Did you also take swabs, DNA swabs of that
13 item?

14 A. Two swabs were taken from along the edges of
15 the lower port of item 5.

16 Q. And that was forwarded to DNA?

17 A. Correct.

18 Q. Were you able to obtain any prints off of item
19 5?

20 A. A latent impression was represented on the side
21 of the magazine exposed opening top near the loading
22 port and near the rear edge.

23 Q. When you're doing a fingerprint analysis, what
24 are you comparing -- if you're able to lift a print
25 from an item, what are you comparing that to and

1 what did you compare it to in this case?

2 A. Okay. In this case, it was compared to items
3 71, 72, and 73. So what I'm looking for, we're
4 looking for the ridge detail. Remember I said that
5 the skin is different, so you have ridges.

6 When we're doing a latent print comparison,
7 we're looking for certain things. First, we're
8 going to look at the pattern type. Is it an arch,
9 loop, or whorl?

10 A whorl, you might refer to it as swirly whorl.
11 That's where your print does a circle. An arch,
12 your ridges come in one way, go up, and go out in
13 the other direction. And a loop formation, your
14 ridges come in, recurve or turn around, and go back
15 out the same way it went out. So we're looking for
16 that.

17 Inside of those ridge patterns, we're also
18 looking for identification marks, which are dots,
19 bifurcations, and short ending ridges. A dot is
20 just what it sounds like. It's a period. It just
21 stops in your finger. An ending ridge, the ridge is
22 flowing and it just stops, so the end right here. A
23 bifurcation is where the ridge is flowing and it
24 forms into two, so it bifurcates. So within that,
25 we're looking for those.

1 On top of that, once we're looking for those
2 things, we're looking for the relationship of the
3 distance, how many ridge characteristics in between.
4 All prints are unique to each individual.

5 Q. Let me back up a little bit. Did you have
6 what's known as known prints in this case?

7 A. Yes.

8 Q. Who did you have known prints belonging to?

9 A. Item 71, William Gantt; item 72, Shantrez
10 Robertson; and item 73, Tirrell Brannon.

11 Q. So if you're able to lift a print off the items
12 that were submitted to you, you were comparing that
13 to those known prints for those individuals?

14 A. That's correct.

15 Q. Now, item 9, how was that described in your
16 report?

17 A. One Jimenez Arms, Inc., model JA9
18 nine-millimeter with empty magazine, serial number
19 298353.

20 MR. MCNAIR: All right. For the record, that's
21 State's 376.

22 BY MR. MCNAIR:

23 Q. And what if any analysis was performed on that
24 item?

25 A. Cyanoacrylate and nobody.

1 Q. Pardon?

2 A. Cyanoacrylate, the fancy word for super glue.

3 And the result was nobody.

4 Q. Were you able to obtain any prints off of that
5 item?

6 A. No, sir.

7 Q. Did you do DNA swabs on that item?

8 A. DNA swabs were conducted.

9 Q. And those were forwarded to DNA?

10 A. Yes, sir.

11 Q. All right. Now, your item 10, which is State's
12 377, how was that item described in your report?

13 A. One Walther P22 with empty magazine, serial
14 number WA094889.

15 Q. So that was a gun and an empty magazine?

16 A. Yes, sir.

17 Q. Were you able to obtain any prints off of that
18 item?

19 A. No, sir.

20 Q. Did you take DNA swabs from that item?

21 A. Let me back up. I'm sorry. Prints were able
22 to be obtained; they were of no value. So that
23 means it's not enough to identify or eliminate
24 someone.

25 Q. And did you also take DNA swabs from that item?

1 A. Yes, sir.

2 Q. And those were forwarded to DNA, correct?

3 A. Yes, sir.

4 Q. Item 14 in your report, which is State's 298 --

5 MR. MAULDIN: Your Honor, may we approach?

6 (Sidebar conference.)

7 BY MR. MCNAIR:

8 Q. Ms. Harrison, I'm going to ask you a yes-or-no
9 question. Okay?

10 A. Okay.

11 Q. In regards to item 14, State's 298, were you
12 able to obtain any prints off of that weapon that
13 came back to any of the known standards in this
14 case? And that's a yes-or-no answer.

15 A. No.

16 Q. Thank you.

17 Did you swab that item for DNA as well?

18 A. Yes.

19 Q. Were those forwarded to the DNA department at
20 SLED?

21 A. Yes.

22 Q. And that covers all the items that were
23 submitted to you for your analysis, correct?

24 A. That is correct.

25 Q. I'm going to show you State's 382. Is that one

1 of the swabs that was taken and submitted to SLED in
2 this case?

3 A. Yes.

4 Q. State's 383?

5 A. Yes.

6 Q. State's 384, which contains State's 385 and
7 386 -- 386. Were those swabs taken by your
8 department and then forwarded to SLED -- SLED DNA?

9 A. Yes.

10 Q. All right. And State's 387 that contains
11 State's 388 and 389, were those also swabs taken by
12 your department and forwarded to DNA?

13 A. Yes.

14 Q. And State's 390, which contains State's 391 and
15 392?

16 A. Yes.

17 MR. MCNAIR: Your Honor, at this time, we'd
18 offer all these items into evidence.

19 MR. WILLIAMS: On behalf of Defendant Brannon,
20 we have no objection.

21 MR. MAULDIN: No objection.

22 THE COURT: State's Exhibits are admitted into
23 evidence.

24 If you would please publish the numbers one
25 more time.

1 Madam Court Reporter, did you get them all?

2 COURT REPORTER: I got them on record, I just
3 need a second to write them down.

4 MR. MCNAIR: 382, 383; there's bag 384,
5 containing 385 and 386.

6 THE COURT: You laid the foundation, just tell
7 me the numbers.

8 MR. MCNAIR: 387, 388, 389, 390, 391, 392.

9 THE COURT: So admitted.

10 MR. MCNAIR: Thank you, Your Honor.

11 (State's Exhibit Nos. 382 through 392 admitted
12 into evidence.)

13 MR. MCNAIR: Agent Harrison, that's all the
14 questions I have for you. Please answer any
15 questions the defense has.

16 THE COURT: Cross-examination?

17 MR. WILLIAMS: May it please the Court?

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. WILLIAMS:

21 Q. Good morning.

22 A. Good morning.

23 Q. I'm Theo Williams. I don't know if we've met
24 before. You look familiar, like we may have
25 somewhere along the line.

1 A. Well, nice to meet you.

2 Q. It's nice to meet you.

3 So as I understand, your position is -- are you
4 the head of the department that does the fingerprint
5 analysis and the DNA analysis?

6 A. I am not.

7 Q. So what is your job title there?

8 A. I'm a criminalist. I'm a class three law
9 enforcement officer in the latent print department.

10 Q. And that's -- obviously, latent prints would
11 not be the analysis of DNA, would it?

12 A. No.

13 Q. So there's somebody else at SLED that does DNA
14 analysis?

15 A. Yes, SLED DNA department.

16 Q. So in regards to the report you've been
17 testifying about, is it my understand that you did
18 not do any of the physical labor -- I call it
19 physical labor. I don't know how much effort is
20 involved. But that would be the processing of
21 putting on the super glue or any of that, you didn't
22 do any of that?

23 A. I did not.

24 Q. So in regards to what you were analyzing, did
25 you receive instruction -- or at least somebody in

1 your department as to what they wanted tested?

2 A. They did.

3 Q. So somebody else told your department what they
4 wanted tested. And then did they provide you with
5 samples that you would need to use when you compared
6 whatever analysis you did?

7 A. So they would provide either suspect names or
8 fingerprint cards to compare when we're doing the
9 latent print comparison.

10 Q. All right. So you had the names of William
11 Gantt and Shantrez Robertson and Tirrell Brannon; is
12 that right?

13 A. That is correct.

14 Q. Did you have any other names?

15 A. There were no prints on file for
16 Jeffery, Brandon.

17 Q. But did you understand that he was potentially
18 a victim and may have been involved in the actual
19 shooting of weapons and things of that nature?

20 A. We don't go into detail. We can read that, if
21 needed. But my job is not to say who did what; my
22 job is to present the scientific evidence.

23 Q. So at least you knew the name. And if you had
24 wanted to, you could have physically taken a
25 fingerprint of Mr. Jeffery, if that was necessary?

1 It was possible to be done, wasn't it? Somebody
2 could have done that, right?

3 A. Somebody could have done it.

4 Q. All right. So in that regard, you were not
5 told -- you get your directions from law
6 enforcement, from whoever the police officers are
7 doing the investigation of the case?

8 A. That's correct.

9 Q. So in a way, they kind of direct you down this
10 path and you analyze that path and determine how
11 that affects their interpretation of the case?
12 Meaning, if there was somebody else that they wanted
13 you to check out, they would tell you who that was
14 and they would bring you something to check out?

15 A. Yes.

16 Q. But in this particular case, the only
17 individuals you checked out were the deceased,
18 William Gantt, and the two defendants who are on
19 trial this week, right?

20 A. I checked out William Gantt, Shantrez
21 Robertson, and Tirrell Brannon.

22 Q. All right. Now, if I can take you through the
23 items that you have testified about. Somewhat
24 confusing. You've got a black handgun magazine with
25 markings P22 Walther on it, right?

1 A. Yes.

2 Q. All right. And was that magazine inside of a
3 weapon when you received it?

4 A. I physically did not receive this evidence, so
5 I can't tell you if it was inside a weapon when she
6 received it.

7 Q. So you don't know if that was a magazine which
8 was in the weapon or if it was separate and
9 detached?

10 A. That is correct.

11 Q. Okay. Now, according to this, this item 3 that
12 you are referencing, it said that you -- I think
13 you've already testified there were no fingerprints
14 that you could take off that.

15 A. The fingerprints that were there were of no
16 value.

17 Q. All right. When you say of no value, what
18 you're actually talking about is -- you're talking
19 about a standard, right? Because we all have
20 standards before making an analysis.

21 A. So nobody means that it's not enough there to
22 eliminate or identify someone.

23 Q. Or, or you didn't have a sample to go by?

24 A. I don't need a sample to go by when I'm looking
25 for fingerprints. We're developing the

1 fingerprints. So even if I don't have a sample,
2 that does not mean I cannot develop a latent
3 fingerprint.

4 Q. Okay. So there was no attempt to develop
5 whatever print was there to see if it matched
6 somebody else maybe?

7 A. The attempt to develop the print was made using
8 cyanoacrylate, which is super glue. And that came
9 back nobody, which, again, means not able to
10 identify or eliminate someone.

11 Q. Okay. So you had something, but it wasn't
12 enough?

13 A. That's right.

14 Q. Okay. Now under item 31, you had swabs that
15 went along the item three. Since you didn't have
16 enough for prints, conceivably, you wouldn't have
17 enough DNA that would tell you who had been in touch
18 with that black handgun magazine?

19 A. That is incorrect. So as stated before, before
20 we begin our latent print process, we do the DNA
21 swab so that we don't hinder DNA. Because we're not
22 analysts, we don't know if there's enough DNA or not
23 to say we collected enough. We collect what we see
24 is there, and then we continue on with our latent
25 print process.

1 Q. So, essentially, what you do is you make the
2 test regardless of whether or not you know there's
3 going to be enough DNA for a DNA specialist to look
4 at or not, right?

5 A. That is correct.

6 Q. Okay. So you're just making sure. You're --
7 because somebody else is going to have to make that
8 call, right?

9 A. Somebody would eventually look over the
10 evidence, so, yeah, we are swabbing. And if they're
11 requesting a touch DNA test on the evidence, we will
12 swab it for touch DNA.

13 Q. Now, on item five, you have one black metal
14 handgun magazine. What is the distinction between
15 item 5 and item 3 in terms of which ones you're
16 messing with -- or I shouldn't use the word
17 messing -- which ones you're looking at or
18 analyzing?

19 A. When you say the distinction, what do you mean?

20 Q. Well, both of them are black metal handgun
21 magazines. Is the difference that one is marked
22 with P22 Walther upon it?

23 A. That is correct.

24 Q. So that's the distinguishing thing which you
25 can look at to make sure that you're not getting

1 your notes confused in what you're looking at?

2 A. That is correct.

3 Q. All right. And did you get any fingerprints
4 off of item 5?

5 A. Yes.

6 Q. All right. And I see no result there. Were
7 you unable to develop who they matched or something
8 like that?

9 A. Item 5.2 was a latent impression represented on
10 the side of the magazine exposed opening top near
11 loading port near rear edge. It was not identified
12 to item 71, William Gantt, item 72, Shantrez
13 Robertson, and item 73, Tirrell Brannon.

14 Q. All right. And since those were the only three
15 samples that you had to match to it and since it
16 didn't match them, did you make -- there was nothing
17 you could do with those fingerprints?

18 A. That is incorrect. So once we do a comparison,
19 if it is not identified, what we do is we search it
20 on our AFIS system, which is an Automatic
21 Fingerprint Identification System. So we'll take
22 that image, load it into the system, send it off for
23 a search.

24 And what happens if you get a hit, which comes
25 back to somebody, then we'll compare it to that

1 person. In this instance, it did not get a hit, so
2 it is AFIS stored. So what AFIS stored means is
3 that print is constant searching. Every time a
4 person is arrested, that print is in that system
5 constantly searching.

6 Q. But we just don't have anybody matched to it?

7 A. Not yet.

8 Q. Okay. And, again, you took DNA swabs of that
9 particular handgun magazine, right?

10 A. That's correct.

11 Q. Now I'll move you back down to one Jimenez Arms
12 model nine-millimeter with empty magazine. This
13 particular item, it appears that you have the gun
14 and the magazine together, correct?

15 A. Correct.

16 Q. But we didn't have it when we were dealing with
17 the P22 Walther, right? They were not combined when
18 you did that analysis?

19 A. That's correct.

20 Q. So were you able to determine any, I guess --
21 it says no value for comparison. Does that mean
22 there was none?

23 A. Not enough there to eliminate or identify.

24 Q. So instead of going through the whole
25 discussion again, that's what that means?

1 A. Yes.

2 Q. And you did some DNA testing from that?

3 A. Yes.

4 Q. And, again, we'll have to wait on somebody from
5 DNA to testify about that?

6 A. That is correct.

7 Q. Now, the swabs from item 9, which is that
8 nine-millimeter again, since you only reference -- I
9 don't mean that derogatory. Since you only
10 reference DNA, since it's a trigger guard, I guess,
11 it's probably a little skinny to do fingerprint
12 analysis on that?

13 A. It would still be done, but we do swab the
14 trigger for DNA.

15 Q. And, again, was that insufficient for you to
16 make determinations for fingerprints?

17 A. That is correct.

18 Q. The only reason I ask is because you have a
19 different little section here. I didn't know --
20 it's changed up on me.

21 A. That's okay.

22 Q. Again, on item 9, which is that Jimenez weapon,
23 there was swabs taken from the grip and the edges of
24 the loading port. So, again, we have to wait on
25 DNA, right?

1 A. That's right.

2 Q. Now we have a P22 with an empty magazine, which
3 is together.

4 A. Yes.

5 Q. Okay. So it's safe to assume that when we were
6 referring to item 3 and item 5, that these two
7 magazines were separate and apart from the P22 with
8 the empty magazine?

9 A. She received three sealed gun boxes, items 9,
10 10, and 14, and one sealed manilla envelope,
11 container C, which is items 3 and 5. Items 3 and 5
12 were packaged separately within sealed bags. Items
13 9 and 10 were further packaged within sealed plastic
14 bags.

15 The handguns and the magazines were loosely
16 contained within these bags. There was a zip tie
17 observed to be in place up through the magazine or
18 in chamber. Item 14 was further secured to the box
19 with yellow-in-color wire. Both the handgun and the
20 magazine were individually secured.

21 Q. So they were separate. They're different
22 magazines?

23 A. Yes, sir.

24 Q. Thank you. I forgot where I was.

25 A. Item 10.

1 Q. Thank you. We'll work together.

2 So on item 10, we've talked about that one and,
3 again, no prints of any value. Then you did some
4 DNA sampling and, again, we wait on DNA?

5 A. Yes, sir.

6 Q. So on item 10-2, which is the swabs from the
7 grip, the base of the magazine along the edge,
8 again, same idea, couldn't get enough prints, so we
9 do the DNA sampling, correct?

10 A. Correct.

11 Q. Then there's a Ruger nine-millimeter, model
12 LC9. And there's no reference here, so I'm assuming
13 there were no fingerprints of any value.

14 A. You're on item 14?

15 Q. Yes, ma'am.

16 A. That is incorrect. Item 14.3 had actually
17 three different latent impressions. So 14.3 is a
18 latent impression alongside the magazine bearing
19 symbol near base. Item 14.4 is a latent impression
20 alongside magazine near bottom side, side bearing
21 nine-millimeter marking near base. Item 14.5 is a
22 latent impression alongside of magazine bearing
23 nine-millimeter marking top portion near three to
24 four markings nearest frame.

25 Q. Well, the short answer on that is it didn't

1 match to the three people that we were dealing with,
2 right?

3 A. One is inconclusive.

4 MR. MAULDIN: Objection, Your Honor.

5 THE COURT: Y'all approach very quickly.

6 (Sidebar conference.)

7 BY MR. WILLIAMS:

8 Q. Let me ask it this way: Yes? No?

9 A. No.

10 Q. There you go. Right answer. Very good.
11 So it didn't match to anybody?

12 A. Based off of what I had, yes, sir.

13 Q. Thank you, ma'am.

14 A. You're welcome.

15 Q. And, again, we finished, I think, with 14. So
16 we have fingerprint card, and you've got the prints
17 on those two individuals that you tested. Did you
18 have any other involvement with this case?

19 A. No, sir.

20 MR. WILLIAMS: Thank you so much. It's been a
21 pleasure.

22 THE WITNESS: Pleasure.

23 THE COURT: Mr. Mauldin?

24 MR. MAULDIN: Thank you, Your Honor.

25

1

2

CROSS-EXAMINATION

3

BY MR. MAULDIN:

4

Q. Hello.

5

A. Hello. Good morning.

6

Q. Morning.

7

When you were talking to Mr. Williams there,
you said that SLED wasn't supplied the fingerprint
card for a Brandon Jeffery; is that right?

9

10

A. That's correct.

11

Q. And they weren't supplied with a fingerprint
card for an Andy Barnes; is that correct?

12

13

A. Who is Andy Barnes?

14

Q. He's a person. But did you have his
fingerprint card?

15

16

A. I had fingerprint cards for William Gantt,
Shantrez Robertson, and Tirrell Brannon.

17

18

Q. So you wouldn't have one for Andy Barnes; is
that correct?

19

20

A. I did not.

21

Q. And did not have one for O'Brien Gilliam?
Didn't have that either?

22

23

A. I did not.

24

Q. Nor a --

25

MR. MCNAIR: Your Honor, she's already answered

1 the question of what fingerprint cards she does
2 have.

3 THE COURT: She has. But on his cross, he can
4 ask his questions.

5 BY MR. MAULDIN:

6 Q. And this report was generated December 19th,
7 2016; is that correct?

8 A. That is correct.

9 MR. MAULDIN: No further questions.

10 THE COURT: Any redirect?

11 MR. MCNAIR: No, sir.

12 THE COURT: All right. The witness may step
13 down.

14 THE WITNESS: Thank you, Your Honor.

15 MR. MCNAIR: Your Honor, the State calls Adrian
16 Hefney.

17 ADRIAN HEFNEY

18 being first duly sworn, testified as follows:

19 THE WITNESS: I will.

20 THE CLERK: You can remove your mask. Once
21 you're seated, state your name and spell your last
22 name for the record.

23 THE WITNESS: All right. Adrian Hefney,
24 H-E-F-N-E-Y.

25 DIRECT EXAMINATION

1 BY MR. MCNAIR:

2 Q. Good morning, Agent Hefney. How are you doing?

3 A. Good morning.

4 Q. Would you tell the jury where you work?

5 A. I work for the South Carolina Law Enforcement
6 Division, more commonly known as SLED.

7 Q. What is your position there?

8 A. I'm a forensic DNA analyst.

9 Q. How long have you been with SLED?

10 A. Well, 24 years now.

11 Q. How long have you been in DNA?

12 A. All 24.

13 Q. Okay. Will you tell the jury a little bit
14 about your educational background in DNA and
15 training?

16 A. Sure. I have a Bachelor of Science Degree in
17 biology from the University of South Carolina in
18 Columbia. I also have a Master's of Business
19 Administration Degree from Winthrop University in
20 Rock Hill, South Carolina.

21 I did most of my training on the job, but I've
22 also taken postgraduate courses in the field of cell
23 molecular biology and compilation of statistics as
24 well.

25 Q. How many times have you testified as an expert

1 in DNA in this state?

2 A. Getting close to about 90 times, but I'd say
3 about 88.

4 MR. MCNAIR: Your Honor, at this time, we'd
5 offer Agent Hefney as an expert in DNA analysis.

6 MS. WILLIAMS: No objection from Defendant
7 Brannon.

8 MR. MAULDIN: No objection, Your Honor.

9 THE COURT: Ladies and gentlemen, this witness
10 will be qualified in the area of DNA analysis and
11 may give opinion testimony in that area. It doesn't
12 mean you have to accept the opinion, but it is
13 evidence for you to use in any way you see fit.

14 MR. MCNAIR: Thank you.

15 BY MR. MCNAIR:

16 Q. Agent Hefney, will you tell the jury, just in
17 general, what is DNA?

18 A. Absolutely. It is the genetic information that
19 each of us contain that we inherit from both our
20 mother and our father that makes us who we are.

21 Now, a lot of our DNA is the same. I'll say
22 about 99 percent of our DNA is the same. That comes
23 from us being human; gives us two arms, two legs,
24 and two eyes and a nose. But, of course, we look
25 around this courtroom, and we notice that everyone

1 looks different. So we look at, in forensic
2 science, the DNA that differs from everyone because
3 no two people will have the same DNA, with the
4 exception of identical twins.

5 Q. How is it possible for anybody to leave DNA on
6 an item?

7 A. DNA -- we get DNA from blood, semen, saliva,
8 skin. So people that leave blood behind at a crime
9 scene or saliva, or they may touch an item and leave
10 skin cells behind, may or may not leave skin cells
11 behind, we can obtain DNA from that.

12 Q. Is it possible for somebody to touch something
13 and not leave DNA?

14 A. It is.

15 Q. What factors go into that?

16 A. Well, it just depends. If you're swapping off
17 a lot of skin cells, then you may leave DNA behind.
18 But if your hands are moisturized or if they're wet,
19 you may not leave DNA behind. It's just special.

20 Like, if I touch this, you can come back and
21 swab it, and my DNA may or may not be there. I just
22 touched it, so nine times out of ten, it probably
23 won't be there. But if I was to do this for any
24 considerable amount of time, then you come back and
25 swab it, then my DNA might be there.

1 Q. Are there also some factors that affect your
2 ability to actually recover DNA from an item?

3 A. Yes. Two things that damage DNA is extreme
4 heat and moisture. So if something has been left
5 outside or if it's been exposed to South Carolina
6 weather in the summertime, then DNA may be damaged
7 and we won't be able to obtain it.

8 Q. So moisture could damage DNA?

9 A. Yes, sir.

10 Q. How about dirt or debris?

11 A. Dirt or debris could. It could inhibit it.

12 Q. How about if you wiped an item with a cloth?

13 A. Absolutely. You can essentially -- especially
14 if it's touched, you can wipe it off.

15 Q. Now, did you analyze some items that were
16 submitted to you in this case?

17 A. I did.

18 Q. Did you receive what's called a buccal swab?

19 A. I did.

20 Q. What's a buccal swab?

21 A. That's a swab from the inside of your cheek.

22 And we call those known standards or comparison
23 standards. Because, again, forensic DNA analysis is
24 a compared science. It's where we compare unknown
25 samples left behind at a scene against known

1 standards, which are samples from, like, the inside
2 of your cheek or your blood standard.

3 Q. Who did you receive buccal swabs from in this
4 case? What individuals?

5 A. In this case, I received them from Donovan
6 Brannon, Andy Barnes, and Shantrez Robertson.

7 Q. I'm going to show you what's been marked as
8 State's 379, 380, and 381, and ask you if you could
9 identify this as being the buccal swabs you just
10 testified to?

11 A. Yes, here are my initials and date on the edge
12 of this package. And this is State's Exhibit 379,
13 item 74 -- SLED item 74.

14 Q. Who is that a buccal swab for?

15 A. Donovan Brannon.

16 Q. Okay.

17 A. This one is State's Exhibit 380,
18 SLED Item No. 75. This is a buccal swab from Andy
19 Barnes. Our item number 76, State's Exhibit 381,
20 this is one from Shantrez Robertson.

21 Q. Thank you.

22 MR. MCNAIR: Your Honor, at this time, we'd
23 offer 379, 380, and 381 into evidence.

24 MS. WILLIAMS: Without objection, Your Honor.

25 THE COURT: State's Exhibit 379, 380, and 381

1 are admitted into evidence.

2 (State's Exhibit Nos. 379 through 381 admitted
3 into evidence.)

4 BY MR. MCNAIR:

5 Q. Did you also receive some swabs in this case
6 that were taken by the fingerprint examiner at SLED?

7 A. I did.

8 Q. And this is -- look at this item, bag 390,
9 which contains 392 and 391. Is that swabs that you
10 examined in this case?

11 A. They are. I see my DNA extracts in here. And
12 these are -- this is item 14.2 and 14.1.

13 Q. All right. Can you put them back in the bags?

14 A. (Witness complies.)

15 Q. State's 387, which contains State's 388 and
16 389?

17 A. I do recognize them by my initials on the back.

18 Q. And those are items that you analyzed for DNA?

19 A. Yes. These were items 10.1 and 10.2.

20 Q. All right. State's 384, which contains 385 and
21 386?

22 A. I recognize these by my date and initials on
23 the back. And these are SLED items 9.1 and 9.2.

24 Q. All right. And State's 383?

25 A. I recognize this as well. And this is SLED

1 item 5.1.

2 Q. All right. And 382?

3 A. This is SLED item 3.1. I recognize it by my
4 initials on here.

5 Q. And, lastly, State's 370, which contains
6 State's 371 and 372?

7 A. My handwriting there, my initials here. These
8 are swabs obtained from rear passenger headliner of
9 Mercury Grand Marquis and the steering wheel. So
10 items 7 and 8.

11 Q. And those were submitted to you by the
12 Lexington County Sheriff's Department?

13 A. That's correct.

14 Q. All right. Thank you. Let's just go
15 through -- you compared the swabs you just looked at
16 to the known standards from the buccal swab that you
17 testified to earlier; is that correct?

18 A. That's correct.

19 Q. Let's just go through your report by your SLED
20 item numbers. And I'll ask you what, if anything,
21 you were able to determine based on your DNA
22 analysis.

23 A. Okay.

24 Q. So as far as your SLED item 3.1, which is
25 State's 382, how is that item described in your

1 report?

2 A. A swab from the base and along edges of loading
3 port of item three, which is the Walther P22 handgun
4 magazine.

5 Q. And were you able to develop a DNA profile from
6 that item?

7 A. I was not. There was no DNA profile developed.

8 Q. SLED item 5.1, which is State's 383, how is
9 that described in your report?

10 A. They were swabs from along edges of loading
11 port on item 5, which is black handgun magazine.

12 Q. Were you able to develop a DNA profile from
13 that item?

14 A. I was not. No DNA profile was developed.

15 Q. Now, SLED item 7, which is State's 371, how is
16 that described?

17 A. It's described as swabs A from rear passenger
18 headliner of Mercury Grand Marquis.

19 Q. All right. And were you able to develop a DNA
20 profile from that item?

21 A. I was not. There was no DNA profile developed.

22 Q. SLED item 8, which is State's 372, how is that
23 described?

24 A. Swab B from steering wheel of Mercury Grand
25 Marquis. There was a partial DNA profile developed

1 here, but due to the limited information obtained,
2 this DNA profile was not suitable for comparison.

3 Q. Okay. Which just means there's not enough to
4 say whose it is?

5 A. That's correct.

6 Q. In very simple terms.

7 A. We have to have enough to make a comparison,
8 and there was simply not enough there.

9 Q. Okay. Now, SLED item 9.1, which is State's
10 385, how is that described?

11 A. Swabs from trigger on trigger guard on item 9,
12 which is a Jimenez model JA9, nine-millimeter with
13 magazine.

14 Q. Were you able to obtain a DNA profile from that
15 item?

16 A. No DNA profile was developed.

17 Q. All right. SLED 9.2, which is State's 386, how
18 was that described?

19 A. Swabs from textured grip and along edges of
20 loading port on magazine of item number 9, which is
21 that same Jimenez handgun.

22 Q. Were you able to obtain a DNA profile?

23 A. No DNA profile was developed.

24 Q. SLED 10.1, which is State's 388, how is that
25 described?

1 A. Swabs from trigger, trigger guard of item 10,
2 which is Walther P22 handgun with magazine.

3 Q. Were you able to obtain a profile?

4 A. No DNA profile was developed.

5 Q. SLED 10.2, which is State's 389, how is that
6 described?

7 A. Swabs from the textured grip, base of magazine,
8 and along edges of loading port on magazine of item
9 10, which is the same Walther P22 handgun.

10 Q. Were you able to develop a profile on that
11 item?

12 A. No DNA profile was developed.

13 Q. SLED 14.1, which is State's 391, what is that
14 described as?

15 A. Swabs from the trigger and trigger guard in
16 item 14, which is the Ruger nine-millimeter pistol.

17 Q. Were you able to obtain a profile from that
18 item?

19 A. I did serology testing on this, which I tested
20 for blood, which was negative. And that's just
21 because I might have thought I saw something that
22 resembled blood. And there was no DNA profile
23 developed.

24 Q. And SLED 14.2, which is State's 392, how is
25 that item described?

1 A. Swabs from textured grip base of magazine and
2 along edges of loading port on magazine of item 14,
3 the Ruger nine-millimeter pistol.

4 Q. And what, if anything, were you able to
5 determine regarding that item?

6 A. There was a partial DNA profile developed, but
7 due to the limited information obtained, this DNA
8 profile was not suitable for comparison.

9 Q. Again, not enough to say?

10 A. That's exactly right.

11 MR. MCNAIR: Nothing further from this witness,
12 Your Honor.

13 THE COURT: Cross-examination?

14 CROSS-EXAMINATION

15 BY MS. WILLIAMS:

16 Q. Good morning.

17 A. Good morning.

18 Q. Okay. So to sum what the solicitor just -- the
19 testimony up, there either was no DNA or there was
20 not enough DNA to compare with any of the samples
21 that were provided?

22 A. That's correct.

23 Q. And you were provided three samples. And they
24 were for Andy Barnes, Donovan Brannon, and Shantrez
25 Robertson, correct?

1 A. That is correct.

2 Q. Did you receive a sample for William Gantt?

3 A. I did not.

4 Q. Did you receive a blood sample from a Grand
5 Marquis?

6 A. A blood sample from a Grand Marquis?

7 Q. Yes, ma'am.

8 A. No. I only received those two items that I
9 spoke of earlier from the steering wheel and the
10 rear passenger headliner.

11 Q. But to be fair, even if you had, there wasn't
12 enough DNA to compare with anything?

13 A. Now, if I had received a blood sample, I can't
14 say that. But I did receive it from -- so I can't
15 say whether it would have been enough.

16 Q. I apologize. So with regards to Mr. Gantt's
17 DNA profile, if you had received that, there
18 wasn't -- from the items you received, there wasn't
19 enough there to test with anything?

20 A. That is correct.

21 Q. What date did your office receive all of these
22 samples from the Lexington County Sheriff's
23 Department?

24 A. When did?

25 Q. Yes, ma'am.

1 A. There is items for submitting around September
2 30th of 2016.

3 Q. Okay. And what date did your office reach out
4 to Lexington County Sheriff's Department asking them
5 for samples so that they could proceed with the
6 testing?

7 A. I have an e-mail here from a person in our
8 office that was noted where three known standards
9 were submitted, but the other evidence had been
10 returned to the agency already because we didn't
11 have standards initially to compare them to.

12 Q. Okay. So -- I'm sorry.

13 A. And that was on -- she sent that e-mail on
14 August the 8th, 2017, saying that those items had
15 been returned to the agency July 31st of that same
16 year, 2017.

17 Q. Okay. But did you eventually receive them
18 back?

19 A. I did.

20 Q. Okay. And around when did you receive the
21 samples back?

22 A. Looks like they were resubmitted on November
23 the 8th, 2017.

24 Q. Okay.

25 A. On or around.

1 Q. And when did you generate the report?

2 A. The date on my report is July 28th, 2018.

3 Q. Okay. So in sum, they delivered some samples.
4 They didn't deliver the comparisons initially, so
5 they had to be returned. And then all of it was
6 returned to your office where you did the tests, and
7 then you generated your report over the course of
8 two years in total? In total, this process took two
9 years?

10 A. Yes.

11 Q. Does DNA degrade with time?

12 A. Yes, it does, if it's kept in those conditions
13 that I mentioned earlier where there's extreme heat
14 or moisture. Usually, DNA is pretty stable if it's
15 kept in ideal -- like, maybe in a refrigerator or
16 room temperature, it can remain pretty stable. But
17 if it's exposed to moisture or heat, that could
18 damage it.

19 MS. WILLIAMS: Thank you, ma'am. I appreciate
20 it.

21 No further questions, Your Honor.

22 THE COURT: Mr. Mauldin?

23 MR. MAULDIN: I have no questions for this
24 witness, Your Honor.

25 THE COURT: Any redirect?

1 MR. MCNAIR: No, sir, Your Honor.

2 THE COURT: All right. The witness may step
3 down.

4 Thank you.

5 MR. MCNAIR: Your Honor, the State calls
6 O'Brien Gilliam.

7 O'BRIEN GILLIAM

8 being first duly sworn, testified as follows:

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Have a seat over there and you can
11 remove your mask. State your name and spell your
12 last for the record, please.

13 THE WITNESS: My name is O'Brien Gilliam.

14 DIRECT EXAMINATION

15 BY MR. MCNAIR:

16 Q. Spell your last name, please.

17 A. G-I-L-L-I-A-M.

18 Q. Mr. Gilliam, how are you doing today?

19 A. I'm doing good.

20 Q. Tell the jury a little bit about yourself.
21 First of all, do you have a nickname?

22 A. Yeah, OB.

23 Q. People call you OB?

24 A. Yes, sir.

25 Q. How old are you?

- 1 A. 27.
- 2 Q. Where did you grow up?
- 3 A. In Aiken County.
- 4 Q. Are you currently working?
- 5 A. Yes.
- 6 Q. Where you work?
- 7 A. A contractor for Dominion Energy.
- 8 Q. Do you have any kids?
- 9 A. Yes.
- 10 Q. Are you married?
- 11 A. No; divorced.
- 12 Q. How old were you back in June of 2015?
- 13 A. 20.
- 14 Q. Do you recall going to The Spot on June 6th of
- 15 2015?
- 16 A. Yes, sir.
- 17 Q. Who did you go to The Spot with that night?
- 18 A. Me, Dee Dee, Pedro, Teddy P and Shine.
- 19 Q. Did you know all those folks prior to that
- 20 night?
- 21 A. Yes, sir.
- 22 Q. Are you related to any of those folks?
- 23 A. Pedro.
- 24 Q. Brandon Jeffery?
- 25 A. Yes.

1 Q. How are you related to him?

2 A. We first cousins. My mama and his dad are
3 brother and sister.

4 Q. Okay. Let's back up. Before y'all got to The
5 Spot that night, where were y'all? How did y'all
6 meet up?

7 A. We met up at Trell's house.

8 Q. Tirrell's house?

9 A. Trell.

10 Q. Trell. How did you get to Trell's house?

11 A. Me and Pedro went together.

12 Q. And what did y'all do there?

13 A. Played video games and drank beer.

14 Q. Were the other people you just mentioned with
15 you at Trell's house?

16 A. Yeah. They met us there.

17 Q. At some point, did y'all leave there and go to
18 The Spot?

19 A. Yes.

20 Q. How did y'all get to The Spot?

21 A. In Dee Dee car.

22 Q. You rode in Dee Dee's car?

23 A. Yes.

24 Q. Did she drive?

25 A. Yes.

1 Q. What type of car did she have? Do you
2 remember?

3 A. A Dodge Charger.

4 Q. Who else was in the car with you?

5 A. Me, Pedro, and Dee Dee.

6 Q. Did another car go, too?

7 A. Yes. Teddy P drove his car.

8 Q. What kind of car was that?

9 A. I think it was some kind of Dodge.

10 Q. Who rode with him?

11 A. Shine.

12 Q. Do you remember what time y'all got to the club
13 that night?

14 A. Probably about 12:00 to 1:00.

15 Q. Are you for sure or you're just kind of
16 estimating?

17 A. Yeah, just estimating the time.

18 Q. Okay. So tell us, when y'all got there, where
19 did you park?

20 A. We parked in, like, the middle of the top part
21 of the hill.

22 Q. All right. So we've seen photos of -- there's,
23 like, a lower lot at the club and there's, like, an
24 upper lot?

25 A. Yes, sir.

1 Q. Y'all parked in the upper lot?

2 A. Yes, sir.

3 Q. How did you park?

4 A. We backed in.

5 Q. Both of y'all backed in?

6 A. Yes, sir.

7 Q. Now, how was everybody else up there at the top
8 lot parked?

9 A. Mostly backed in.

10 Q. So y'all were the only ones backed in at the
11 top lot?

12 A. No. Most were, couple cars backed in.

13 Q. Is there any particular reason y'all backed in?

14 A. No, sir. Mostly everybody just backed in when
15 we go places.

16 Q. So once y'all got to The Spot, what did y'all
17 do?

18 A. We got out and walked down the hill, got in the
19 club.

20 Q. Did y'all walk down as a group?

21 A. Yes.

22 Q. So y'all all walked down together?

23 A. Yes.

24 Q. And did you go in the club?

25 A. Yes, sir.

1 Q. Who went in the club with you?

2 A. Me, Dee Dee, Pedro. Then Teddy P came in, and
3 that's it.

4 Q. Did Teddy P come in after you?

5 A. Not after me. He came in after Pedro and Dee
6 Dee.

7 Q. Do you recall seeing Shine in the club at some
8 point as well?

9 A. Yes.

10 Q. So once y'all got in the club, what did y'all
11 do?

12 A. We got in the club, we bought some drinks, and
13 went to the dance floor.

14 Q. Did you get out on the dance floor?

15 A. Yes, sir.

16 Q. All right. Did you know a guy named Fresh?

17 A. Yes. I seen him a couple times.

18 Q. Do you know his real name?

19 A. No, sir.

20 Q. Did you see him in the club that night?

21 A. Yes, sir.

22 Q. Was he with other people?

23 A. Yes, sir.

24 Q. When you were on the dance floor, did you see
25 what he was doing?

1 A. They was on the dance floor dancing.

2 Q. Okay. Did you see them doing anything with
3 their hands?

4 A. Yes, moving their hands.

5 Q. Okay. Making signs with their hands?

6 MR. WILLIAMS: Objection, Your Honor.

7 A. Yes.

8 MR. MAULDIN: Join in.

9 THE COURT: Overruled.

10 BY MR. MCNAIR:

11 Q. When that was going on, were you out on the
12 dance floor with them?

13 A. Yes.

14 Q. What happened at that point?

15 A. At that point, everybody was dancing. Then
16 Pedro -- not Pedro. But they shook all our hands in
17 the club.

18 Q. Did Pedro, Brandon Jeffery, come out to where
19 you were at any point?

20 A. Yes. He came and got me after that.

21 Q. Came and got you out of the group?

22 A. Yes.

23 Q. Okay. And when you said Fresh was out there,
24 he was out there with other people that had he
25 appeared to be with?

1 MR. WILLIAMS: Objection to leading.

2 THE COURT: Overruled.

3 A. Yes.

4 Q. So you saw Fresh and you saw other people with
5 Fresh?

6 A. Yes.

7 Q. Now, after Pedro, Brandon Jeffery, came to get
8 you, what happened after that?

9 A. After Pedro came and got me, we left the club.

10 Q. Why did you leave the club at that point?

11 A. He said it's time to go.

12 Q. Did he appear to be concerned about something?

13 MR. WILLIAMS: Objection to that, Your Honor.

14 THE COURT: Let me speak to y'all real quick.

15 (Sidebar conference.)

16 BY MR. MCNAIR:

17 Q. When Brandon Jeffery came to get you, how did
18 he appear to you?

19 A. Like he was worried.

20 Q. Okay. And after that, y'all left the club?

21 A. Yes.

22 Q. Who did you leave the club with?

23 A. Me, Pedro, Dee Dee, Shine, and Fresh -- not
24 Fresh. Shine and Teddy P.

25 Q. Okay. Did y'all all walk out the door at the

1 same time?

2 A. Yes.

3 Q. And where did y'all go after y'all left the
4 club?

5 A. Up the hill to the cars.

6 Q. Now describe how y'all are walking back to your
7 cars. Are y'all together?

8 A. No. Shine and Teddy P was in front of us, and
9 Pedro and Dee Dee was in front of me. I was the
10 last one to come up the hill.

11 Q. Okay. You're the last one to come up the hill?

12 A. Yes.

13 Q. As you're walking up the hill, do you hear or
14 see anything?

15 A. Yes. I heard Fresh come out the club walking
16 up the hill behind him. He was like, Where you
17 pussy motherfuckers at?

18 Q. What, if anything, did you see in his hand at
19 that point?

20 A. He had a gun, walking up the hill.

21 Q. And when you saw him, where was he?

22 A. Behind me. Him and three other people.

23 Q. Okay. And where were they in relation to the
24 club?

25 A. Sir?

1 Q. Where were -- when you heard that, where
2 exactly did you see him and the three other people?

3 A. Behind me.

4 Q. Okay. And where was he standing?

5 A. Like right behind me in the middle of the
6 group.

7 Q. Near the club?

8 A. No. The middle of the hill.

9 Q. Now, did you go on up the hill where your
10 vehicles were?

11 A. Yes, sir.

12 Q. Was everybody else there?

13 A. Yes, sir.

14 Q. And what were y'all preparing to do at that
15 point?

16 A. We was preparing to leave.

17 Q. And what's the next thing that you saw or
18 heard?

19 A. He said it one more time, then Shine was like,
20 Who you talking about? Then he walked over to
21 Shine.

22 Q. Who walked over to Shine?

23 A. Fresh.

24 Q. All right. Did you see if he had anything in
25 his hand at that point?

- 1 A. Yes. He still had a gun.
- 2 Q. And he walked in front of Shine?
- 3 A. Yes.
- 4 Q. And what did Shine say?
- 5 A. Shine said, Who he was talking about?
- 6 Q. Did you ever see Shine pull out a gun at that
- 7 point?
- 8 A. No, sir.
- 9 Q. Did you ever hear Shine threaten Fresh?
- 10 A. No, sir.
- 11 Q. What's the next thing that you heard or saw?
- 12 A. I seen a car pull up.
- 13 Q. Do you remember what kind of car it was?
- 14 A. It was a Crown Vic or a Marquis.
- 15 Q. Could you tell what color it was?
- 16 A. At that time, I really didn't know what color
- 17 it was.
- 18 Q. Pardon me? I couldn't hear you.
- 19 A. I really didn't know what color it was.
- 20 Q. What does that car do?
- 21 A. It pulled up in front of Teddy P car.
- 22 Q. This is State's Exhibit 1. Does this fairly
- 23 and accurately represent where y'all were parked and
- 24 how y'all were parked?
- 25 A. Yes, sir.

1 Q. The Dodge Charger, you testified that belonged
2 to Dee Dee?

3 A. Yes, sir.

4 Q. And the Dodge Stratus, that was Andy Barnes'?

5 A. Yes, sir.

6 Q. Do you have a clicker up here? Yeah.

7 When you saw Fresh walk up, will you show us
8 where everybody was.

9 A. Shine was right here. Fresh was right here. I
10 was right here. Pedro was right here. And Teddy
11 was, like, somewhere right there.

12 Q. All right. Where was Dee Dee?

13 A. Dee Dee was in the car.

14 Q. She was in the car?

15 A. Yeah; in the driver's seat right there.

16 Q. And when Fresh walked up with gun in hand in
17 front of Shine, where did the vehicle stop?

18 A. The vehicle stopped right here.

19 Q. Kind of right in front of the Kia and the
20 Dodge?

21 A. Yes, sir.

22 Q. Now, after the vehicle stopped, where was your
23 focus?

24 A. On the car.

25 Q. All right. And what, if anything, did you see

1 about the car?

2 A. I seen a guy got out the passenger's side with
3 a white shirt. And he had -- he was light-skinned.

4 Q. So you saw a light-skinned guy with a white
5 shirt get out the passenger's side?

6 A. Yes. And a guy in the back in the driver's
7 seat behind the driver got out.

8 Q. And you saw a guy get out behind the driver's
9 seat?

10 A. Yes.

11 Q. Now, the guy who got out the passenger's seat,
12 the light-skinned guy with the white shirt, was he
13 bigger or smaller than Fresh?

14 A. Bigger.

15 Q. And the guy that got out the rear driver's
16 side, can you describe --

17 A. He was shorter and black -- a black guy.

18 Q. Dark-skinned?

19 A. Yes.

20 Q. And shorter?

21 A. Yes.

22 Q. All right. What's the next thing you saw after
23 the guy in the passenger's seat got out the vehicle?

24 A. The guy in the passenger seat got out the
25 vehicle and stumbled beside Fresh.

1 Q. He came up to where Fresh was?

2 A. Yes.

3 Q. And where did you see them standing together?

4 A. Fresh was right here and the other guy was
5 right there with the white shirt.

6 Q. He was to the left of Fresh?

7 A. Yes, sir.

8 Q. What's the next thing you saw?

9 A. He raised his hand. The next minute, I just
10 heard a bullet shots.

11 Q. The guy in the white shirt raised his hand?

12 A. Yes, sir.

13 Q. And then you heard gunshots?

14 A. Yes, sir.

15 Q. Prior to you seeing that guy raise his hand,
16 did you ever see Shine raise his hand?

17 A. No, sir.

18 Q. And as soon as he raised his hand, what's the
19 next thing you heard?

20 A. Bullet shots.

21 Q. What did you do at that point?

22 A. Ducked and covered my ears.

23 Q. Did you see anything else at that point?

24 A. No, sir.

25 Q. Do you know if the guy who got out of the rear

1 driver's side ever fired?

2 A. No, sir.

3 Q. Well, at some point, did the shooting stop?

4 A. Yes.

5 Q. Did you even know if Andy Barnes fired back?

6 A. No, sir.

7 Q. What's the next thing that you recall?

8 A. Grabbing my cousin from under the back of the
9 car and putting him in the car. Then just -- I went
10 over there to look at Shine, and he was dead. So I
11 just jumped in the car with them and we just left.

12 Q. Where did y'all go?

13 A. The store on the top of the road.

14 Q. Now, do you recall giving a statement to law
15 enforcement?

16 A. Yes.

17 Q. All right. Where did you give a statement to
18 law enforcement?

19 A. On the top of the hill at the store.

20 Q. Was that -- at where?

21 A. The top of the hill up at the store.

22 Q. The truck stop?

23 A. Yes, the truck stop.

24 Q. Do you remember what time of morning that was?

25 A. Probably about 4:00-something, 5:00.

1 Q. Had you been drinking?

2 A. Yes, sir.

3 Q. Now, after that night when you gave a
4 statement, did somebody come back to you to ask any
5 more questions?

6 A. No, sir.

7 Q. And you met with us in preparation of this
8 trial, correct?

9 A. Yes, sir.

10 Q. Did we ask you some questions that law
11 enforcement never asked you?

12 A. Yes, sir.

13 Q. Did you recall some things in talking with us
14 that you didn't put in your written statement to law
15 enforcement?

16 A. Yes, sir.

17 Q. Do you have any doubt about what you saw?

18 A. No, sir.

19 MR. MCNAIR: I have no further questions, Your
20 Honor.

21 THE COURT: Cross-examination?

22 MR. WILLIAMS: May it please the Court?

23 THE COURT: Yes, sir.

24

25 CROSS-EXAMINATION

1 BY MR. WILLIAMS:

2 Q. Can I call you OB?

3 A. Yes, sir.

4 Q. Doesn't stand for out of bounds or anything.

5 It stands for O'Brien, maybe?

6 A. Yes, sir.

7 Q. I'm Theo Williams. Nice to meet you.

8 A. Nice to meet you, too, sir.

9 Q. So in regards to what the solicitor was talking
10 about, he said once you got with law enforcement and
11 the Solicitor's Office, you remembered a lot more
12 things. Is that essentially correct?

13 A. Yes, sir.

14 Q. Because you had been drinking on June the 6th,
15 and even though it happened right then, things were
16 real cloudy about what was going on, right?

17 A. Yes, sir.

18 Q. Matter of fact, do you remember your statement
19 that you gave on Saturday, June the 6th, the written
20 statement you gave? You remember that statement?

21 A. Yeah, some of it.

22 Q. Well, it's not that long, is it? Well, I take
23 that -- do you remember writing the statement?

24 A. Yes, sir.

25 Q. Is there a method -- because you got, like, one

1 page you wrote some words, drew a line down. And
2 then you got another page where it looks like you
3 start writing some more. Let me get you to look at
4 it, that way you'll know what I'm talking about.
5 You see what I'm saying there?

6 A. Yes, sir.

7 Q. So, like, you got one page where you write,
8 like, three lines, four lines. I can't see it,
9 obviously, right now.

10 A. Yes, sir.

11 Q. Then you draw a line through it, and then you
12 start doing another page?

13 A. Yes, sir.

14 Q. May I see that back again, please, sir?

15 A. (Tenders document to counsel.)

16 Q. Thank you.

17 So on the first page after you write -- well,
18 it's not even four lines -- you write three lines
19 and two words, you write the word E-N-D, end?

20 A. Yes, sir.

21 Q. That means that's the end of your statement,
22 doesn't it?

23 A. Yes, sir.

24 Q. And the only thing you said in the first three
25 and a half -- I'm sorry, three lines and two words

1 was you're at The Spot, you were leaving, and your
2 cousin got shot, right, essentially?

3 A. Yes, sir.

4 Q. That's all you say. Then you're having a
5 conversation with law enforcement and you have to
6 give them more information, right?

7 A. Yes, sir.

8 Q. So you describe what time you got there, what
9 time you leave, and you describe --

10 MR. MCNAIR: Your Honor, I think he needs to
11 ask a question.

12 MR. WILLIAMS: All right. I will.

13 BY MR. WILLIAMS:

14 Q. You tell me what you say in your statement
15 about who you saw having a conversation and when
16 they had the conversation?

17 A. Yes, sir.

18 Q. Yes, sir? Do you know what you said in your
19 statement?

20 A. Yes, sir. I know what I said in my statement.

21 Q. Tell me what you said in your statement.

22 A. I told them I was -- we went to the club and
23 was drinking and my cousin got shot.

24 Q. What else did you say in your statement?

25 A. The end.

1 Q. No. The rest of the statement -- the rest of
2 your written statement that the solicitor wants you
3 to go ahead and talk about. I don't want to just
4 read it to you. I want you to tell me what you put
5 in that statement.

6 MR. MCNAIR: Your Honor, I think he needs to
7 ask a specific question --

8 BY MR. WILLIAMS:

9 Q. My specific question is, what did you put in
10 your written statement?

11 A. I already said it. I said we went to the club
12 and we was drinking and my cousin got shot.

13 Q. Okay. Do you recall in your written statement
14 that you gave on the 7th what kind of gun Fresh had?

15 A. I don't remember that.

16 Q. Looking at page 3 of your four-page statement,
17 what kind of gun does it say that Fresh has? What
18 kind did you write down there?

19 A. It says a .32.

20 Q. Did you write down on your statement that Fresh
21 had a 32-caliber pistol?

22 A. I don't remember that.

23 Q. Is that your handwriting?

24 A. Yes, sir.

25 Q. Do you remember today what kind of gun Fresh

1 had?

2 A. No, sir.

3 Q. Because your memory is better around an event
4 that happens than it is six years later, right? I
5 mean, if you write something down today, it's
6 normally more accurate today than if you come back
7 to it six years later and try to remember it, right?

8 A. Yes, sir.

9 Q. Unless you have a little help with your memory,
10 right?

11 A. (Nonverbal response.)

12 Q. So are you saying he didn't have a 32-caliber
13 pistol or he did have a 32-caliber pistol?

14 A. He didn't.

15 Q. He did not have a 32-caliber pistol?

16 A. No, sir.

17 Q. Why would you say that? How do you know he
18 didn't have a 32-caliber pistol?

19 A. Because it didn't look like it.

20 Q. Why would you put in your statement that he had
21 a 32-caliber pistol if it doesn't look like it?

22 A. I don't know, sir.

23 Q. Let me see your statement.

24 Do you remember what hand you said on June the
25 7th of 2015? Do you remember what hand the gun was

1 that Fresh had in his hand -- that you said he had
2 in his hand?

3 A. You just asked me two questions.

4 Q. I'll break it down. I'm sorry. Do you
5 remember making a statement about Fresh having a
6 gun? Correct?

7 A. You said what hand.

8 Q. Yeah. What hand?

9 A. What hand? He had it in his left hand.

10 Q. He had it in his left hand. Did you ever see
11 him change hands with the gun?

12 A. When he was beside the car, he had it in his
13 right hand.

14 Q. So he switched and put it in his right hand?

15 A. Yes, sir.

16 Q. And that's that 32-caliber that you're talking
17 about?

18 A. A gun.

19 Q. Now, when the solicitor was asking you
20 questions about, I guess, cars, today, you have just
21 given the statement that Crown Victoria or a
22 Marquis. Isn't that what you said; it was one or
23 the other?

24 A. Yes, sir. That's what I said.

25 Q. And today, you say that it could have been a

1 white car or a burgundy car, right?

2 A. At that time, I didn't remember.

3 MR. MCNAIR: Objection.

4 Q. Well, let me ask you what you said --

5 THE COURT: Try that question again.

6 BY MR. WILLIAMS:

7 Q. So tell me what you told law enforcement on
8 June the 7th of 2015 as being the car that drove up
9 to y'all where y'all were. Tell me first, what
10 color was it?

11 A. I don't remember.

12 Q. Let me ask you to look at your statement that
13 you gave on June the 7th.

14 A. I said it was a white car.

15 Q. You said it was a white car?

16 A. Yes, sir.

17 Q. There's a big difference between white and
18 burgundy, isn't it?

19 A. Yes, sir.

20 Q. I mean, just like my pink tie, that's not a
21 blue tie. They're different colors. It's hard to
22 confuse them, isn't it?

23 A. Yes, sir.

24 Q. What kind of car did you say on June the 7th
25 drove up that hill?

1 A. A Crown Vic.

2 Q. Do you get Crown Victorias confused with Grand
3 Marquises?

4 A. Depends on the model and the maker.

5 Q. Who normally drives Crown Vics?

6 A. Police officers.

7 Q. That's right. So I imagine you can tell if
8 it's police because it's a Crown Vic or he's got
9 something on top of it, right?

10 A. Yes, sir.

11 Q. Do you remember talking to the police officer
12 on June the 7th --

13 MS. FULLER: 6th.

14 BY MR. WILLIAMS:

15 Q. 6th. Did you talk to them on June the 6th and
16 the 7th?

17 MS. FULLER: No.

18 A. No --

19 MR. WILLIAMS: I would move to strike the
20 solicitor from directing the witness -- I'm hearing
21 comments that she's saying out here when I'm trying
22 to talk to the witness.

23 (Sidebar conference.)

24 THE COURT: All right. Move on.

25 BY MR. WILLIAMS:

1 Q. Let's go to June 6th, 2015, D-Day. The
2 gentleman that you stated back then -- you said
3 there was some gentleman that you did see shooting,
4 right?

5 A. Yes.

6 Q. Describe what you said the gentleman looked
7 like that did the shooting.

8 A. He was light-skinned.

9 Q. What else did you --

10 A. In a white shirt.

11 Q. Thank you. So it was a light-skinned dude with
12 a white shirt, right?

13 A. Yes, sir.

14 Q. And where did you say this vehicle was?

15 A. In front of Teddy P car and that Kia.

16 Q. Can I hand you your statement, page 3 of that?
17 What does, like, two cars in front mean? Is it two
18 cars this way?

19 A. Two cars beside each other. Two cars, Teddy P
20 car and the Kia. And the other car was in front of
21 their car. The back side was in front of Teddy P
22 car.

23 Q. So --

24 A. The Dodge Stratus.

25 Q. So what you're describing in your statement is

1 where the Stratus was, and there was two cars beside
2 it. Is that what you mean in your statement? I
3 just don't understand what you mean when you say two
4 cars when you're describing the shooting.

5 A. The car was right here.

6 Q. Okay. So where was the white Crown Victoria
7 then?

8 A. Right there. The car was right there.

9 Q. So it was in front of the Kia Optima and the
10 Dodge Stratus?

11 A. Yes, sir.

12 Q. Thank you. Now, the gentleman that you said
13 was in the Crown Vic, you gave a description of him
14 that night, didn't you -- or that morning, right?

15 A. Yes, sir.

16 Q. What was your description again of the guy that
17 was in the white Crown Victoria?

18 A. The guy that got out?

19 Q. Right.

20 A. Passenger's side. I said white shirt and
21 light-skinned.

22 Q. So who was driving the white Crown Victoria?

23 A. I don't know. That person didn't get out.

24 Q. So that person did not get out of the car,
25 right?

1 A. Yes, sir.

2 Q. So there were two people in the white Crown
3 Victoria who pull up in front of the Optima?

4 A. No; there was three.

5 Q. There was three?

6 A. Yes, sir.

7 Q. Describe the third person in the car.

8 A. The third person was a short black male.

9 Q. So there are three -- did you say that in your
10 statement on June the 6th of 2015?

11 A. No, sir. I was ready to go. I was riding with
12 my cousin.

13 Q. You were ready to go. Okay. You mean that
14 morning, you were ready to go?

15 A. Yes.

16 Q. So there were three people in a white Crown
17 Victoria. You don't know what the driver looks
18 like. The guy who gets out of the passenger's side
19 who does the shooting has on a white shirt, he's
20 light-skinned. And the other guy who gets out of
21 the car is a short black male, dark-skinned?

22 A. Yes, sir.

23 Q. But that's not in your statement from that day?

24 A. No, because they never called back. They never
25 talked to me about it after that day.

1 Q. So it's their fault that they didn't ask the
2 questions about what was going on, right?

3 A. Yes, sir.

4 Q. Normally, when you -- what did the police
5 officers tell you when they came up to you, just
6 tell me what happened?

7 A. I don't remember that.

8 Q. Now, you sat down and you talked to
9 Investigator Burt on June the 10th of 2015, right?

10 A. June the 10th?

11 Q. Yeah.

12 A. No. No, it wasn't. I talked to somebody that
13 same night that it happened.

14 Q. And who else --

15 A. And they said --

16 Q. Go ahead. Did you ever talk to any other
17 investigator?

18 A. No, sir, just that one day until we got to go
19 to court.

20 Q. Did you at any point in time have a
21 conversation with Investigator Zalestra?

22 A. I don't remember that.

23 Q. Did you present your driver's license to an
24 officer on that date when you told him what
25 happened?

1 A. I don't remember that.

2 Q. Do you remember who you gave the written
3 statement to?

4 A. At that time, it was an officer, but I don't
5 remember his name or anything.

6 Q. Did you speak to more than one officer?

7 A. Just one.

8 Q. At any point in time, did you ever tell anyone
9 that you didn't know who the shooters were?

10 A. I never seen they faces.

11 Q. And if you made that comment, that's what you
12 meant, you didn't know who the shooters were, right?

13 A. I just didn't see they faces.

14 Q. Okay. On June the 6th, 2015, did you tell any
15 police officer or did you provide in your written
16 statement that there was any type of conversation
17 with Fresh and Shine?

18 A. I don't remember.

19 Q. I'll give you your statement, if you want to
20 look at it to refresh your memory. Did you?

21 A. I don't remember.

22 Q. You got your statement right there?

23 A. Yes, sir.

24 Q. Does it say anything about you telling them
25 about any conversation that Fresh and Shine had?

1 A. I don't remember.

2 MR. WILLIAMS: That's all the questions I have,
3 Your Honor.

4 THE COURT: Mr. Mauldin?

5 MR. MAULDIN: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. MAULDIN:

8 Q. Good morning -- good afternoon, whatever the
9 case may be.

10 Let's go back to this diagram here, which is
11 State's 1, which is on the projector. Now, you said
12 at the time the shooting happened or right at the
13 time before the shooting happened that Dee Dee was
14 in the driver's seat of the Dodge Charger; is that
15 right?

16 A. Yes, sir.

17 Q. And you were standing outside the passenger
18 door?

19 A. Yes, sir.

20 Q. Okay. And where -- let's see. And you said
21 that Shine was somewhere around the passenger's side
22 door of your car or the driver's side door of this
23 car? I can't remember.

24 A. Passenger's side.

25 Q. Of the Dodge Charger?

1 A. Yes, sir.

2 Q. Was he more toward the front or the back?

3 A. In the middle of the window.

4 Q. Okay. The front window or the back window?

5 A. He in the front, like right there.

6 Q. Okay. All right. And what was Teddy P doing?

7 A. Teddy P was just right there, standing right
8 there.

9 Q. Okay. And Brandon, where was he?

10 A. Right there.

11 Q. So they're all kind of clumped together in
12 between the two cars there; is that right?

13 A. Yes, sir.

14 Q. All right. And then you say you saw Fresh
15 walking up the hill with three other guys; is that
16 right?

17 A. Yes, sir.

18 Q. And then a car pulled up, a white Crown Vic; is
19 that right?

20 A. Yes, sir, that's what I said in my statement.

21 Q. Well, didn't you tell these people in October,
22 just last month, that it was a white Crown Vic?

23 A. Yes.

24 Q. Okay. It was just last month.

25 And you're saying that somebody got out of the

1 passenger's side, and that was the guy in the white
2 shirt?

3 A. Yes, sir.

4 Q. And then somebody got out of the driver's side,
5 and that was the short black guy?

6 A. Yes, sir.

7 Q. And then there was another occupant in the
8 vehicle that you didn't really see too much other
9 than it was a person?

10 A. Yes, sir.

11 Q. What happened to the people that was behind
12 Fresh?

13 A. I don't know.

14 Q. They weren't the people in the car, were they?

15 A. The guy in the white shirt.

16 Q. So he had time to run back down the hill --

17 A. The car was coming up the hill.

18 Q. Okay. All right. And after the shooting,
19 y'all take off toward the Hill View gas station? I
20 want to call it the Hilltop. But it's the Hill
21 View, right?

22 A. The truck stop.

23 Q. The truck stop. And that's only, like, three
24 minutes away, right?

25 A. Yes, sir.

1 Q. Because the car couldn't really go much further
2 because of the tire?

3 A. Yes, sir.

4 Q. And the Hill View is right at the exit of the
5 interstate, right?

6 A. Yes, sir.

7 Q. Okay. And y'all are at the Hill View and y'all
8 are calling the police. I think you called the
9 police. Dominique called the police?

10 A. Yes, sir.

11 Q. Everyone was calling frantic at that time. I
12 guess, a whole bunch of people were at the
13 Hilltop [sic], coming around because of the
14 commotion and milling around the cars; is that
15 right?

16 A. Yes, sir.

17 Q. And then eventually the police arrive and --
18 how many police do you think showed up?

19 A. I don't know.

20 Q. Okay. Because sometimes they swarm around like
21 ants; I mean, you see, like, three cars on a traffic
22 stop sometimes on the side of the road. So things
23 are going on and police are probably coming up and
24 asking y'all questions. And it's getting real
25 confusing and you may not remember this or that or

1 what you told who or what you told what, right?

2 A. Yeah. Some of the -- yes, sir.

3 Q. Okay. So Mr. Theo mentioned Officer Zelestra
4 or something like that. Do you remember telling
5 them that when you heard the shooting, you ducked
6 down and did not know who any of the shooters were
7 or why they were shooting at you?

8 A. I said I ducked down.

9 Q. And do you not remember saying that or are you
10 denying that you said that?

11 A. I don't remember saying that.

12 Q. Pardon?

13 A. I said after I ducked down and covered my ears,
14 I don't remember saying nothing after that.

15 Q. So you might have said it, but you just don't
16 remember?

17 A. Yes, sir.

18 Q. Now, I know Mr. Williams showed you your
19 written statement a lot --

20 A. Yes, sir.

21 Q. -- and I know you're having difficulty
22 remembering what you wrote and everything like that.

23 So I'm going to leave it up there with you so
24 you can refresh your memory with it if you need to.

25 Okay?

1 A. Okay.

2 Q. And you can thumb through all the pages. It's
3 your statement. Okay?

4 In that statement, you never wrote about three
5 other people walking up with Fresh, did you?

6 A. No, sir.

7 Q. In that statement, you didn't say anything
8 about anybody getting out of the driver's side of
9 that white Crown Vic, did you?

10 A. Driver's side?

11 Q. Yes, the driver's side. You said that -- in
12 that statement --

13 A. Yeah, in the back.

14 Q. -- you said the only person you saw was getting
15 out of the passenger's side; is that right?

16 A. Yes, sir.

17 Q. You never said anything about anybody getting
18 out of the driver's side; is that right?

19 A. I was ready to see what was wrong with my
20 cousin, that's why.

21 Q. Well, they asked you in your statement if there
22 was anyone else in that car, and you said no. You
23 wrote no.

24 A. Yes, sir, I did.

25 Q. Well, I guess, no -- the word no would be less

1 time than writing two other people, wouldn't it?

2 Were you willing to save that time?

3 A. I was just ready to go.

4 Q. And you wrote in that statement that you only
5 heard six shots; is that correct?

6 A. I told them I heard them and I ducked and
7 covered my ears.

8 Q. And where, if anywhere, in your written
9 statement did you write the words light-skinned to
10 describe the fellow that got out of the car?

11 A. No, sir.

12 Q. You didn't use those words, did you?

13 A. No, sir.

14 Q. I can take that back now. Thank you.

15 A. You're welcome.

16 Q. I forgot one thing. That's the way it is
17 sometimes.

18 Well, do you remember writing in your statement
19 that there were no arguments or fighting at The
20 Spot?

21 A. Yes, I remember saying that there wasn't.

22 Q. When you met with these people last week,
23 Investigator Jill Smith and Assistant Solicitor
24 Sutania there, you didn't say anything about
25 somebody getting out of the driver's side of the

1 white Crown Vic, did you?

2 A. Yes, I did.

3 Q. So if they didn't make a note about that,
4 that's their fault; is that right?

5 A. I couldn't say.

6 Q. Okay. And you said that you never saw Shine or
7 Teddy P shooting?

8 A. No, sir.

9 Q. Is that because you were ducked down in the
10 seat and didn't see what was going on?

11 A. I wasn't in a seat.

12 Q. Where did you duck down at?

13 A. I was outside of the car. I ducked down on the
14 ground.

15 Q. You ducked down on the ground. Okay.

16 MR. MAULDIN: I have no further questions.

17 THE COURT: Redirect?

18 REDIRECT EXAMINATION

19 BY MR. MCNAIR:

20 Q. OB, when you were asked to describe the gun
21 that Fresh had and you provided that description,
22 was that something you were certain of or --

23 A. No, sir, I wasn't.

24 Q. Is that just what you thought the gun was?

25 A. Yes, sir.

1 Q. Do you have any doubt whatsoever that you saw
2 Fresh with a gun?

3 A. Yes. I seen one gun.

4 Q. And you testified that when you saw him coming
5 up the hill, he had the gun in his left hand?

6 A. Yes, sir.

7 Q. And then by the time he got in front of where
8 y'all were, what hand was it in?

9 A. His right hand.

10 Q. And have you seen Crown Vics and Grand
11 Marquises that look similar before?

12 A. It depends on the model.

13 Q. You were asked to describe -- if you could
14 describe what certain people were wearing. Do you
15 remember what type of clothing Fresh was wearing,
16 specifically his shirt?

17 A. A red and black shirt with red diamonds on it.

18 Q. Now, you were actually one of the people who
19 called 911 in this case; is that correct?

20 A. Yes.

21 Q. You testified you had no idea why y'all were
22 targeted; is that correct?

23 A. Yes, sir.

24 Q. Did you or anybody in your group ever threaten
25 Fresh or the people he was with?

1 A. No, sir.

2 Q. Is that why you said you have no idea why you
3 were targeted?

4 A. Yes, sir. I don't know why.

5 Q. Let me ask this: Do you have any doubt about
6 what you remember here today?

7 A. No, sir.

8 Q. Do you have sometimes -- I don't mean this in a
9 bad way, do you sometimes have issues communicating
10 things?

11 A. Yes, sir.

12 Q. Okay. But no doubt that you saw Fresh with a
13 gun, correct?

14 A. Yes, sir.

15 Q. Any doubt that you saw a guy with a white shirt
16 with a gun?

17 A. No, sir.

18 Q. Any doubt that those people fired?

19 A. The guy in the white shirt did.

20 Q. And that Shine never pulled a gun or he never
21 fired?

22 A. He never did.

23 MR. MCNAIR: Thank you.

24 THE WITNESS: You're welcome.

25 THE COURT: Recross?

1 MR. WILLIAMS: No questions on behalf of
2 Brannon.

3 MR. MAULDIN: I got no further questions for
4 this witness.

5 THE COURT: The witness may step down.

6 Ladies and gentlemen, we're going to take our
7 late morning break at this point. We'll try to get
8 you downstairs to refresh yourselves. We'll get you
9 back up in ten minutes. Please don't discuss the
10 case. We'll see you shortly.

11 (The jury exits the courtroom at 11:24 AM.)

12 THE COURT: We'll be in recess until 11:35.

13 (Brief recess.)

14 THE COURT: All right. Bring them up, please.

15 (The jury enters the courtroom at 11:42 AM.)

16 THE COURT: Madam Forelady, ladies and
17 gentlemen of the jury, welcome back. We'll continue
18 where we left off with the next witness in the
19 State's case in chief.

20 MR. MCNAIR: Thank you, Your Honor. The State
21 calls Asia Layne.

22 ASIA LAYNE

23 being first duly sworn, testified as follows:

24 THE WITNESS: I do.

25 THE CLERK: Thank you. Have a seat. You can

1 remove your mask. State your name and spell your
2 last name.

3 DIRECT EXAMINATION

4 BY MR. MCNAIR:

5 Q. Asia, I'll start with the obvious. You don't
6 want to be here today, correct?

7 A. No.

8 Q. And we forced you to be here with a subpoena?

9 A. Correct.

10 Q. Can you tell us, where did you grow up?

11 A. Batesburg-Leesville.

12 Q. All right. Now, on June 6th of 2015, do you
13 recall hearing about a shooting that happened at a
14 place called The Spot?

15 A. Yeah.

16 Q. Were you there that night --

17 THE COURT: Ma'am, if you would, if you could
18 move the microphone closer to you so the jury can
19 hear you. Thank you.

20 BY MR. MCNAIR:

21 Q. Do you recall the night that a shooting
22 happened at The Spot?

23 A. Yes, sir.

24 Q. On June 6th of 2015?

25 A. Yes, sir.

1 Q. Were you there that night?

2 A. Not at The Spot.

3 Q. Now earlier, I guess, in the evening on June
4 5th of 2015, do you remember being at a party that
5 night?

6 A. Yes, sir.

7 Q. Who was that party for?

8 A. Dreshawn Adams.

9 Q. Where was that party?

10 A. On Saluda Highway at his grandmother's house.

11 Q. Do you remember about what time that party
12 happened?

13 A. From like 5:30 that evening until like 10:30
14 maybe.

15 Q. So late in the evening on June 5th?

16 A. Yes.

17 Q. Now, you're from Batesburg, right?

18 A. Right.

19 Q. Do you know Donovan Brannon?

20 A. Yes.

21 Q. What name do you know him by?

22 A. Fresh.

23 Q. Do you remember seeing him at that party that
24 night?

25 A. Yes.

1 Q. Do you know who he came with?

2 A. I don't recall who he came with.

3 Q. Now, at some point during that party, did he
4 ask you to do something?

5 A. Yes.

6 Q. What did he ask you to do?

7 A. He asked me to take a picture of him and his
8 friends.

9 Q. Okay. And did you take a picture?

10 A. Yes. I took several pictures.

11 Q. How did you take the pictures?

12 A. On my phone.

13 Q. What did you do with those pictures after you
14 took them?

15 A. I posted them on Facebook.

16 Q. Did you post them on your Facebook?

17 A. I posted them on my page, but I tagged him in
18 them.

19 Q. Why did you post those pictures on Facebook?

20 A. Because he told me to take the pictures and tag
21 him. So I did.

22 Q. So you posted and you tagged other people
23 because they asked you to?

24 A. Yes.

25 Q. I'm going to show you State's 399, 400, and

1 401. Can you look at these photos and tell me if
2 you recognize them? 399, 400, 401.

3 A. Yes.

4 Q. Are those the photos that you took that night
5 at the party?

6 A. Yes.

7 Q. That Fresh asked you to?

8 A. Yes.

9 MR. MCNAIR: Your Honor, at this time, we'd
10 seek to admit State's 399 through 401.

11 MR. WILLIAMS: Without objection on behalf of
12 Defendant Brannon.

13 MR. MAULDIN: No objection, Your Honor.

14 THE COURT: State's Exhibit 399, 400, and 401
15 admitted into evidence.

16 (State's Exhibit Nos. 399 through 401 admitted
17 into evidence.)

18 MR. MCNAIR: Thank you, Your Honor. Permission
19 to publish?

20 THE COURT: Very well.

21 BY MR. MCNAIR:

22 Q. When you took this picture, did you notice
23 what, if anything, was in his hand? Ma'am?

24 A. No.

25 Q. Once again, these were photos taken on the

1 evening of June 5th of 2015?

2 A. (Nonverbal response.)

3 Q. Did you see him leave the party?

4 A. No.

5 MR. MCNAIR: That's all the questions I have.

6 Thank you for being here. I'm sorry that we had to
7 compel you to be here. Okay?

8 THE WITNESS: That's okay.

9 MR. WILLIAMS: No questions, Your Honor.

10 MR. MAULDIN: I have no questions for this
11 witness, Your Honor.

12 THE COURT: The witness may step down. Thank
13 you.

14 THE WITNESS: Thank you.

15 THE COURT: Next witness.

16 MS. FULLER: Thank you, Your Honor. The State
17 calls an Anija Sales.

18 ANIJA SALES

19 being first duly sworn, testified as follows:

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Have a seat over there. You can
22 remove your mask. State your name and spell your
23 last name, please, for the record.

24 THE WITNESS: My name is Anija Sales,
25 S-A-L-E-S.

1 DIRECT EXAMINATION

2 BY MS. FULLER:

3 Q. And your full name is Anija Sales?

4 A. Uh-huh.

5 Q. Ms. Sales, you don't want to be here today,
6 correct?

7 A. Correct.

8 Q. We have asked you to come here today, correct?

9 A. Yes, ma'am.

10 Q. And when we met, we served you with a subpoena
11 to be here, correct?

12 A. Yes, ma'am.

13 Q. Just starting out, who is Antonio Stroman to
14 you?

15 A. My cousin.

16 Q. And do you know Shantrez Robertson?

17 A. Yes.

18 Q. How do you know him?

19 A. He's an ex of mine.

20 Q. When you say ex, is that an ex-boyfriend?

21 A. Yes, ma'am.

22 Q. Were you dating him back in June of 2015?

23 A. It was rocky, but yeah.

24 Q. You guys were friendly?

25 A. Yeah.

1 Q. In June of 2015.

2 Do you recall the night the shooting happened
3 at The Spot?

4 A. Yes, ma'am.

5 Q. And that night, did you see Shantrez Robertson?

6 A. Yes, ma'am.

7 Q. Where did you see him?

8 A. I seen him inside the club.

9 Q. And is that The Spot on Parrish Road?

10 A. Yes.

11 Q. Earlier that night before the club, what were
12 you doing?

13 A. I was at my friend's birthday.

14 Q. Who is that?

15 A. Dray.

16 Q. Dreshawn Adams?

17 A. Uh-huh.

18 Q. Who were you there with?

19 A. My sister, it was her graduation day. She
20 graduated earlier that day.

21 Q. Did you see Shantrez there at the party?

22 A. No, ma'am.

23 Q. When you went to The Spot, is that where you
24 saw him?

25 A. Yes, ma'am.

1 Q. Were you actually with him there or you just
2 saw him?

3 A. I just saw him in there.

4 Q. What, if anything, were you doing when the
5 shooting actually happened?

6 A. Cranking up my car so me and my sister could
7 leave.

8 Q. And we have an aerial of The Spot I want to
9 show you. Does this look familiar?

10 A. Yes, ma'am.

11 Q. And so this would be generally where The Spot
12 is?

13 A. Uh-huh.

14 Q. When you say cranking up your car, where were
15 you parked? Were you up here?

16 A. Yeah, I was down at the bottom.

17 Q. On this part? There's a laser pointer up
18 there. If you can --

19 THE COURT: Come on up here, Mr. Mauldin.

20 MR. MAULDIN: Thank you, Your Honor.

21 A. It was like this area down there.

22 Q. Okay. And just pointing so the jury can see
23 this area, when you were there, you were cranking up
24 your car and you heard the shooting?

25 A. Yes, ma'am.

1 Q. And where was the shooting? What direction did
2 you hear the shooting coming from?

3 A. I'm not sure. Once I heard them, I just got
4 out the car and got on the ground.

5 Q. Was the shooting happening around your area?
6 Was someone shooting at you?

7 A. No.

8 Q. You just heard it in The Spot parking lot
9 somewhere?

10 A. Uh-huh.

11 Q. After that, what did you do?

12 A. I left. Once I heard everything stop, I told
13 my sister get in the car and we left.

14 Q. And then once you left there, where did you go?

15 A. I was going to get me something to eat, but I
16 had a phone call from an outsider saying that it
17 looked like it had been my cousin in Creek View shot
18 and they couldn't get in contact with nobody. So I
19 went there.

20 Q. And when you say your cousin, you're talking
21 about Antonio Stroman?

22 A. Yes, ma'am.

23 Q. So you eventually go to Creek View?

24 A. Yes, ma'am.

25 Q. And did you see your cousin?

1 A. Yes, ma'am.

2 Q. Earlier in the trial, we watched body cam
3 footage. There was a female, a woman talking to an
4 officer saying this is my cousin's car. Would that
5 have been you? Do you recall speaking to an
6 officer?

7 A. Yes, ma'am.

8 Q. Saying that he just got this car?

9 A. Yes, ma'am.

10 Q. Once you left Creek View, where did you go?

11 A. To the hospital. I followed behind the
12 ambulance with my flashers on.

13 Q. When Antonio Stroman got out of the hospital,
14 did you help as well with his care?

15 A. Yes, ma'am.

16 Q. Do you recall where -- did he stay at your
17 house or his house?

18 A. We live next door, so I was back and forth.

19 Q. Is that on Gary Hallman?

20 A. Yes, ma'am.

21 Q. Back then, I'm not sure if now, but did you go
22 by the nickname Nunu?

23 A. Yes, ma'am.

24 Q. And is it N-E-W-N-E-W OR N-U-N-U?

25 A. It's however they spelled it.

1 Q. I'm going to show you a couple things. And
2 this will be authenticated later, but showing you
3 now State's Exhibit 253. And down here in line 13,
4 do you see the name Nunu?

5 A. Yes, ma'am.

6 Q. And is there a phone number associated with
7 Nunu?

8 A. Yes, ma'am.

9 Q. What is that phone number?

10 A. (803) 580-1082.

11 Q. Back in June of 2015, would that have been your
12 number saved with the name Nunu?

13 A. Yes, ma'am, I guess. I change numbers a lot,
14 so --

15 Q. Right. So recalling that number off top, it's
16 been six years, you don't necessarily remember, but
17 the name Nunu is yours, correct?

18 A. Yes, ma'am.

19 MS. FULLER: For the record, again, that was
20 253 for ID.

21 BY MS. FULLER:

22 Q. And now 200, just for ID, to be authenticated
23 later pursuant to business records, I'm going to
24 show you State's Exhibit 200. And prior to today,
25 you had an opportunity to review this document,

1 correct?

2 A. Yes, ma'am.

3 Q. And the number right here, what's that number?

4 A. (803) 580-1082.

5 Q. And when you reviewed this document, did you
6 recognize this as communication that you had with
7 Shantrez Robertson?

8 A. Yes, ma'am.

9 Q. Also when you reviewed this document, was there
10 portions of this communication that appear to be
11 written from your phone number, but by someone else?

12 A. Yes, ma'am.

13 Q. Who would that person have been?

14 A. My cousin.

15 Q. And who is your cousin?

16 A. Antonio.

17 Q. Looking here at the first line, it's dated June
18 6th, 2015. And what time is that?

19 A. 3:18.

20 Q. And what message did you send?

21 A. Babe, please let me know you're all right.

22 MR. MAULDIN: Your Honor, may I take a look at
23 that before we go any further?

24 THE COURT: Certainly.

25 MS. FULLER: I'll give you your own copy. You

1 can keep that.

2 May I proceed?

3 THE COURT: Yes, ma'am.

4 MS. FULLER: Thank you.

5 BY MS. FULLER:

6 Q. When you sent that message, who were you
7 texting?

8 A. Shantrez.

9 Q. And that time was 3:18 p.m. on -- 3:18 a.m. the
10 night of the shooting. There's already testimony
11 that the 911 was 3:14 a.m. What was your purpose of
12 texting him at that point?

13 A. I was just texting him --

14 MR. MAULDIN: Your Honor, she's publishing
15 things that are not in evidence. She's reading off
16 a paper that's not in evidence and explaining things
17 about it.

18 THE COURT: Just a moment. Let me speak to
19 y'all a moment.

20 (Sidebar conference.)

21 THE COURT: All right. Counsel, proceed.

22 MS. FULLER: Thank you.

23 BY MS. FULLER:

24 Q. And, Ms. Sales, we were talking about a 3:18
25 text to him. Can you repeat your answer? I'm

1 sorry.

2 A. On why I texted him?

3 Q. Yes.

4 A. I was just making sure anybody down there was
5 okay because I didn't know what was going on.

6 Q. And at that time, being 3:18, you texted him
7 because you knew that he was at The Spot that night?

8 A. Uh-huh.

9 Q. And you saw him there?

10 A. Yes, ma'am.

11 Q. I haven't asked you this before, so I'm going
12 to ask you, do you remember what he was wearing that
13 night?

14 A. (Nonverbal response.)

15 Q. You don't? That's okay.

16 Also, I'm going to give you your own copy so I
17 can hold onto this. And just so we can verify, you
18 had an opportunity to review all of these messages.
19 And you do recognize them as content that you sent
20 to Shantrez Robertson.

21 Looking on the second page, the second line
22 from the bottom, there's a message that you sent on
23 June 8th of 2015. Do you see that message?

24 A. Yes, ma'am.

25 Q. What was that message?

1 A. Tonio said: Y'all need to lay low. The
2 detective said something about my name today.

3 Q. What was the purpose of sending Shantrez
4 Robertson a message to lay low?

5 A. I was just doing what my cousin told me to do.
6 He didn't say why or anything.

7 Q. And Tonio, just so we're clear, is Antonio
8 Stroman?

9 A. (Nods head.)

10 Q. And you were delivering that message from
11 Antonio Stroman to Shantrez Robertson?

12 A. Yes, ma'am.

13 Q. And then, just so it's also clear for the
14 record later on, flip it back to the first page.
15 Starting on June 8th of 2015, where it begins with a
16 message good morning and you say good afternoon.
17 You see that?

18 A. Yes, ma'am.

19 Q. And then about halfway down or closer to the
20 bottom of the page, the word bruh is used in two of
21 those text messages. Is that you sending those
22 messages?

23 A. No, ma'am.

24 Q. That's Antonio using your phone to send those
25 messages?

1 A. Yes, ma'am.

2 Q. And Shantrez Robertson responding?

3 A. Yes, ma'am.

4 MS. FULLER: No further questions.

5 THE COURT: Cross-examination?

6 MS. WILLIAMS: No questions, Your Honor.

7 MR. MAULDIN: No questions, Your Honor.

8 THE COURT: The witness may step down.

9 Counsel, if I can grab y'all back up here.

10 (Sidebar conference.)

11 THE COURT: All right. Ladies and gentlemen,
12 your lunch has arrived. We'll go ahead and break
13 now. Obviously, y'all go down to the jury room,
14 relax yourselves. If you need to step out for some
15 air, the bailiffs will take care of you. Just plan
16 to get started again about 1:00, and we'll continue
17 with the afternoon testimony.

18 And, once again, we plan to work later this
19 evening just to try to maximize our time here. We
20 appreciate all your patience. We'll see you after
21 lunch. Please don't discuss the case.

22 (The jury exits the courtroom at 12:05 PM.)

23 THE COURT: We'll be in recess until about
24 1:00. Can I speak with the lawyers for just
25 scheduling purposes in chambers?

1 MS. FULLER: Yes, Your Honor.

2 Briefly, State's Exhibit 282, 283, 284 are just
3 for ID. They're the unredacted photographs,
4 Facebook photographs that we just entered into --

5 THE COURT: You want to make them Court's
6 Exhibits?

7 MS. FULLER: They'll just be marked for ID. So
8 it will be a Court Exhibit essentially, but just so
9 the record reflects the unredacted document as well.

10 THE COURT REPORTER: Can you repeat that one
11 more time?

12 MS. FULLER: State's Exhibit 282, 283, and 284
13 are unredacted Facebook messages that are marked for
14 ID.

15 (Luncheon recess 12:06 PM - 1:20 PM.)

16 THE COURT: All right. Are we ready to call --
17 actually, anything before we bring the jury?

18 MS. FULLER: Nothing from the State.

19 THE COURT: All right. Bring them up, please.

20 (The jury enters the courtroom at 1:24 p.m.)

21 THE COURT: Madam Forelady, ladies and
22 gentlemen of the jury, welcome back. I hope you had
23 a nice lunch. And we will continue where we left
24 off.

25 MR. MCNAIR: Thank you, Your Honor. The State

1 calls Agent Tyler Sturkie.

2 TYLER STURKIE

3 being first duly sworn, testified as follows:

4 THE WITNESS: I do.

5 THE CLERK: Have a seat. You can remove your
6 mask. State your name and spell your last, please,
7 for the record.

8 THE WITNESS: My name is Tyler Sturkie,
9 S-T-U-R-K-I-E.

10 DIRECT EXAMINATION

11 BY MR. MCNAIR:

12 Q. Agent Sturkie, where are you employed?

13 A. I'm employed by the South Carolina Law
14 Enforcement Division in their forensic services
15 laboratory.

16 Q. And what exactly do you do for SLED?

17 A. I'm a forensic scientist in the trace evidence
18 department where we analyze evidence pertaining to
19 gunshot residue, fire debris, glass, paint, fibers,
20 explosives, and general unknowns.

21 Q. How long have you been in that position?

22 A. Seven years.

23 Q. Can you give the jury a little bit of
24 background on your education and your training
25 regarding GSR?

1 A. I graduated from Newberry College with a
2 Bachelor of Science Degree in chemistry. When I was
3 hired by SLED, I began a yearlong training program
4 in the analysis of gunshot residue. This training
5 consisted of written and practical examinations on
6 the practice and theory of gunshot residue.

7 I also attended and completed courses at the
8 Oak College of Applied Sciences titled Gunshot
9 Residue Identification, Scanning Electron
10 Microscopy, and Advanced X-ray Microanalysis.

11 Q. And have you testified in court in this state
12 before as an expert in what's called GSR analysis?

13 A. Yes, sir, I have.

14 Q. How many times?

15 A. 29.

16 MR. MCNAIR: Your Honor, we'd offer Agent
17 Sturkie as an expert in GSR analysis at this time.

18 MR. WILLIAMS: Without objection on behalf of
19 Defendant Brannon.

20 MR. MAULDIN: No objection, Your Honor.

21 THE COURT: Ladies and gentlemen, this witness
22 will be qualified in the area of GSR, gunshot
23 residue analysis, and give opinion testimony in that
24 area. Doesn't mean you have to accept the opinion,
25 but it's evidence for you to use in any way you see

1 fit.

2 BY MR. MCNAIR:

3 Q. Agent Sturkie, we keep referring to GSR, can
4 you explain to the jury what that is?

5 A. Yes, sir. So gunshot residue, GSR is short for
6 it, is the burned and unburned particles from the
7 primer, the propellant in a projectile from a
8 firearm that has been recently discharged. These
9 particles are usually round or molten in shape and,
10 they contain the elements of lead, barium, and
11 antimony.

12 Q. And what areas of the firearm can gunshot
13 residue come out of?

14 A. Typically, any opening of the firearm. This
15 will include the muzzle of the weapon. And for a
16 semi-automatic pistol, usually the ejection port and
17 the cylinder gaps in a revolver.

18 Q. Now, how would you describe GSR in terms of how
19 fragile it is?

20 A. A visual I like to use sometimes is baking
21 flour in the kitchen. If you're working with baking
22 flour and you have it on your hands and you go to
23 grab a cup and you set that cup back down, that cup
24 now has baking flour. It's been removed from your
25 hand and has transferred to this cup.

1 Gunshot residue behaves very similarly. It is
2 microscopic, so you cannot see it with the naked
3 eye. That's why it requires some sort of
4 magnification to view it and characterize it. But
5 GSR is a very fragile piece of evidence in that
6 regard.

7 Q. Is it something somewhat like dust that can be
8 blown off of something or fall off or be swept off?

9 A. It can, depending on the exact scenario.

10 Q. Now, if someone has gunshot residue on them,
11 what does that indicate to you?

12 A. During my analysis, I am specifically looking
13 for the presence or absence of gunshot residue,
14 whether that is on the hands of a victim, a suspect,
15 an inanimate object, such as clothing or a vehicle.

16 When I find gunshot residue, I can identify one
17 of three things: One, that the individual fired the
18 weapon; two is that the individual was in the
19 vicinity when that weapon was fired; or three, the
20 individual touched an object that had GSR on it. I
21 cannot identify which of those three, only the
22 presence or absence of gunshot residue.

23 Q. So if someone has gunshot residue on them, they
24 either fired a weapon, they were in the vicinity of
25 a weapon that was fired, or it was transferred to

1 them somehow from touching an item that had gunshot
2 residue on it, correct?

3 A. That is correct. Yes, sir.

4 Q. Now, I guess, what is the typical range that
5 you would expect to find gunshot residue on
6 somebody? I guess, if I fired a gun right now, what
7 would be the range around me that you would expect
8 to possibly find gunshot residue?

9 A. There are many factors that play into the
10 specific range or vicinity of a firearm when it has
11 been discharged, including indoors versus outdoors,
12 number of shots, type of gun or caliber of weapon
13 that is used. A general rule of thumb is usually
14 around eight to ten feet. In that vicinity, I would
15 expect to find gunshot residue on any object or
16 individual.

17 Q. So if I fired a gun right now, it's possible
18 some of the jurors any get gunshot residue on them?

19 A. It is possible, yes, sir.

20 Q. Now, does SLED typically do GSR analysis on the
21 clothes of a victim of a gunshot?

22 A. No, sir. It is in our protocol that we do not
23 analyze clothing for victims of a gunshot wound.

24 And the reason being is if that person has been
25 known to have received a gunshot wound, they have

1 typically been within the vicinity of a discharged
2 firearm and we would expect the gunshot residue to
3 be on the clothing of the victim; therefore, we do
4 not analyze the victim's clothing.

5 Q. What if someone was on the receiving end of,
6 say, 30-plus shots, is it possible they could have
7 gunshot residue on them?

8 A. Depending on distance and other factors. Given
9 your question, I would expect gunshot residue on
10 that individual.

11 Q. If somebody had been shot five times, would you
12 expect to find gunshot residue on their clothes?

13 A. I would. I would expect to find gunshot
14 residue on the clothing of a victim whether it's one
15 shot or 100.

16 Q. All right. Now, what are some factors that
17 may influence whether or not -- first of all, if you
18 do a GSR kit -- you're familiar with how those are
19 done, correct?

20 A. Yes, sir.

21 Q. If you do a GSR kit on someone's hands, what
22 are some factors that may lead to a negative result,
23 in other words, not finding GSR on somebody's hands?

24 A. Yes, sir. We have in our protocol a specific
25 time frame of living individuals of six hours from

1 the time of shooting to the time of collection from
2 which we will analyze for the presence or absence of
3 gunshot residue.

4 The reason we have this time frame is because
5 on a living individual, this person can constantly
6 be moving, coming in contact with certain things;
7 they could be sweating, there may be blood, they're
8 wiping their hands. All this constant contact could
9 remove any GSR that may have been there to begin
10 with.

11 For deceased individuals and inanimate objects,
12 we don't have this time frame; however, there are
13 environmental factors, other outside factors, that
14 could potentially remove gunshot residue, if it's
15 there to begin with.

16 Q. So time would be a factor?

17 A. For a living individual.

18 Q. Okay. Level of physical activity?

19 A. Yes, sir.

20 Q. Whether or not they had touched other items
21 between shooting and actually getting -- the GSR kit
22 being performed?

23 A. Correct.

24 Q. All right. Sweating, could that influence it?

25 A. Yes, sir.

1 Q. What if somebody had used a towel to administer
2 aid?

3 A. That very well could. The more somebody's
4 hands come into contact, if gunshot residue was
5 there to begin with or any particle for that matter,
6 the more movement and contact with other objects,
7 the more likely something could be removed from
8 those hands.

9 Q. So just to put it simply, the more you move and
10 the more things you touch after firing a gun, the
11 less likely it may be that you find it on your
12 hands?

13 A. Correct. Yes, sir.

14 Q. Okay. Now, you were -- I think two gunshot
15 residue kits were submitted to you in this case; is
16 that correct?

17 A. If I may refer to my notes?

18 Q. Yes.

19 A. Yes, sir, I received two GSR kits in this case.

20 Q. Okay. I'm going to take them in order.
21 State's 297, is that a kit that was submitted to you
22 and that you analyzed?

23 A. Yes, sir, it is. And I can identify it by
24 SLED's number, it is L-1613875. This happens to be
25 item number 13, SLED's lab number item 13. And my

1 initials and the date in which I opened it are on
2 this.

3 Q. And who is the individual that is assigned to
4 that kit?

5 A. It would be me.

6 Q. I guess, who is that kit -- who was tested?

7 A. Oh, I'm sorry.

8 Q. The individual.

9 A. This kit is item 13, it is one GSR kit from
10 Donovan Brannon.

11 MR. MCNAIR: Your Honor, we'd offer item 13
12 into evidence at this point -- I'm sorry. State's
13 297.

14 MR. WILLIAMS: Without objection.

15 MR. MAULDIN: No objection.

16 THE COURT: State's Exhibit 297 admitted into
17 evidence.

18 (State's Exhibit No. 297 admitted into
19 evidence.)

20 BY MR. MCNAIR:

21 Q. State's Exhibit 348, Agent Sturkie, can you
22 identify that?

23 A. Yes, sir. I can identify it with the same lab
24 number. This is item number 2. And my initials and
25 the date in which I opened it are also on this kit.

1 SLED's lab number item -- or, excuse me, lab number
2 L-1613875. Item number two is one GSR kit from
3 Antonio Stroman.

4 Q. Thank you, sir.

5 MR. MCNAIR: Your Honor, we offer State's 348
6 into evidence at this time.

7 MR. WILLIAMS: Without objection, Your Honor.

8 MR. MAULDIN: No objection, Your Honor.

9 THE COURT: State's Exhibit 348 is admitted
10 into evidence.

11 (State's Exhibit No. 348 admitted into
12 evidence.)

13 BY MR. MCNAIR:

14 Q. Now, with regards to State's 348 for Antonio
15 Stroman, what was your -- what were your results on
16 the analysis of this GSR kit?

17 A. For the one GSR kit from Antonio Stroman, our
18 results were no primer gunshot residue found. The
19 absence of gunshot residue on the hands is
20 consistent with an individual not having discharged
21 a firearm.

22 The negative result could also occur from
23 circumstances such as washing the hands, wiping the
24 hands, wearing gloves, sweating profusely;
25 environmental factors including wind and rain;

1 bloody hands, excessive debris on the sample, normal
2 physical activity within four to six hours passing
3 between firing and sampling, or the firearm not
4 producing gunshot residue on the hands when
5 discharged.

6 Q. Again, all the stuff you previously talked
7 about and testified to could affect whether or not
8 gunshot residue was on someone's hands, correct?

9 A. It could affect it, yes, sir.

10 Q. State's 297 for Donovan Brannon, what were your
11 results regarding analysis of this GSR kit?

12 A. For one GSR kit from Donovan Brannon, the
13 results were the same: No primer gunshot residue
14 found.

15 Q. All right.

16 I have nothing further. Please answer any
17 questions the defense has. Thank you.

18 MR. WILLIAMS: May it please the Court?

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. WILLIAMS:

22 Q. Agent Sturkie, I'm Theo Williams. Nice to meet
23 you.

24 A. You as well.

25 Q. If I could -- do you have gloves with you?

1 A. I do not, actually.

2 MR. WILLIAMS: Do we have gloves up here?

3 MR. MCNAIR: Right there, Theo.

4 BY MR. WILLIAMS:

5 Q. You went to Wofford, is that what you said?

6 A. Newberry.

7 Q. Newberry. I don't know what your colors are,
8 but this is purple. If I could get you to slide
9 those on for me.

10 A. (Witness complies.)

11 Q. And if I could get you to open up that DNA
12 package.

13 A. This is a gunshot residue.

14 Q. I'm sorry. Gunshot residue?

15 A. This has been previously sealed, with my
16 initials and date in which I sealed it.

17 Q. Now, what are the contents of that package?

18 A. When this kit is administered to the law
19 enforcement agencies -- these particular kits, they
20 have evolved over time. But, in general, these kits
21 will contain what we call particle lifts. And these
22 lifts are usually labeled in the area for which the
23 investigator is to collect.

24 For example, this kit has four particle lifts.

25 And each lift is labeled right palm, right back,

1 left palm, and left back. And these are the areas
2 of the hand in which the investigator will
3 administer to an individual.

4 Also with this kit, when it is first opened,
5 there is a gunshot residue information form that has
6 information that the officer will fill out to
7 include the subject's name, the time of shooting,
8 the time of collection, and any other relevant
9 information they may deem necessary.

10 Q. Is that information form forwarded to you along
11 with any sampling?

12 A. It is, yes, sir.

13 Q. Is it in the package?

14 A. It is actually with my notes.

15 Q. Do you have your notes with you?

16 A. I do, yes, sir.

17 Q. Could I see the information form?

18 A. Sure.

19 Q. It should be in the package, though, shouldn't
20 it?

21 A. During -- our protocol during the time of
22 analyzing these kits, we would remove the
23 information form and keep it within our case notes
24 so the reviewer and any other analyst who is
25 reviewing the case may refer to this information

1 form. Now, we do not. We scan it and the original
2 copy does go back with the kits. However, during
3 the time frame of these kits being administered, it
4 is not in here, it's in my notes.

5 Q. If you would look for it for me, please?

6 A. Yes, sir.

7 Q. Okay. Could I see it?

8 A. Yes, sir.

9 Q. Okay. Now, if I could, could I get you to open
10 up Antonio Stroman's?

11 A. Yes, sir. This item has also been sealed
12 previous by myself on November 21st of 2016.

13 Q. Does it have the information form in it?

14 A. No, sir. It's also in my notes.

15 Q. Okay. So it's there with your notes, also?

16 A. Yes, sir. If you would like to see it, I have
17 it right here as well.

18 Q. I have a copy of that one.

19 A. Okay.

20 Q. On both of these individuals, you determined
21 that there was no gunshot residue on their hands,
22 correct?

23 A. That is correct, yes, sir.

24 Q. And on both of these individuals, the sampling
25 would have been done within six hours from the time

1 in which -- did you say six hours was the deadline
2 of when you could take it?

3 A. From the time of the shooting to the time of
4 collection, that window of six hours. Both of
5 these, according to supplemental information that we
6 received, was within six hours; so, therefore, both
7 of these kits were tested.

8 Q. And on both of those, the sampling would have
9 been done within six hours?

10 A. Yes, sir.

11 Q. Did you do any gunshot residue testing on --
12 you said -- did you say you normally didn't do it on
13 victims or something like that?

14 A. On the victim clothing, we do not do gunshot
15 residue analysis.

16 Q. But you would still do it on their hands,
17 right?

18 A. If we receive a kit from the victim, we would,
19 yes, sir.

20 Q. All right. And Antonio Stroman was listed as a
21 victim on your information?

22 A. According to my report, Antonio Stroman is not
23 listed. And according to the GSR information form
24 that is in the GSR kit, there is no suspect or
25 victim listed. Because, typically, at the time,

1 there may not be a suspect or victim in certain
2 situations. So I do not know Antonio Stroman's
3 relationship in this case.

4 Q. And if there is two other individuals who were
5 victims, you would not have taken the GSR on their
6 hands unless directed to?

7 A. I don't take the actual GSR kits, I just
8 receive them to test them. But the officers can
9 take hand kits of any individual they deem
10 necessary.

11 Q. So, again, you're a tester. You don't direct
12 how the case goes. Somebody else makes that
13 decision on what you test and what you don't test?

14 A. That's correct, yes, sir.

15 MR. WILLIAMS: That's all I have, Your Honor.

16 THE COURT: Mr. Mauldin?

17 CROSS-EXAMINATION

18 BY MR. MAULDIN:

19 Q. Hello.

20 A. Good afternoon.

21 Q. I want to make sure I heard right when you said
22 that from the end of the firearm, the gunshot
23 residue travels about eight to ten feet, but it
24 could be more or less depending on conditions.

25 A. Yes, sir; in the general area. Not necessarily

1 forward from the muzzle, but just in that general
2 area of the discharge.

3 Q. Would that be like a cone of discharge or
4 straight line or --

5 A. More of a cloud, if you will.

6 Q. I know the solicitor asked you, if I shot at
7 you, would the jury get gunshot residue on them.
8 There used to be a Plexiglass thing up here in front
9 of the first row. If that Plexiglass was still
10 there, would they get gunshot residue on them?

11 A. The likelihood would certainly decrease if
12 there's any intervening object.

13 Q. And what if we were outside instead of inside?

14 A. If we were outside, again, it depends on
15 environmental factors such as wind. That could
16 certainly carry it even further or condense it even
17 more.

18 Q. And I think you testified you expected to find
19 gunshot residue on somebody that shot, whether it's
20 one shot or 100.

21 A. Yes, sir.

22 Q. Does that depend on how far away the shooter
23 was?

24 A. So that factor -- that statement was referring
25 to the actual shooter, unknown shooter. The

1 receiving end of that one or 100 shots certainly
2 depends on the distance. If it's a football field
3 length versus a yard, the likelihood of an
4 individual 100 yards away would greatly diminish as
5 opposed to the individual much closer.

6 Q. Right. So in that circumstance, a test of
7 gunshot residue on a victim may indicate that he had
8 fired a weapon if he was killed from a shot far
9 away?

10 A. Could have certainly indicated that he or she
11 was within that vicinity of a discharged firearm.

12 Q. And, certainly, if somebody was standing about
13 four feet away from them and discharged a firearm
14 towards his direction, he would have gunshot residue
15 on him in an open area?

16 A. I would expect to find gunshot residue;
17 however, I listed some examples that it could be
18 removed if it's not there.

19 Q. Of course, obstacles like Plexiglass or cars
20 could obstruct the distribution of that gunshot
21 residue?

22 A. That's correct.

23 Q. And did you -- did SLED receive these tests
24 from the Sheriff's Department on September 30th of
25 '16?

1 A. I'll need to refer to my copy of the chain of
2 custody.

3 Q. By all means.

4 A. From my copy of the chain of custody, it
5 appears that these kits were submitted on September
6 30th, 2016, from the Lexington County Sheriff's
7 Department.

8 Q. And your report was finalized or you put out
9 your report on November 18th of 2016; is that
10 correct?

11 A. That is correct, yes, sir.

12 MR. MAULDIN: No further questions.

13 THE COURT: Redirect?

14 MR. MCNAIR: Very briefly.

15 REDIRECT EXAMINATION

16 BY MR. MCNAIR:

17 Q. Even if you found gunshot residue on a gunshot
18 victim's hands, would that tell you whether or not
19 that individual fired a gun?

20 A. If I find gunshot residue, I can't identify if
21 that individual was the shooter. In one of three
22 ways, the individual either did fire the weapon, was
23 in that vicinity when the weapon was fired, or
24 touched an object that previously had gunshot
25 residue on it.

1 Q. And could have picked up that gunshot residue
2 on their hands by being on the receiving end of a
3 gunshot?

4 A. Yes, sir, they could.

5 MR. MCNAIR: Thank you.

6 THE COURT: Recross?

7 MR. WILLIAMS: No, Your Honor.

8 MR. MAULDIN: No, Your Honor.

9 THE COURT: Thank you. The witness may step
10 down.

11 MS. FULLER: Thank you, Your Honor. The State
12 calls Antonio Stroman.

13 MR. WILLIAMS: Your Honor, I have a motion for
14 the Court, I think, outside of the presence of the
15 jury --

16 THE COURT: Can y'all approach just to update
17 me on what this is about?

18 (Sidebar conference.)

19 ANTONIO STROMAN

20 being first duly sworn, testified as follows:

21 THE WITNESS: Yes, ma'am.

22 THE CLERK: Thank you. Have a seat. You can
23 remove your mask when you get up there. If you can
24 state your name and spell your last name.

25 THE COURT: Have a seat, sir.

1 Ladies and gentlemen, I'm going to take a
2 five-minute break. I just have to do something real
3 quick. I will get you back up here. Don't get
4 comfy down there. I wish there was somewhere else I
5 could put you other than the third floor. Please
6 head down there real quick, and I'll get you right
7 back up.

8 (The jury exits the courtroom at 1:52 PM.)

9 THE COURT: All right. Let's bring the jury
10 up, please.

11 (The jury enters the courtroom at 2:02 PM.)

12 THE COURT: All right. Let's continue.

13 MS. FULLER: Thank you.

14 DIRECT EXAMINATION

15 BY MS. FULLER:

16 Q. Antonio Stroman, please remove your mask and
17 state your name for the record.

18 A. Antonio Stroman.

19 Q. Please spell your last name.

20 A. S-T-R-O-M-A-N.

21 Q. Antonio, you're under subpoena to be here
22 today, correct?

23 A. Yes.

24 Q. You didn't want to come, correct? You don't
25 want to be here to testify?

1 A. No, I didn't.

2 Q. Going through this, Donovan Brannon -- do you
3 know Donovan Brannon?

4 A. Yes.

5 Q. I can't hear you, sir.

6 A. Yes.

7 Q. Do you know him as Fresh?

8 A. Yes.

9 Q. Shantrez Robertson, do you know Shantrez
10 Robertson?

11 A. Yes.

12 Q. Do you know him as Red Nose?

13 A. Yes.

14 Q. And your name is Antonio Stroman, but you also
15 go by Boosie; is that correct?

16 A. Yes.

17 Q. Okay. I'm going to approach and show you
18 what's been marked for ID as State's Exhibit 252.
19 Looking here at this line, do you recognize your
20 name here?

21 A. Yes, ma'am.

22 Q. Okay. Is that your e-mail address?

23 A. Yeah.

24 Q. And so -- and for the record, can you read the
25 username there?

1 A. Antoniostroman74@gmail.com.

2 Q. The night this happened, on June 6th, 2015, you
3 remember that date, correct?

4 A. Not really.

5 Q. But you remember what happened?

6 A. Yes.

7 Q. We're not going to get into the details yet.
8 But that day, when it happened, your phone ended up
9 in Donovan Brannon's possession. You remember that?

10 A. Huh-uh.

11 Q. Do you remember not having your phone anymore
12 after that day?

13 A. Huh-uh.

14 Q. You don't?

15 A. No.

16 Q. All right. We'll just go through this then.
17 You acknowledge that that's your e-mail address
18 and that's your name, correct?

19 A. Uh-huh.

20 THE COURT: We need an audible answer, please.

21 THE WITNESS: Yeah.

22 BY MS. FULLER:

23 Q. Down here, there's a phone number. It says
24 (803) 582-9155. Do you recognize that phone number
25 as being yours?

1 A. Been so long ago, ma'am, I can't.

2 Q. Do you see this phone number here on this
3 document?

4 A. Yeah.

5 Q. Do you acknowledge that's what it says?

6 A. That's what it says.

7 Q. And you acknowledge your e-mail address here,
8 correct?

9 A. Yes, ma'am.

10 Q. Again here, it says account name. Do you see
11 that name listed?

12 A. Yes, ma'am.

13 Q. What's that name listed under account --

14 MR. WILLIAMS: Your Honor, I would object to
15 publicizing a document that's not been placed into
16 evidence.

17 MS. FULLER: I will subject to authentication
18 later. I just need him to acknowledge certain
19 things.

20 THE COURT: Very well.

21 Overruled.

22 BY MS. FULLER:

23 Q. What's the account name?

24 A. Antonio Stroman.

25 Q. That's your name? I know it's a dumb question.

1 You just have to say yes.

2 A. Yeah.

3 Q. And then again, that phone number -- with the
4 email address, phone number, and name that's listed
5 here, correct?

6 A. Yes.

7 Q. I'm going to show you another exhibit that's
8 pre-marked as State's 253, subject to authentication
9 later.

10 Do you acknowledge up here it says extraction
11 report?

12 A. Yes.

13 Q. And right here, it's listed as a call log. You
14 see that?

15 A. Yes, ma'am, I see that.

16 Q. It's just for the record. And the jury has to
17 hear it, too. It's not a trick question.

18 A. I don't know, not with you. I don't know.

19 Q. Okay. Subject to authentication later, listed
20 here, there's a name. What name is that?

21 A. Red Nose.

22 Q. And there's a phone number. You see that phone
23 number?

24 A. Yeah.

25 Q. What's that phone number?

1 MR. WILLIAMS: Your Honor, I would like to note
2 my continuing objection in this procedure in that
3 there's been nobody else who could introduce this
4 document and have him publicizing this information.
5 It's being heard by the jury, and it's not in
6 evidence yet.

7 MR. MAULDIN: I object under the same grounds.

8 MS. FULLER: It will be authenticated later.

9 THE COURT: Let me just speak with y'all real
10 quick.

11 (Sidebar conference.)

12 THE COURT: The objection is noted and
13 overruled.

14 BY MS. FULLER:

15 Q. Just so it's clear for the record, going back
16 to the extraction report for a cell phone, user
17 account has your email address listed, correct?

18 A. Yes.

19 Q. And it has a phone number associated with it,
20 correct?

21 A. I guess. That's what it say.

22 Q. Are you denying that's your phone number?

23 A. It's been so long ago, I can't say yes; I can't
24 say no. But I do see it there. It happened so long
25 ago. So...

1 Q. So back on two days after this happened, I
2 believe, June 8th, 2015, you met with law
3 enforcement. Do you remember that? They came to
4 your house on Gary Hallman Road.

5 A. (Inaudible response.)

6 Q. It's not a trick question.

7 THE COURT: Mr. Stroman, if you wouldn't mind
8 pulling your mask down. It muffles your voice a
9 little bit.

10 BY MS. FULLER:

11 Q. And when they met with you, they asked you your
12 phone number. Do you remember that?

13 A. No, ma'am.

14 Q. You don't remember it?

15 A. Like I said, it happened so long ago.

16 Q. That's okay. We can handle that. But --

17 A. Okay.

18 Q. But your response is you don't remember giving
19 that officer your phone number?

20 A. Uh-huh. I don't remember.

21 Q. And then, just for the record, when you spoke
22 with that officer, the number that he reported was
23 (803) 582-91 --

24 MR. WILLIAMS: Your Honor, objection. That's
25 hearsay now. That has nothing to do with a

1 document.

2 MR. MAULDIN: Joining in.

3 MS. FULLER: Following up to lay grounds for
4 impeachment later. I'm asking if he spoke to the
5 officer. I'm asking if he -- he says he does not
6 remember. I'm asking now, with the next question,
7 does he remember saying this is his phone number. I
8 need him to say he does not remember.

9 THE COURT: The question is, does he remember
10 giving a phone number.

11 BY MS. FULLER:

12 Q. Do you remember giving the officer a phone
13 number?

14 A. No. I told you it's been so long ago.

15 Q. Do you remember giving an officer --
16 And I can ask him the specific phone number.
17 -- the specific phone number of (803) 582-9155?

18 A. No, ma'am.

19 Q. Okay.

20 THE COURT: Just for the record, that response
21 was what?

22 THE WITNESS: No.

23 THE COURT: Okay.

24 BY MS. FULLER:

25 Q. Looking back at this call log here, State's

1 Exhibit 253, you note a name saved here, correct?

2 You recognize that name, correct?

3 A. Yes, ma'am.

4 Q. And there's a phone number associated with it,
5 correct?

6 A. Yes, ma'am.

7 Q. And this being your phone, the person that
8 saved the name with this contact, who would have
9 saved that name in your phone?

10 A. You said who?

11 Q. Who would have saved the number in your phone?

12 A. I mean, if it's my phone, then I would save the
13 name.

14 Q. It's not a trick question.

15 A. I didn't say it was. I'm just saying, ma'am.

16 Q. Okay. So you saved the number yourself in your
17 phone?

18 A. Yeah. It's in my phone.

19 Q. And you would have given this number this name,
20 correct?

21 A. Yeah.

22 Q. And that's acknowledging line 1. Coming down
23 here to line 11 of State's Exhibit 253, there's a
24 phone number listed here, correct?

25 A. That's correct.

1 Q. And there's a name saved with that phone
2 number, correct?

3 A. That's correct.

4 Q. And you would have saved that name with that
5 phone number in your phone, correct?

6 A. Yes, ma'am.

7 Q. Coming down to line 29 of that State's Exhibit,
8 there's a phone number here listed, correct?

9 A. Yes, ma'am.

10 Q. And there's a name saved with that phone
11 number, correct?

12 A. Yes, ma'am.

13 Q. And you would have saved that name, correct?

14 A. Yes, ma'am.

15 Q. And who is that?

16 A. You said who is that?

17 Q. Yep.

18 A. I got too many Boosie's in my phone, if that's
19 what you're asking.

20 Q. Yeah.

21 A. Yeah. That's my homeboy.

22 Q. Who is he?

23 A. You said who is he?

24 Q. Yeah.

25 A. My homeboy.

1 Q. What's his name?

2 A. You said what's his name?

3 Q. Yes.

4 A. I don't know his name. I just know him by
5 Boosie.

6 Q. Where does he live?

7 A. Right now? He in North Carolina now.

8 Q. Where is he from?

9 A. I don't know. I ain't ask him all that.

10 Q. Just for the record, wherever we see a phone
11 number in your phone and the name saved with it, you
12 would have been the one to write these names in your
13 phone? I know.

14 A. Yes, ma'am.

15 Q. For every line, correct?

16 A. Yes. Yes, ma'am.

17 Q. I've got one more. Looking at this message
18 here, it list participants. You see that, State's
19 Exhibit 254? There's a name there. Who is that
20 name?

21 A. Antonio Stroman.

22 Q. And there's another name of who you're
23 messaging. What name is that?

24 A. Clary White.

25 Q. And there's a phone number. Do you see that

1 phone number?

2 A. Yeah, I see it.

3 Q. So this is a communication where a phone number
4 was published between the two of you, correct?

5 A. Yes, ma'am.

6 Q. And this is from your phone?

7 A. Yes, ma'am.

8 Q. I'm going to show you now State's Exhibit
9 257 -- I'll show you what's going to be marked 257,
10 show you this. It says current participants.
11 What's the name here?

12 A. Antonio Stroman.

13 Q. And that's you, correct?

14 A. Yes, ma'am.

15 Q. And there's another name here. Whose name is
16 that?

17 A. Robertson.

18 Q. Is that Shantrez Robertson's?

19 A. Yes, ma'am.

20 Q. Go ahead and take your time and review this
21 communication.

22 Let me know when you're finished.

23 A. Finished.

24 Q. Do you recognize that as a conversation from
25 June 5th that you had with Shantrez Robertson?

1 A. I do now since you showed me.

2 Q. I didn't hear that clearly?

3 A. I said I do now since you showed me.

4 Q. Okay. And looking at this communication when
5 you were messaging -- this is for the record,
6 State's Exhibit 257 and it's a Facebook
7 conversation.

8 You acknowledge that the person you were
9 messaging was Shantrez Robertson, correct?

10 A. I mean, that's what it say. Yes, ma'am.

11 MS. FULLER: Your Honor, pursuant to 19-55-20,
12 the State would seek to introduce State's Exhibit
13 257 into evidence.

14 MR. WILLIAMS: Do we need to raise all those
15 objections in the presence of the jury?

16 THE COURT: Approach real quick, please.

17 (Sidebar conference.)

18 THE COURT: All right. Ladies and gentlemen,
19 I'll get you right back up here as soon as I can.
20 Please go to your jury room, and please don't
21 discuss the case.

22 (The jury exits the courtroom at 2:20 PM.)

23 THE COURT: All right. Counsel made an
24 objection, and we had a bench conference. We made a
25 decision just to take some record here.

1 Mr. Williams, I think your concern is with
2 Bruton?

3 MR. WILLIAMS: Yes, Your Honor.

4 THE COURT: As far as statements made by the
5 co-defendant.

6 MR. WILLIAMS: Yes, Your Honor. And more
7 directly to the point, about the fourth little
8 paragraph from the bottom, there appears to be an
9 author, Alejandro Robertson Facebook, which was sent
10 out at 2:15 on 2015.

11 MS. FULLER: For the record, Your Honor, those
12 records are in UTC time. So you have to subtract --

13 THE COURT: Why don't you just read what you're
14 talking about?

15 MR. WILLIAMS: Your Honor, it says: Bet. I'm
16 trying to sell that nine.

17 That seems like it might be material to this
18 case.

19 THE COURT: Well, first thing, it appears as a
20 statement of a defendant in this case.

21 MR. WILLIAMS: Yes, sir.

22 THE COURT: A co-defendant, for that matter.
23 And one thing we discussed in pretrial, we didn't
24 have any motion for severance. We talked about
25 Bruton at length. The statements that were taken by

1 law enforcement didn't appear to have any Bruton
2 issues. I did indicate to the lawyers that we
3 needed to make sure we didn't have any for any other
4 statements.

5 To be clear, we all did our research over the
6 weekend. And this appears to be a statement of a
7 co-defendant that is really more of a conversation
8 between friends, not testimonial in nature, where --
9 a statement that is not testimonial doesn't have the
10 same issue with Bruton and Crawford, for that matter
11 that we may have when we're admitting a statement
12 made in a Jackson V. Denno setting.

13 You follow me?

14 MR. WILLIAMS: Yes, Your Honor. Part of the
15 problem is that we've got a document which hasn't
16 been placed into evidence; there's been no
17 authentication of it. And I'm referencing something
18 over here which is different from something over
19 here, which she's trying to introduce.

20 And we don't even know the significance of the
21 time and stuff like that. Again, we get to that
22 foundation issue where we need to know from somebody
23 who deals with Facebook and this procedure whether
24 or not these are accurate records.

25 THE COURT: Well, to get at Facebook messaging

1 does not require a representative of Facebook. That
2 is -- the Court is comfortable with that. Those are
3 business records and the foundational requirements
4 of social media are -- it's not a high threshold.

5 MR. WILLIAMS: Part of the problem is you've
6 got different names on Facebook versus what you've
7 got in the copy. Perhaps if I showed the Court what
8 I'm referring to. It's got recipients, Antonio
9 Stroman; the way it's printed out, and then it's got
10 Ascari Robinson -- author Ascari Robinson. And then
11 it says: Bet, I'm trying to sell this nine. What
12 I'm looking at, it says Alejandro Robertson: Bet,
13 I'm trying to sell this nine.

14 THE COURT: I don't know what you're looking
15 at. So that's the discovery?

16 MR. WILLIAMS: Correct.

17 THE COURT: What is the difference in the name?

18 MS. FULLER: Thank you, Your Honor.

19 Your Honor, in discovery, defense counsel
20 received Facebook records twice; first, back when
21 the initial case file went out -- actually, three
22 times -- again in 2019, and then, most recently, the
23 affidavit certifying the records.

24 The records were reproduced, and they were
25 reproduced using his current Facebook that he

1 deactivated, but using the current username. The
2 handle, URL, everything else is still the same. And
3 this copy was provided in discovery. And that's
4 what the notes of evidence was served upon, was
5 certifying these records because that's what
6 Facebook does.

7 THE COURT: So what you're saying is the copy
8 that Mr. Williams is holding is from the original
9 batch?

10 MS. FULLER: Yes, from 2019 and 2015.

11 THE COURT: Okay.

12 MR. WILLIAMS: That's all I have on it, Your
13 Honor.

14 THE COURT: All right. Well, I think the
15 change in the name is explained by the State. I
16 want to make sure I look through this a little bit
17 more though. Of course, I had more material up here
18 earlier. I think the testimonial evidence does not
19 include statements made to friends in an informal
20 setting, which I'll characterize social media as an
21 informal setting. So, under that circumstance, the
22 business record which contains the conversation
23 between this witness and a defendant in this case is
24 admissible.

25 Now, I haven't read the whole thing. Is there

1 anything?

2 MR. WILLIAMS: In what we've received from the
3 solicitor on this page and a half, we don't see
4 anything else.

5 THE COURT: By that, I mean any other
6 references to items of evidence we want to keep out
7 of this case.

8 MR. WILLIAMS: Not that I see.

9 THE COURT: Okay. Did you get your documents
10 back, Mr. Williams?

11 MR. WILLIAMS: Yes, I did.

12 THE COURT: All right. Anything else for the
13 record on this thing?

14 MR. WILLIAMS: Nothing from Defendant Brannon.

15 MR. MAULDIN: No, Your Honor.

16 THE COURT: All right.

17 MR. MAULDIN: Your Honor, if you could halt
18 them at the door.

19 THE COURT: Okay. What's up?

20 MR. MAULDIN: I'm going to object, obviously.
21 Even though Mr. Stroman is here, there is a
22 statement on the page by him after Mr. Robertson's
23 statement trying to sell this nine, saying which
24 one. And that is implying, perhaps, that there's
25 evidence that Mr. Robertson has more than one nine.

1 THE COURT: Okay.

2 MR. MAULDIN: If he's not adopting it, it would
3 be hearsay at this point in time. Even though it's
4 a business record, Your Honor, again, I would say
5 the business record could be just the fact that a
6 person chatted with another person at a certain time
7 and the content of the message.

8 THE COURT: I'll overrule your objection, but
9 you're free to take it up on cross.

10 (Jury enters the courtroom at 2:32 PM.)

11 THE COURT: All right. Thank you, ladies and
12 gentlemen. We'll pick up where we left off.

13 MS. FULLER: Thank you, Your Honor. The State
14 will seek introduction of State's 257, a Facebook
15 conversation between Antonio Stroman and Defendant
16 Robertson.

17 THE COURT: 257 will be admitted into evidence,
18 subject to defendant's objection.

19 (State's Exhibit No. 257 admitted into
20 evidence.)

21 MS. FULLER: Thank you. Permission to publish?

22 THE COURT: Very well.

23 CONTINUED DIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. Mr. Stroman, looking here at State's Exhibit

1 257, just pointing out for the jury, this is your
2 name where it says, author, correct, Antonio
3 Stroman?

4 A. Yes, ma'am.

5 Q. And here where it says author, Alejandro
6 Robertson, that's Mr. Robertson, sitting at this
7 table, correct?

8 A. Yes, ma'am.

9 Q. Starting here, this conversation, can you go
10 ahead and publish this text that I'm pointing to?

11 A. You working tonight?

12 Q. And then your response?

13 A. Hell, yeah.

14 Q. His response?

15 A. Damn.

16 Q. Your response?

17 A. Why, what's up?

18 Q. His response?

19 A. Shit, just wondering.

20 Q. Your response?

21 A. Yeah, just cooling this weekend doe.

22 Q. What does this mean, just cooling this weekend
23 doe?

24 A. Just doe, that's it. Don't mean nothing.

25 Q. I don't know what it means.

1 A. I was just telling you it don't mean nothing.

2 Q. Oh, okay. The next message here from Shantrez
3 to you, what does this say?

4 A. Bet, I'm trying to sell this nine.

5 Q. And what's a nine?

6 A. It's a gun, ma'am.

7 Q. Okay. And then your response?

8 A. Which one?

9 Q. Then what does he message you a little later?

10 A. You off this weekend, right?

11 Q. And then your response?

12 A. Yeah, I'm chilling this weekend.

13 Q. And the date here is June 5th of 2015, correct?

14 A. That's what it looks like, yes, ma'am.

15 Q. Looking at page 2 of State's 257. Shantrez
16 then messages you stating -- can you read that into
17 the record?

18 A. We coming down there.

19 Q. Who's he talking about? Who is we?

20 A. I don't know. I don't remember. It happened
21 so long ago, I don't know. I don't remember.

22 Q. Okay. And then your response?

23 A. Bet.

24 Q. And then a little later, he messages you again.
25 What does he say?

- 1 A. Yo.
- 2 Q. Your response?
- 3 A. What's up?
- 4 Q. And then his message?
- 5 A. Meet us at Exit 58?
- 6 Q. And then meet us. Again, there's us. Who is
- 7 us?
- 8 A. Like I said, I don't remember. It happened so
- 9 long ago.
- 10 Q. Okay. And then his response?
- 11 A. What time?
- 12 Q. Well, I apologize. Your response?
- 13 A. What time?
- 14 Q. And then his response?
- 15 A. I don't know yet.
- 16 Q. And it says I-O-N, is that what you read as I
- 17 don't?
- 18 A. Yeah.
- 19 Q. And this is acknowledged again here. This is
- 20 on June 5th of 2015, correct?
- 21 A. Yes, ma'am.
- 22 Q. Where is Exit 58?
- 23 A. I mean, that's still an exit, ain't it?
- 24 Q. So that's your understanding, he's asking you
- 25 to meet you at Exit 58?

1 A. I mean, yes, ma'am.

2 Q. And what's your understanding of where Shantrez
3 Robertson would be coming from? Does he live in
4 Lexington?

5 A. I ain't ask him that.

6 Q. So you don't know where he was coming from?

7 A. No, ma'am.

8 Q. Do you know where he lives?

9 A. What you mean, do I know where he live?

10 Q. Back in 2015, where was he living?

11 A. In Great Falls.

12 Q. Okay. I promise you no trick questions.

13 A. I don't know, not with you. You done got me
14 the first time.

15 Q. Touche.

16 All righty. Back in 2015, you were driving a
17 Mercury Grand Marquis, correct?

18 A. Sounds about right.

19 Q. I'll show you some photographs and publish
20 them. Looking at State's 227, is that your Mercury
21 Grand Marquis?

22 A. Yes, ma'am.

23 Q. And this is what you were driving back on the
24 night of June 5th and June 6th of 2015 when this
25 happened?

1 A. Can you repeat yourself again?

2 Q. Yeah. Back on June 5th of 2015, into the
3 morning of June 6th, this is the car that you were
4 driving?

5 A. Yes, ma'am.

6 Q. Did you let anyone drive your car that day?

7 A. I don't remember, ma'am.

8 Q. Okay. You don't remember if you let anyone
9 drive your car?

10 A. Yeah. I don't remember. Like I said, ma'am,
11 it been so long ago, I just don't remember, ma'am.

12 Q. Okay. That night of June 5th and going into
13 the morning of June 6th, do you remember who you
14 were with?

15 A. Ma'am, I don't remember. I was like -- you
16 know, I was with Tirrell.

17 Q. And that's Donovan Brannon?

18 A. Yes, ma'am.

19 Q. And who else were you with?

20 A. I was with Robertson, too.

21 Q. And where were you guys?

22 A. I think we was at a cookout or something. I
23 don't remember. I think it was, like, at a cookout
24 or something like that.

25 Q. Okay. And was that Dreshawn Adams' cookout?

1 A. Yes, ma'am.

2 Q. On Saluda Highway?

3 A. Yes, ma'am.

4 Q. All right. And then who else was there with
5 you?

6 A. I mean, it was a lot of people there with me,
7 ma'am. I don't remember. It happened so long ago,
8 I don't remember.

9 Q. Who else rode in your car with you?

10 A. I don't remember, ma'am.

11 Q. Did Shantrez Robertson and Donovan Brannon ride
12 in your car with you?

13 A. I don't remember, ma'am.

14 Q. So when you say you were with them that night,
15 what does that mean?

16 A. Like, at a cookout.

17 Q. So you rode by yourself to the cookout?

18 A. Yes, ma'am.

19 Q. And when you left the cookout, you left by
20 yourself?

21 A. No, I was with a shawty. I got a girl or
22 whatever, whatever, a girl.

23 Q. When did you go to Charlotte?

24 A. I didn't say that. There you go, you putting
25 words in my mouth. I didn't say Charlotte, I said a

1 girl.

2 Q. Oh, I'm sorry. I thought I heard Charlotte.

3 A. Nah.

4 Q. Okay. Say it again. What did you -- you
5 went -- start over. You went to Dreshawn Adams' by
6 yourself, correct?

7 A. Correct.

8 Q. And when you said you left there, what did you
9 say? I really didn't hear you.

10 A. I said a shawty.

11 Q. A shawty?

12 A. Yes.

13 Q. A girl?

14 A. You talking about a Charlotte. I never said
15 that.

16 Q. Got you.

17 A. Yes, ma'am.

18 Q. And who is that?

19 A. No, it's a female. Like, said I'm going to
20 pick up --

21 Q. I know.

22 A. I went to go pick up a girl.

23 Q. Yes. Who is she?

24 A. I don't want to expose. Ain't too much --
25 that's a --

1 Q. So you went and picked her up. And what did
2 you do?

3 A. We just chilled for a little bit.

4 Q. And after you chilled with her, what did you
5 do?

6 A. I don't know, ma'am. After we chilled -- we
7 just chilled. Like, what's up?

8 Q. Are you telling me what's up or are you just
9 telling her what's up?

10 A. Yeah, that's what I'm saying, I'm telling her.

11 Q. Oh, okay. All right. So then what happened?

12 A. What you think happened?

13 Q. Okay. After that happened, what did you do
14 next?

15 A. Like I said, it was so long ago, I don't
16 remember everything that happened.

17 Q. So you went to The Spot?

18 A. Yeah.

19 Q. So you leave the girl and you go to The Spot,
20 correct?

21 A. Sounds about right. Like I said, it happened
22 so long ago.

23 Q. Okay. So you got to The Spot. Who were you
24 with at The Spot?

25 A. What you mean who I was with?

1 Q. Who were you with?

2 A. I mean, it's people in a club. Of course I
3 know people. Hey, what's up, boo-boo. Like I said,
4 it happened so long ago, I don't remember, ma'am.

5 Q. Right. You don't have to repeat it, I got it.
6 It happened a long time ago.

7 Who did you see in the club?

8 A. I seen a lot of people, ma'am.

9 Q. Great. Name them all.

10 A. I can't.

11 Q. Did you see Fresh in the club, Donovan Brannon?

12 A. I don't remember, ma'am.

13 Q. Did you see Shantrez Robertson in the club?

14 A. I don't remember. You asking me and I'm
15 telling you, like, did I see people. And I'm
16 telling you, like, yes, ma'am. Well, what happened?
17 I don't remember. You just keeping saying, are you
18 seeing people? Like, no.

19 Q. I know. I have to set a foundation.

20 So when you told law enforcement back in 2015
21 that you were with Donovan Brannon and Shantrez
22 Robertson, you don't remember saying that?

23 A. It sounds familiar, but I don't remember saying
24 that, ma'am.

25 Q. Okay. You remember being shot, correct?

- 1 A. I'm still in pain now as we speak.
- 2 Q. Okay. And where were you shot?
- 3 A. In the back of my neck.
- 4 Q. Can you point it out for the jury?
- 5 A. Right here. (Indicating.)
- 6 Q. And how did you get shot?
- 7 A. Wrong place at the wrong time.
- 8 Q. Okay. What was happening when you got shot?
- 9 A. Bullets, that's what happened.
- 10 Q. What were you doing when you got shot?
- 11 A. Ducking.
- 12 Q. Were you standing? Were you in your car?
- 13 A. In my car.
- 14 Q. Okay. In the Grand Marquis?
- 15 A. Yes, ma'am.
- 16 Q. Where was the Grand Marquis when you got shot?
- 17 A. You said where?
- 18 Q. Yes.
- 19 A. Leaving. I don't -- leaving.
- 20 Q. We have this map right. This is The Spot,
- 21 correct?
- 22 A. Not this map again. I told you last time you
- 23 walked into my job, I can't remember.
- 24 Q. That's fine. We'll go over what you can
- 25 remember.

1 Here is The Spot. There's a laser pointer up
2 there, right? You see it? It's blue. Go ahead and
3 use that, make sure the jury can see you. Point out
4 where you parked when you got to The Spot. Where
5 did you park when you got to The Spot?

6 MR. WILLIAMS: Your Honor, can I come around so
7 I can see what she's trying to demonstrate?

8 THE COURT: Yes, sir.

9 BY MR. WILLIAMS:

10 Q. Use the pointer and just point out on here
11 where you parked when you got to The Spot.

12 A. Ma'am, this right here, I can't even tell you.
13 This don't even look like The Spot. I don't
14 remember where I parked at on here. I don't
15 remember. And I told you that at the job. When you
16 showed me this at the same job, I told you -- you
17 said, sir, where did you park at? I said, ma'am, I
18 do not --

19 Q. You showed me.

20 A. No, I didn't.

21 Q. You didn't tell, in presence of the
22 investigators, that you parked in the lower parking
23 lot next to The Spot?

24 A. Yes, I did say that. But when you showing this
25 map right here, I'm telling you --

1 Q. All right. I'll come closer. This is The
2 Spot, correct?

3 A. It look like it. Yes, ma'am.

4 Q. Okay. Is this the lower parking lot?

5 A. Yes.

6 Q. This is the entrance, right? Not a trick
7 question.

8 A. No, it ain't no trick question. It's just how
9 you're saying, like I'm a baby or something like
10 that.

11 Q. Okay. Is this the entrance?

12 A. You said is this the entrance?

13 Q. Is this the entrance to The Spot?

14 A. Yes, ma'am.

15 Q. This is the parking area, right?

16 A. Well --

17 Q. Am I doing the baby thing again? I'm sorry.

18 A. You did, like that. But, yes, it is.

19 Q. Thank you. You stated that you parked over
20 here in the lower parking lot, correct?

21 A. Yes, ma'am.

22 Q. And why did you park in the lower parking lot?
23 You remember what you said?

24 A. What did I say? Please tell me.

25 Q. You're the one testifying. You can't ask me

1 questions.

2 A. Well, you said what did I say?

3 Q. Just tell me what you remember. Where did you
4 park? It's not a trick question.

5 A. I parked at the bottom, I told you.

6 Q. All right. Great. Thank you.

7 Now, you're parked at the bottom. How did you
8 get shot?

9 A. I don't -- I'm leaving. That's all I remember
10 is leaving.

11 Q. Using this diagram, where were you when you
12 heard the gunshots?

13 A. Using the diagram, I was up -- I don't know,
14 like --

15 THE COURT: Pick it up so the jury can see.

16 A. That's the entrance. And I was coming up.
17 Next thing, I started hearing gunshots, and I got
18 hit.

19 Q. Okay. You said coming up. Can you point to
20 where you were coming up?

21 A. As you said -- I'm going as you say.

22 This is the parking lot, right?

23 Q. Yes.

24 A. So this is the entrance. That's what you just
25 told me, right?

1 Q. Yes.

2 A. I got to make sure with you. So if that's the
3 entrance right here, I'm coming up, and I'm fixing
4 to leave out. When I was leaving out, that's when I
5 started hearing gunshots and I got hit.

6 Q. So you were leaving out. Approximately
7 where -- how far did you get before you were --

8 A. I don't remember how far. I just heard
9 gunshots.

10 Q. Okay. Then once you heard the gunshots,
11 shortly after that, you said you got shot?

12 A. Yes, ma'am.

13 Q. And this is while you were driving?

14 A. I don't know if I was driving, I just know I
15 heard the gunshots. I pretty much was ducking. So
16 I don't know if I was -- I don't remember if I was
17 going or --

18 Q. Got you. I'll ask the question better. Were
19 you in the driver's seat when you got shot?

20 A. Was I in the driver's seat?

21 Q. Yes.

22 A. Yes, ma'am.

23 Q. Okay. And who else was in your car when you
24 got shot?

25 A. Tirrell.

1 Q. Okay. So Donovan Brannon was in your car with
2 you when you got shot?

3 A. Yes.

4 Q. Okay. And then what happened after that?

5 A. I don't remember. Like I said, once I got hit,
6 I -- like I said, I don't remember nothing else
7 after that.

8 Q. Okay. And he was in the front seat or the
9 backseat?

10 A. You asked me that at the job and I told you --
11 like I said, once I got hit -- it just happened so
12 long ago that -- I mean, I done been in a wreck and
13 all two years ago. So that's --

14 Q. Okay.

15 A. So I don't remember too much that happened
16 seven years ago.

17 Q. It was six, but I understand.

18 A. Six, seven; it's still close.

19 Q. Right. Do you remember, after that, going to
20 Creek View?

21 A. I don't remember.

22 Q. Okay. We have some photos here. It will be
23 the first time you see them, these photos in State's
24 223. It's the first time you've probably seen them.
25 Do you recognize yourself in this picture?

1 A. Yes, ma'am.

2 Q. Okay. And this is what you would have been
3 wearing when you were shot?

4 A. Yeah. You asked me that. Yes, ma'am.

5 Q. I know. The jury doesn't know that yet.

6 A. I'm just saying.

7 Q. Okay. And then there's a jean jacket on the
8 backseat. That's the one you were wearing that
9 night, right?

10 A. I think so, yes, ma'am.

11 Q. And looking at this jean jacket, I'll pull it
12 out for you and ask if you recognize it. Do you
13 recognize this jacket?

14 A. Not really.

15 Q. It's the one that they removed from your car.
16 Do you recognize this as the jacket you were wearing
17 that night?

18 A. I don't want to say I recognize it because I
19 don't remember. But if it was in my car, then, yes,
20 ma'am.

21 Q. There's a hole right here?

22 A. Uh-huh.

23 Q. Bringing flashbacks?

24 A. Yeah.

25 Q. Okay. I'm sorry. I just need you to

1 acknowledge it.

2 So with this hole being here, you would have
3 been wearing this at the time?

4 A. Yes, ma'am.

5 Q. Okay. I'm going to show you some photos from
6 Dre's party. Do you remember seeing -- this is from
7 the party. That's Donovan, correct, Brannon?

8 A. Yes, ma'am.

9 Q. Do you remember being with him at Dre's party
10 that night?

11 A. I just said that recently, ma'am.

12 Q. You do?

13 A. Yes, ma'am.

14 Q. Okay. And that's him in this photograph,
15 correct?

16 A. Yes, ma'am.

17 Q. Now, that other photo I showed you of you in
18 the backseat of the Grand Marquis was at the parking
19 lot at Creek View. Have you been to Creek View
20 before?

21 A. Yes, ma'am.

22 Q. Okay. And that's your car here in this
23 photograph, correct?

24 A. Yes, ma'am.

25 Q. And that's in State's 226. In front of your

1 car, there was a firearm recovered. So putting
2 Exhibit 238 here, this is the rearview mirror of
3 your car -- side mirror of your car that's parked
4 here, correct? You see it here?

5 A. Yes, ma'am.

6 Q. And then straight through here, looking at 239,
7 there was a firearm recovered there. Whose firearm
8 is this?

9 A. I don't know, ma'am. I know I was shot, I
10 don't know whose gun that is.

11 Q. But it's not yours, right?

12 A. No, ma'am.

13 Q. Okay. Did you have a firearm that night?

14 A. Huh-uh.

15 Q. While you were at The Spot?

16 A. (Inaudible response.)

17 THE COURT: We need a response.

18 THE WITNESS: No, ma'am.

19 BY MS. FULLER:

20 Q. So this firearm that was recovered in front of
21 your car is not yours, correct?

22 A. No, ma'am.

23 Q. And your testimony is that the only other
24 person with you in your car was Donovan Tirrell
25 Brannon, correct?

1 A. That sounds -- you said what again now? Can
2 you repeat what you said, ma'am?

3 Q. Yes. The night that you were shot --

4 A. Yes, ma'am.

5 Q. -- your car -- there was a picture of you on
6 body cam at Creek View. Your testimony is that the
7 only other person in the car with you was Donovan
8 Tirrell Brannon, correct?

9 A. Yes, ma'am.

10 Q. And your testimony is that you didn't have a
11 gun and that's not your gun, correct?

12 A. Can I say something?

13 Q. You have to answer the question first.

14 A. I mean, that's what I'm about to do. I can't
15 say that might have been his because, like I said, I
16 don't know. So I can't say yeah. Once you ask
17 something, I'm just letting you know I can't say,
18 like, he was in the car. I guess he was in the car,
19 but I don't know if that was his gun either. So I
20 can't say that.

21 Q. Right. And I didn't ask you that.

22 A. I mean, that's what it sounds like what you're
23 getting at. So --

24 Q. Almost.

25 A. Okay.

1 Q. Just to review a couple things, back on June
2 6th of 2015, you told law enforcement that you got
3 to the club around 12:00 a.m. Do you recall making
4 that statement?

5 A. No, ma'am.

6 Q. You indicated you parked in the lower lot by
7 the club. Do you recall making that statement to
8 law enforcement on June 6th, 2015?

9 A. Like I said, ma'am, it happened so long ago, I
10 don't remember.

11 Q. Okay. You told law enforcement then that you
12 went to the club with Tirrell Brannon and Shantrez
13 Robertson known as Red Nose and Fresh. Do you
14 remember making that statement?

15 A. Sounds about familiar but, like I said, it's
16 been so long ago, I don't remember, ma'am.

17 Q. Do you recall stating that they all got in the
18 car to leave and while leaving, you hear gunshots?

19 A. Sounds familiar. But, like I said, it happened
20 so long ago, I don't remember, ma'am.

21 Q. In this statement, you stated that Robertson,
22 Brannon, and you were in the car leaving.

23 A. I said that?

24 Q. That's what I'm asking. Do you remember
25 telling the police that?

1 A. No, ma'am, I don't remember that.

2 Q. Okay. But if the police officer you spoke to
3 had it in a report as something you stated --

4 MR. WILLIAMS: Your Honor, we would object to
5 that. I think it's pitting one witness against
6 another.

7 MS. FULLER: That's fine. I'll move on.

8 THE COURT: Very well.

9 BY MS. FULLER:

10 Q. You acknowledge that you don't recall making
11 that statement, correct?

12 A. That's correct. I don't remember.

13 Q. Do you acknowledge stating to law enforcement
14 that while trying to leave, you got stuck and the
15 tires started spinning, and then while trying to get
16 unstuck, the gas pedal sticks and you take off
17 across the field? Do you recall making that
18 statement?

19 A. I don't remember, ma'am.

20 Q. Do you recall stating that after coming to a
21 stop, you indicated that you felt your neck and
22 realized that you had been shot and indicated that
23 you got out of the car and started yelling, I just
24 got shot, somebody help me? Do you recall making
25 that statement?

1 A. I don't remember, ma'am.

2 Q. Do you recall stating that you get in the
3 backseat and Tirrell gets in the driver's seat and
4 you don't know where Robertson went? Do you recall
5 making that statement?

6 A. No, ma'am.

7 Q. Do you recall later stating that after the
8 officer steps out the room, he comes back in and
9 shares some statements with you, and then you recall
10 stating that you were ready to leave, that you had
11 to work early and had been up all night -- that you
12 worked earlier and had been up all night?

13 You stated that you got in the car to leave
14 alone and then you hear boom, boom, boom, and then
15 you hear Tirrell yell whoa, whoa, whoa, and then
16 Tirrell and Robertson get into your car?

17 A. I don't remember saying nothing like that,
18 ma'am.

19 Q. Do you recall stating that while trying to
20 leave, the car gets stuck and then the gas pedal
21 gets stuck and you shoot across the field?

22 And then you go on further to state what you
23 stated earlier: Get out for help and then Tirrell
24 gets in the driver's seat and starts driving towards
25 Batesburg; do you recall making that statement?

1 A. No, ma'am.

2 Q. Two days later, do you recall the officer
3 coming to your house at 240 Gary Hallman Circle?

4 A. No, I don't recall that. No, I don't remember
5 that, ma'am. I don't remember.

6 Q. You don't remember speaking to the officer
7 again?

8 A. No, ma'am.

9 Q. Well, two weeks ago, in the presence of
10 investigators, you indicated --

11 A. No. I'm saying -- when I say I don't
12 remember --

13 Q. The conversation. But you remember speaking to
14 the officer?

15 A. Yes, ma'am.

16 Q. Okay. During that conversation, do you recall
17 indicating that you rode to the club with Fresh and
18 Red Nose in your Mercury Grand Marquis; you
19 indicated you parked in the bottom lot; and you
20 indicated you didn't remember what Fresh and Red
21 Nose were wearing? You said you were hanging out,
22 getting ready to leave, and you get into the car by
23 yourself; do you recall stating that?

24 A. Like I said, it happened a long time ago.

25 Q. You don't remember stating that?

1 A. It sounds familiar, though.

2 Q. Okay. Do you recall later stating that you did
3 not see Fresh and Red Nose leave the club or see
4 them walk up the hill? Do you recall stating that
5 on June 8th?

6 A. No.

7 Q. Then do you recall stating that while you were
8 sitting there waiting for traffic to go by so you
9 can leave, you hear the gunshots and then you hear
10 Fresh yell, whoa, whoa, whoa, and Fresh and Red Nose
11 get in your car? Do you recall stating that?

12 A. You just asked me that.

13 Q. I know, but that was June 6th, and now this is
14 June 8th.

15 A. I know. But I'm just saying, you just asked me
16 that. So I'll tell you the same thing: I don't
17 know. I don't remember.

18 Q. Do you, later in that conversation, recall
19 stating that Fresh gets into the driver's seat, and
20 you indicate that Red Nose also got into the car and
21 that all three of you drive to Batesburg?

22 A. I don't recall saying that, ma'am.

23 Q. Okay. That night before going to the club, do
24 you remember stopping at the Hill View Truck Stop?

25 A. No, ma'am.

1 Q. You don't remember stopping there?

2 A. No, ma'am.

3 Q. So if there is video of you walking into the
4 Hill View, would you -- would that refresh your
5 memory of going there?

6 A. I mean, like I said, it probably would. But,
7 like I said, I don't remember.

8 Q. Okay. I'm going to show you a still shot of
9 video from the Hill View Truck Stop, State's Exhibit
10 263, and ask you if you recognize that jean jacket,
11 the same one I just showed you there.

12 A. I mean, I seen it. Yeah, I recognize it.

13 Q. Do you recognize this as being you?

14 A. I just see the jean jacket that you showed me.
15 But, yes, ma'am. I don't say I recognize it because
16 the picture is blurry a little bit.

17 Q. It is blurry. But is this you in the Hill View
18 Truck Stop that night?

19 A. I can't really say --

20 Q. Okay. That's fine.

21 A. Yeah. I don't.

22 Q. If I showed you a still shot of your Mercury
23 Grand Marquis in the parking lot of the Hill View,
24 would you be able to recognize it as your car?

25 A. I should be able to, if it's my car. So, yes,

1 ma'am.

2 Q. These are blurry. There's video, but we won't
3 play it now. There's a car right there. Showing
4 you State's 272, 273, 274, and 275, do you recognize
5 that as a -- are you okay?

6 A. No. The air is cold when it hits my neck.

7 Q. We'll move that way.

8 Do you recognize that as your Mercury Grand
9 Marquis?

10 A. Them pictures are blurry. I'd rather you show
11 me the video. That right there is terrible.

12 Q. Okay. You want me to play the video?

13 A. You can.

14 MR. WILLIAMS: Your Honor, I'm going to object
15 to the publication of the video. That's not in
16 evidence.

17 MS. FULLER: Your Honor, we'll move the video
18 in. I was going to move it in later, but I can move
19 it in now pursuant to 19-5-520. I served an
20 affidavit from the business owner certifying the
21 video.

22 MR. MAULDIN: I join in, Your Honor.

23 MR. WILLIAMS: One thing we don't know, Your
24 Honor, is what she intends to play.

25 MS. FULLER: It's okay. I can move on from

1 here. We can deal with that with the appropriate
2 witness. I can move on. It's okay.

3 THE COURT: Very well.

4 MS. FULLER: Beg the Court's indulgence.

5 BY MS. FULLER:

6 Q. Anija Sales, that's your cousin, correct?

7 A. Yes, ma'am.

8 Q. And she goes by Nunu?

9 A. Yes, ma'am.

10 Q. And after you got out of the hospital, she
11 helped to take care of you, correct?

12 A. Yes, ma'am.

13 Q. And while she was staying with you, she
14 communicated with Robertson. And I'm going to show
15 you State's Exhibit 200 and ask you to review a
16 couple of messages starting right here. You can
17 just review it to yourself.

18 A. (Witness complies.)

19 Q. Are you finished down here?

20 A. Uh-huh.

21 Q. And then you can read up to this gray bar.

22 A. I see it.

23 Q. And you recognize this as messages that you
24 sent to Robertson from Anija Sales' phone number?

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

1 Q. Do you recognize these messages?

2 A. Yeah, I recognize them. But -- I recognize
3 them.

4 Q. You recognize them?

5 A. Yeah.

6 Q. You wrote them, correct?

7 A. I don't remember that.

8 Q. So how do you recognize them?

9 A. What you mean? I see, what's good big bruh.

10 MR. MAULDIN: We can't hear.

11 THE COURT: Mr. Stroman, if you can help us, if
12 you want to move the microphone closer to
13 Ms. Fuller, that way, we can hear what you're
14 saying.

15 BY MS. FULLER:

16 Q. So this message that says what's good big bruh,
17 how do you recognize this message?

18 A. You said how?

19 Q. Yeah. How -- you said you -- I'm confused by
20 your response. Do you recognize these messages?

21 A. Yes.

22 Q. And you recognize these messages as a
23 conversation that you were a part of, correct?

24 A. Yes.

25 Q. And you recognize this as messages that you're

1 a part of communicating with Shantrez Robertson?

2 A. Yes.

3 Q. I was confused. I thought you said no.

4 A. No, I didn't.

5 Q. So right here, you're talking about Nunu,
6 meaning Anija Sales, correct?

7 A. Uh-huh.

8 Q. And you're talking about she's cleaning this,
9 and you're talking about your injury, correct?

10 A. Yes, ma'am.

11 Q. And you're talking about having flashbacks,
12 correct?

13 A. Still do.

14 Q. Right. I understand that. I do. You're
15 having flashbacks and you're sharing that with
16 Robertson, correct?

17 A. Yes, ma'am.

18 Q. And he tells you to keep your head up, right?

19 A. Yes.

20 Q. And then he's asking you about your car,
21 correct?

22 A. Yes, ma'am.

23 Q. It says whip?

24 A. Yes, ma'am, I see it.

25 Q. But that means car?

1 A. Yes.

2 Q. And then you send him this message?

3 A. Now, I don't remember -- hold on. I don't
4 remember -- I mean, it's right here, but I don't
5 remember seeing that or texting. Why are you
6 looking at me like that?

7 Q. I don't know.

8 Okay. But you acknowledge that this is a
9 conversation between you and Robertson, correct?

10 A. Yes -- well --

11 Q. Because you're talking about the shooting here,
12 correct? Let me move it closer to you so you won't
13 have to keep leaning forward. You're talking about
14 the shooting, right?

15 A. Yeah.

16 Q. You're talking about your car, right?

17 A. Yeah, we talking about my car, talking about my
18 car. That's what it say.

19 Q. And how many bullet holes you have in it.

20 So this is about what happens while you were in
21 your car, correct?

22 A. I can't say yeah; I can't say no on that,
23 because --

24 Q. Okay. That's fine. What were y'all talking
25 about?

1 A. Ma'am, that happened six, seven years ago. You
2 think I remember exactly everything me -- exactly
3 what we was talking about?

4 Q. This was not a trick.

5 A. I don't know. I can't even remember, like I
6 said.

7 Q. Now, down here, read this line, second line
8 from the bottom.

9 A. See, I don't even know nothing about that. But
10 Antonio said y'all need to lay low. If I did, I
11 wouldn't say nothing like that. I would tell
12 anybody that I talk to -- it could be friends,
13 family, anything -- stay low, stay out the way, stay
14 positive.

15 Q. And this is on June 8th, two days after the
16 shooting, right, you were telling him to stay
17 positive?

18 A. What you mean?

19 Q. I'm asking. Is that what your testimony is?
20 That messages means you were telling him to stay
21 positive?

22 A. Like I said, when you show me that, I ain't
23 never said that. I'm just saying if I did say --

24 Q. Oh.

25 A. See, there you go twisting my words around

1 again. I said if I were to say something like that,
2 it would be on some positive stuff.

3 Q. I appreciate you being here. I don't have
4 anymore questions.

5 THE COURT: Cross-examination?

6 MR. WILLIAMS: Defendant Brannon has no
7 questions, Your Honor.

8 THE COURT: Mr. Mauldin?

9 MR. MAULDIN: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. MAULDIN:

12 Q. Hello, Mr. Stroman.

13 A. Hey. How you doing?

14 Q. I'm sorry about the rough start today. I'll
15 get right to it.

16 All right. So that Grand Marquis that they
17 showed you the picture of, that was your -- you
18 owned that?

19 A. Yes, sir.

20 Q. And you bought it legal and everything. You
21 owned it, right?

22 A. Yes, sir.

23 Q. And you drive that thing; is that right?

24 A. Sir?

25 Q. You drive that car?

1 A. Yes, sir.

2 Q. Or, at least, at that point in time, way back
3 when.

4 A. Yes, sir.

5 Q. And you say you remember some things, but not
6 everything because it's a long time ago. I can
7 understand that.

8 But you're saying you drove to the club. And
9 you were driving away from the club when you got
10 shot; is that right?

11 A. Sound familiar. Yes, sir.

12 Q. Okay. And do you remember how many police
13 you've talked to over the years about this case?

14 A. No, sir, I don't.

15 Q. Because you were in the hospital -- what kind
16 of medication did they have you on?

17 A. I don't remember, sir.

18 Q. Okay. Well, did you have some pain medicine?

19 A. I don't think they gave none.

20 Q. Really? No pain medicine for getting shot in
21 the neck?

22 A. I don't think so. If my mom was here, she
23 would tell you. But I don't remember.

24 Q. Did they give you any pain medicine after you
25 left the hospital?

1 A. I had to take, I think, some -- I had to take a
2 couple of them. They didn't want me to take too
3 much because they said something about my neck would
4 start back bleeding or something like that. They
5 ain't want it to bleed. So I took, like, Tylenol
6 and stuff like that.

7 Q. Do you remember giving, like, three or four
8 different stories to the police about what happened?

9 A. No, sir.

10 MR. MAULDIN: Beg the Court's indulgence.

11 BY MR. MAULDIN:

12 Q. I'm going to show you State's Exhibit 257 here.
13 It was the Facebook thing she was talking about.
14 And in response to Mr. Robertson's Bet, I'm trying
15 to sell this nine, you said, Which one? And by
16 that, you meant what kind of model nine he was
17 selling; is that right?

18 A. Yes, sir.

19 Q. Okay. And he never answered you about that,
20 did he?

21 I'll show you again. He never answered you
22 about what model nine he was trying to sell, did he?

23 A. No.

24 Q. Okay. Now, you have a cell phone, right, today
25 and back then? Is that right?

1 A. Yes, sir.

2 Q. And on that cell phone, you have -- you use
3 text message function; is that correct?

4 A. Sir?

5 Q. You've used the text message on the phone; is
6 that right?

7 A. Yes, sir.

8 Q. Okay. And when you text on your phone or even
9 if you're using somebody else's phone, are you
10 familiar with the thing called auto correct?

11 A. No, sir.

12 Q. Do you ever try to type a word and you push
13 send and the phone changes the word from what you
14 originally put because it thinks you spelled it
15 wrong?

16 A. Yes, sir.

17 Q. Like, if you want to type a cuss word,
18 sometimes it will put a normal word in there?

19 A. Uh-huh.

20 Q. It happens all the time, doesn't it?

21 A. All the time.

22 Q. Did the police try to argue with you way back
23 then?

24 A. Yes, sir.

25 Q. When you were in the hospital, did they

1 threaten you with stuff and try to promise you stuff
2 in order to try to get you to change your statements
3 around?

4 A. They did. And then my mom was like, my son was
5 pretty much -- like, y'all can't talk to my son like
6 this, whatever, whatever, the condition he's in.

7 Q. A guy name Garrick, I believe -- do you
8 remember a guy named Garrick?

9 A. No, sir.

10 MR. MAULDIN: You have a good day, sir.

11 THE WITNESS: You too, sir.

12 THE COURT: Any redirect?

13 MS. FULLER: Just briefly.

14 REDIRECT EXAMINATION

15 BY MS. FULLER:

16 Q. I'm just curious, when I asked you if you
17 remember, you said no, but when defense counsel
18 asked you if remembered an officer maybe threatening
19 you, you're saying yes, you remembered that.

20 A. Yes, that's what I said.

21 Q. But you said you didn't even remember talking
22 to him at first.

23 A. No. He said Officer Garrick and I said no just
24 now.

25 Q. So it's, no, you didn't remember an officer

1 doing that?

2 A. No. When he asked me about the Garrick, like,
3 asking about the Garrick dude. And I said I did not
4 know about the Garrick dude when you said his name.
5 But he just said the police were talking to you and
6 he didn't say no name.

7 Q. Right. My question is, he asked if they tried
8 to threaten you to change your statements, and you
9 said yes.

10 A. I said yes, you'd have to ask my mama. But,
11 yes, you would have to ask my mama and let my mama
12 do the talking.

13 Q. Okay. So is your testimony that you were
14 threatened to change your statement or is your
15 testimony you don't remember or it didn't happen?

16 A. No. I was saying if my mama was here, yes,
17 you'd have ask her. That's what I was saying.

18 Q. That night -- I'm just going to ask you this:
19 That night when this happened, you didn't know the
20 shooting was going to happen, did you?

21 A. No. I didn't know nothing.

22 Q. Okay. You were just driving your car?

23 A. I was just driving my car, ma'am. Wrong place
24 at the wrong time.

25 MS. FULLER: No further questions.

1 THE COURT: Recross?

2 MR. WILLIAMS: None by Defendant Brannon, Your
3 Honor.

4 THE COURT: Mr. Mauldin?

5 RECROSS-EXAMINATION

6 BY MR. MAULDIN:

7 Q. Did they ever arrest the man that shot you?

8 A. No, sir.

9 MR. MAULDIN: No further questions.

10 THE COURT: The witness may step down.

11 MS. FULLER: Thank you, Your Honor.

12 The State calls Todd Garrick.

13 TODD GARRICK

14 being first duly sworn, testified as follows:

15 THE WITNESS: Yes.

16 THE CLERK: Thank you. You can remove your
17 mask. State your name and spell your last, please.

18 THE WITNESS: Hi. I'm Todd Garrick.

19 MS. FULLER: Beg the Court's indulgence.

20 THE COURT: Madam Solicitor?

21 MS. FULLER: Thank you, Your Honor.

22

23 DIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. I'm not sure -- did you state your name on the

1 record already?

2 A. Yes, ma'am.

3 Q. And you spelled it?

4 A. Oh, I'm sorry. T-O-D-D. Last name is Garrick,
5 G-A-R-R-I-C-K.

6 Q. And where are you employed?

7 A. I'm currently employed at Nephron
8 Pharmaceuticals.

9 Q. Back in June of 2015, where were you employed?

10 A. Lexington County Sheriff's Department.

11 Q. How long were you in law enforcement?

12 A. Approximately 30 years.

13 Q. Okay. And while you were in law enforcement,
14 did you -- were you involved in any follow-up work
15 on the June 6th, 2015 shooting in this case?

16 A. Yes, ma'am.

17 Q. Did you have occasion to meet with an Antonio
18 Stroman?

19 A. I did.

20 Q. On how many occasions?

21 A. Twice.

22 Q. When was the first time you met with him?

23 A. The first was at Palmetto Richland Hospital.

24 Q. And on what date was that?

25 A. That would have been on June 6th of 2015.

1 Q. And do you have your report with you today?

2 A. I do, yes, ma'am.

3 Q. And what condition was he in when you met with
4 him?

5 A. He was in the -- I believe he was in the
6 emergency room. He was on the bed lying facedown.

7 Q. And when you communicated with him, did you
8 have any problems communicating with him?

9 A. No, ma'am.

10 Q. Was he willing to speak with you then?

11 A. Yes, ma'am.

12 Q. Did he appear to be under the influence or
13 anything that would prevent him from communicating
14 well with you?

15 A. No, ma'am.

16 Q. Did he appear coherent?

17 A. Yes, ma'am.

18 Q. Did you actually get to talk to him about what
19 happened?

20 A. Yes, ma'am.

21 Q. Was he able to give you his home address?

22 A. He did.

23 Q. Where was he living at the time?

24 A. He stated that he was living at 240 Gary
25 Hallman Circle.

1 Q. Was he able to provide a phone number?

2 A. Yes, ma'am.

3 Q. What was the phone number he provided?

4 A. 803, looks like, 582-9155.

5 Q. During your conversation, did you learn what
6 type of car he drove?

7 A. Yes, ma'am.

8 Q. What kind of car was that?

9 A. I'm sorry. I'm just trying to find it. A '97
10 burgundy Mercury Marquis.

11 Q. And during your conversation with Mr. Stroman,
12 did he tell you about what happened that night?

13 A. Yes, he did.

14 Q. Can you tell the jury what his statements were?

15 A. Stroman stated that he arrived at the club
16 approximately 12:00 and parked in the lower lot of
17 the club. Stroman stated that he went to the club
18 with Tirrell Brannon, known as Fresh, and Trez
19 Robertson, who is known as Red Nose. Stroman stated
20 that he stayed in the club and that there were no
21 signs of trouble or fighting while he was there.

22 Stroman stated that he and Brannon and
23 Robertson left the club at approximately 2:50, then
24 got into his car to leave. Stroman stated that as
25 they were leaving, they heard gunshots.

1 At about the same time, he became stuck in some
2 dirt, and the tire started spinning. Stroman stated
3 that while he was trying to get unstuck, his gas
4 pedal stuck and the car went shooting across the
5 field and came to rest in someone's yard.

6 He then stated that he -- by the time the car
7 took off, he heard some shooting and glass break in
8 his car. Stroman stated that once the car came to a
9 stop, he felt his neck and realized he was bleeding.
10 He jumped out the car yelling that he had been shot
11 and asking for someone to help him.

12 Stroman stated that he got in the backseat of
13 the car and Brannon got into the driver's seat and
14 drove him to Batesburg. Then he stated that Brannon
15 called his friend Clark and found out he was at the
16 Creek View Apartment and that he went there. Then
17 he stated that he did not know where Robertson had
18 gone and that he did not ride to Batesburg with him.

19 Q. Okay. And then after that statement, you
20 stepped out of the room briefly?

21 A. Yes, ma'am.

22 Q. And you eventually went back in and spoke to
23 Stroman for a second time, correct?

24 A. I did.

25 Q. When you stepped out the room, you learned some

1 more details about what happened, correct?

2 A. I stepped out of the room and called my
3 sergeant, Sergeant Roy Mefford, just to inform him
4 what Stroman was telling me.

5 Q. And then next comment is going to draw an
6 objection, so we'll move on from that.

7 In response to what you learned from what
8 people were telling Mefford, you went back in and
9 spoke with Stroman, correct?

10 A. I did.

11 Q. And when you went back in and spoke with him,
12 did you threaten him in any way?

13 A. No, ma'am.

14 Q. At any point in your interactions with him -- I
15 know you met with him multiple times -- did you
16 threaten him to change his statement?

17 A. No, ma'am.

18 Q. So now you go back in to him. Without telling
19 me what you explained, after you stated some remarks
20 to him, what was his statement then?

21 A. Stated that he had parked in the lower parking
22 lot of the club. He stated that he had been up all
23 day and had worked all day and he was tired. He
24 stated that he told Brannon and Robertson that he
25 was leaving.

1 He then stated that he got into his car alone
2 and began leaving out of the parking lot. He stated
3 as he was leaving, he had heard boom, boom, boom,
4 and then he heard Brannon saying whoa, whoa, whoa,
5 and then he and Robertson got in the car.

6 Stroman stated that Robertson and Stroman did
7 not say anything about what was happening in the
8 parking lot, and he did not see them with any guns.
9 Stroman stated that the car got stuck, tires began
10 spinning, and then when he was trying to get out,
11 the gas pedal got stuck, and he went across the
12 field into someone else's yard.

13 He said about that time that he became unstuck,
14 they heard more gunshots and the back glass of his
15 car break. He said when the car came to a stop, he
16 felt his neck and felt blood. So he said he jumped
17 out the car and began yelling, I got shot; somebody
18 help me.

19 Stroman said that he jumped in the backseat and
20 Brannon got in the driver's seat. Stroman said that
21 he did not know where Robertson went. He said that
22 while driving to Batesburg, Brannon called his
23 friend Clark and asked where he was. Stroman said
24 that Clark said that he was at Creek View
25 Apartments, and they went there. He then stated

1 that he left the club in his '97 burgundy Mercury
2 Marquis. And I think that was it on that one.

3 Q. Yep. And that second statement, was that the
4 same exact statement he had just told you prior?

5 A. It was not.

6 Q. And then did you speak with him a third time?

7 A. I did.

8 Q. And that was on June 8th of 2015?

9 A. Yes, ma'am.

10 Q. And that was two days after this happened?

11 A. Yes, ma'am.

12 Q. Okay. Where was he when you spoke with him?

13 A. He was at his home at 240 Gary Hallman Circle.

14 Q. So, presumably, he was released from the
15 hospital?

16 A. Yes, ma'am.

17 Q. Do you know when he was released?

18 A. He was released around midnight on June 7th.

19 Q. So the day after the shooting?

20 A. Yes, ma'am.

21 Q. Okay. So you arrived at his home. When you
22 arrived at his home, did you threaten him in any
23 way?

24 A. No, ma'am.

25 Q. And, at this point, did he give you a third

1 statement?

2 A. He did.

3 Q. And what did he state to you about what
4 happened?

5 A. Stroman stated that he and Fresh and Red Nose
6 arrived at the club approximately 12:00, 12:30.
7 Stroman stated that they rode together to the club
8 in his burgundy Grand Marquis and they parked in the
9 lower lot of the club. Stroman stated that they
10 hung out at the club and there was no problems or
11 fights while they were there.

12 Stroman stated that he left the club at
13 approximately 2:50 and got into his car by himself.
14 Stroman stated that while trying to leave, he was
15 having to drive slow because of the cars and people
16 walking to their cars. He said he did not see Fresh
17 or Red Nose leave the club or see them walk up the
18 hill.

19 Stroman stated that he got to the top parking
20 lot and he had to stop and wait for traffic of
21 people leaving. Stroman said that while sitting
22 there, he heard shots, and then he heard Fresh yell,
23 whoa, whoa, whoa. And then Fresh and Red Nose got
24 into his car.

25 Stroman said that while trying to leave, the

1 tires began spinning. The gas pedal got stuck and
2 they took off across the field and came to a stop in
3 someone's yard. Stroman said as the car was taking
4 off, he heard more gunshots and then he heard the
5 back glass of his car break.

6 Stroman stated that when he came to a stop, he
7 felt his neck and saw blood and realized he had been
8 shot. He stated he got out of his car and began
9 yelling for help and then got in the backseat of the
10 car.

11 Stroman stated that Fresh got into the driver's
12 seat and Red Nose was in the back passenger seat.
13 Stroman stated that they began driving to Batesburg,
14 and that was when Fresh called Clark to see where he
15 was, then they drove to Creek View Apartments.

16 Q. And then, at that point, did you ask him any
17 questions?

18 A. I asked him why today he was telling me that
19 Red Nose was in the car and that he had gone with
20 them to Batesburg, and on Saturday when I talked to
21 him prior, he was telling me that he didn't know
22 where Red Nose was and he didn't know how he had
23 gotten back to Batesburg.

24 Q. And what was Stroman's response?

25 A. He never answered the question.

1 Q. Okay. Also, as it relates to this case, did
2 you have an opportunity to present a photo lineup to
3 Brandon Jeffery?

4 A. I did.

5 Q. And when did you present him with that lineup?

6 A. That would have been June 8th of 2015.

7 Q. And do you recall how you presented the lineup
8 to him?

9 A. As I do with everyone, we have a sheet that has
10 six photos on it. I'll tell the person that the
11 person that we're looking for may or may not be on
12 this photograph; for him to take his time and look
13 at the photos and, if he sees the person, he can
14 circle them.

15 Q. Were you present -- did you present him with
16 that photo lineup?

17 A. I did.

18 Q. Was he able to make an identification?

19 A. He was not.

20 Q. Was he able to eliminate people from that
21 lineup?

22 A. He was.

23 Q. How many people did he eliminate?

24 A. He eliminated five.

25 Q. Did he have problems circling the sixth person?

1 A. I believe he stated --

2 MR. MAULDIN: I'll object, based on my motion
3 on Friday.

4 THE COURT: So noted. Overruled.
5 Proceed.

6 BY MS. FULLER:

7 Q. Was he simply not comfortable circling the
8 individual?

9 A. I think he was just unsure. He wasn't 100
10 percent. And I told him he needed to be 100 percent
11 sure for the person to be circled. And he just
12 wasn't quite 100 percent sure that was the person.

13 Q. That was the person or making the
14 identification?

15 A. Making the identification.

16 Q. And did you ever tell him the person that he
17 was settling on, whether or not that that person was
18 Mr. Robertson?

19 A. No, ma'am.

20 Q. So at no point did he know that the person he
21 was settling on but was comfortable identifying was
22 actually Mr. Robertson?

23 A. Correct.

24 Q. You never suggested to him that that was him?

25 A. Correct.

1 MS. FULLER: I believe that's it.

2 THE COURT: Cross-examination?

3 MR. WILLIAMS: May it please the Court?

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Hey, Todd. So you work with Nephron now?

8 A. Yes, sir.

9 Q. As I understand it, there were, like, three
10 conversations with Stroman; two on one night and
11 then one when he got back home?

12 A. Yes, sir.

13 Q. So do you remember -- or do you have the
14 information in your logs as to what time you arrived
15 at the hospital to speak to Stroman?

16 A. I do not have that information.

17 Q. When did you get the call to go there?

18 A. I got the call -- I don't know -- it was early
19 morning of the 6th. I got a call to go to Lexington
20 Medical Center, and then was told to go to Palmetto
21 Richland.

22 Q. How long from the time which you got the call
23 was it before you got to Richland Memorial Hospital?

24 A. It was a few hours. Like I said, I had to go
25 to Lexington Medical Center first and then to

1 Palmetto Richland.

2 Q. Was he still in the ER room or had they put him
3 in a patient's room?

4 A. From my memory, I believe he was in the
5 emergency room. But I'm not 100 percent sure.

6 Q. And in regards to the bullet that he had in his
7 neck, no procedure had been done at that time --

8 A. Correct.

9 Q. -- to take the bullet out of the neck?

10 A. Correct.

11 Q. Did you check his chart to see what type of
12 meds he was on?

13 A. I did not.

14 Q. Did you look at the ambulance report of
15 Lexington County EMS to determine whether or not
16 there was any indication that he was under the
17 influence of anything?

18 A. I did not.

19 Q. You have access to those reports, don't you? I
20 mean, you would have access to an EMS report?

21 A. I guess I could have. At that point, I did
22 not.

23 Q. Did you talk to any doctors about talking to
24 him since he'd been at the hospital for several
25 hours? They'd been doing something to him for

1 several hours, hadn't they? I would assume that.

2 A. I would assume that they had.

3 Q. You hope that? I mean, shot in the neck,
4 right?

5 A. Correct.

6 Q. But you didn't have any inquiry with any
7 doctors about the types of meds he was on or
8 anything like that?

9 A. I did not.

10 MR. WILLIAMS: That's all I have, Your Honor.

11 THE COURT: Mr. Mauldin?

12 MR. MAULDIN: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. MAULDIN:

15 Q. Hello. It's been a long time.

16 A. How you doing?

17 Q. So, basically, in your conversations with
18 Mr. Stroman, there's three separate stories, right?

19 A. Yes, sir.

20 Q. There's one where he left the club with Fresh
21 and Red Nose before the shooting happened and he got
22 shot and the car spun out and went into someone's
23 yard, correct?

24 A. Correct.

25 Q. And then there's one where he was going to

1 leave by himself, then the shooting happened, then
2 the other two hopped in the car; he spun out and
3 then he ended up going off with Fresh, but not Red
4 Nose, and didn't know where Red Nose went?

5 A. Correct.

6 Q. And then a couple days later, on the 8th, he
7 left by himself. He was on the hill; he hears
8 shots. Both get in the car and he leaves with Fresh
9 driving and Red Nose was in the back passenger's
10 seat, correct?

11 A. Correct.

12 Q. And he never mentions a fourth person in the
13 car, does he?

14 A. No, sir.

15 Q. Okay. Now, he gives you this first story that
16 he left with -- you know, everybody was in the car,
17 he got shot, and then they all left. And then you
18 have this conversation with your supervisor, right?

19 A. Correct.

20 Q. And from what you hear with your supervisor,
21 you don't think Mr. Stroman is telling the truth; is
22 that right?

23 A. Correct.

24 Q. And so because you think he's not telling the
25 truth, you warn him that if he's not telling the

1 truth, that you'll charge him with a crime; is that
2 right?

3 A. I was just giving him the facts and giving him
4 the information that he might need.

5 Q. Did you explain to him that not telling the
6 truth or lying could possibly lead to charges being
7 filed against him?

8 A. I did.

9 Q. That doesn't seem like a threat to you, that if
10 you don't change your story, I'm going to arrest you
11 for something?

12 A. I don't believe I asked him to change his
13 story. I told him to tell the truth, and if he did
14 not tell the truth, then he could possibly be
15 looking at charges down the road.

16 Q. You're talking about taking a man in a hospital
17 bed with a hole in his neck from the hospital
18 because you didn't like his first story; is that
19 right?

20 A. It wasn't that I didn't like his story. It's
21 just information that I received didn't jive.

22 Q. Well, that information you received could have
23 been a big crock of you know what and he could have
24 been telling the truth for all you knew. You
25 weren't there. Isn't that right?

1 A. I was not there, no, sir.

2 Q. Okay. And then you also told him that if he
3 was a true victim, that the State would help him
4 with his medical costs, but if he was jimmying
5 around with you, then he would have to pay it by
6 himself?

7 A. Correct.

8 Q. So that's not a threat or a promise? Cooperate
9 and we'll pay your hospital bill; not cooperate,
10 you're on the hook?

11 A. I did not perceive it as a threat. It's just
12 basic information that's out there. There's help
13 out there for true victims of a crime.

14 Q. And then after that occurs, he talks about
15 Robertson not being in the car at all on the way
16 back; is that right?

17 A. Correct.

18 MR. MAULDIN: No further questions.

19 THE COURT: Any redirect?

20 MS. FULLER: No, Your Honor.

21 THE COURT: All right. The witness may step
22 down.

23 All right, folks, we'll take ten. We'll try to
24 keep it to ten. We'll see you back in ten minutes.
25 Please don't discuss the case. Thank you.

1 (The jury exits the courtroom at 3:41 PM.)

2 (Brief recess.)

3 THE COURT: All right. The jury is ready.

4 We'll bring them back up.

5 (The jury enters the courtroom at 4:00 PM.)

6 THE COURT: Welcome back, ladies and gentlemen.

7 We'll start back up where we left off with the next

8 witness for the State's case in chief.

9 MR. MCNAIR: Thank you, Your Honor. The State
10 calls Investigator Mike Phipps.

11 MICHAEL PHIPPS

12 being first duly sworn, testified as follows:

13 THE WITNESS: I do.

14 THE CLERK: Thank you. Remove your mask once
15 you're seated. State your name and spell your last,
16 please.

17 THE WITNESS: It's Michael Phipps, P-H-I-P-P-S.

18 DIRECT EXAMINATION

19 BY MR. MCNAIR:

20 Q. Investigator Phipps, I know you testified
21 earlier this week, but what is your current position
22 with the Lexington County Sheriff's Department?

23 A. My current position is forensic examiner for
24 digital evidence, assigned to the Secret Service
25 Task Force.

1 Q. As part of your job, do you regularly analyze
2 digital devices such as cell phones?

3 A. Yes, sir.

4 Q. Do you regularly perform what's known as phone
5 extractions or phone dumps?

6 A. Yes, sir.

7 Q. Is it possible to estimate how many phone
8 extractions you've done?

9 A. Over a thousand.

10 Q. How many times have you testified as an expert
11 in the forensic examination of digital devices such
12 as cell phones?

13 A. 20 times.

14 MR. MCNAIR: Your Honor, at this time, we'd
15 offer Investigator Phipps as an expert in the
16 forensic examination of digital devices.

17 MS. WILLIAMS: Without objection, Your Honor,
18 from Defendant Brannon.

19 MR. MAULDIN: No objection, sir.

20 THE COURT: Ladies and gentlemen, this witness
21 will be qualified as a witness in the area of
22 forensic examination of digital devices. He may
23 give opinion testimony in that area. That doesn't
24 mean you have to accept his opinion, but it's
25 evidence for you to use in any way you see fit.

1 MR. MCNAIR: Thank you, Your Honor.

2 BY MR. MCNAIR:

3 Q. Investigator Phipps, can you explain, just in
4 general, to the jury what a phone extraction is?

5 A. Yes, sir. Your phone obviously has a lot of
6 information on it. We are able to take that phone
7 and hook it to devices, hardware that's specifically
8 designed to forensically extract that data that's on
9 the phone and then process it with forensic tools.
10 It allows us to make sense of it as far as what we
11 call parsing out photos and text messaging and call
12 logs and things like that.

13 Q. Right. Does it change the underlying
14 information on the phone at all?

15 A. It does not.

16 Q. Are you able to generate reports based on the
17 information that was obtained from the phone?

18 A. Yes, sir.

19 Q. You testified earlier this week that you made
20 contact with Donovan Brannon, I believe on June 6th
21 of 2015; is that correct?

22 A. Yes, sir.

23 Q. And you obtained some personal belongings from
24 him including a cell phone; is that right?

25 A. Yes, sir.

1 Q. And that was a Motorola cell phone?

2 A. It was.

3 Q. I'm going to show you State's Exhibit 393 and
4 ask if you recognize this.

5 A. Yes, sir.

6 Q. Is that the Motorola cell phone that you
7 obtained from Mr. Brannon?

8 A. It is.

9 MR. MCNAIR: Your Honor, at this time, we'd
10 offer State's Exhibit 393 into evidence.

11 MS. WILLIAMS: Without objection, Your Honor.

12 MR. MAULDIN: No objection.

13 THE COURT: State's Exhibit 393 is admitted
14 into evidence.

15 (State's Exhibit No. 393 admitted into
16 evidence.)

17 BY MR. MCNAIR:

18 Q. Now, back in 2015, were you able to do an
19 extraction on that phone?

20 A. The search warrant was obtained for the phone.
21 I signed the phone out, and we attempted to pull
22 that data off of the phone. Unfortunately, this
23 phone had a pattern lock to it, and the tools that
24 we had at the time were not able to bypass that
25 pattern lock.

1 Q. A pattern lock is just a pass code for the
2 phone?

3 A. Yes, sir.

4 Q. What, if anything, did you do with that phone
5 to bypass that pass code?

6 A. We held onto it for a period of time, trying to
7 research if there were any other means of obtaining
8 the data on the phone. I was then asked to explore
9 whether there were any outside resources that could
10 help us pulling that data off of there.

11 At that time, I reached out to some contacts I
12 have on a forensic list serve -- a group of
13 individuals that do forensic exams, asking if anyone
14 had the technology that could assist us with that.
15 We knew from our research that there was a process
16 called chip-off that could bypass that lock and get
17 the data off the phone.

18 Unfortunately, there was no one in South
19 Carolina in 2015 that was doing that process called
20 chip-off. We had one individual that reached out to
21 us from Alabama who said that they were doing that
22 process in their lab and that they could assist us
23 with that.

24 Q. All right. So what did you do at that point?

25 A. At that point, we made an arrangement with them

1 to ship this phone to them via FedEx. They
2 performed what we call the chip-off process, which
3 is physically removing the memory module from the
4 daughter board in the phone and then taking a
5 special jig and pulling the data off of that chip
6 and putting it onto a thumb drive for us.

7 And they then returned the phone and the thumb
8 drive with the data on it back to our lab where we
9 processed that data and generated a report.

10 Q. And when you sent it off, did you send it off
11 in a sealed package?

12 A. We did.

13 Q. And did they document their unsealing of that
14 package?

15 A. They did.

16 Q. Did they then return it to you in a sealed
17 package?

18 A. Yes, sir.

19 Q. When you got the information back, did you then
20 review the information on that phone?

21 A. I did.

22 Q. Was the information from that phone then placed
23 on a disc?

24 A. It was.

25 Q. I'm going to show you State's 403. Can you

1 identify this disc?

2 A. Yes, sir. That's the report generated from the
3 data.

4 MR. MCNAIR: Okay. This is for ID purposes
5 only, Your Honor.

6 BY MR. MCNAIR:

7 Q. Now, based on that information, you were able
8 to then run reports, correct?

9 A. Yes, sir.

10 Q. For instance, you could run a report showing
11 all incoming or outgoing calls?

12 A. That's correct.

13 Q. All text messages?

14 A. Yes.

15 Q. Internet activity, stuff like that, right?

16 A. Yes, sir.

17 Q. I've previously showed this to defense counsel.
18 I'm going to show you State's 251 and ask if you can
19 identify that.

20 A. Yes, sir. This is, basically, the cover page
21 to the report showing all the individual identifiers
22 from the device.

23 Q. That came from the extraction that you just
24 testified to?

25 A. Yes, sir.

1 MR. MCNAIR: Your Honor, we'd offer State's 251
2 into evidence.

3 MS. WILLIAMS: Without objection, Your Honor.

4 MR. MAULDIN: No objection, sir.

5 THE COURT: State's Exhibit 251 admitted into
6 evidence.

7 (State's Exhibit No. 251 admitted into
8 evidence.)

9 BY MR. MCNAIR:

10 Q. State's 252, is this another report that you
11 were able to generate from the extraction?

12 A. Yes, sir. This report is specific to all user
13 accounts that were identified on the phone.

14 MR. MCNAIR: Your Honor, we'd offer State's 252
15 into evidence.

16 MS. WILLIAMS: Without objection, Your Honor.

17 MR. MAULDIN: No objection.

18 THE COURT: State's Exhibit 252 admitted into
19 evidence.

20 (State's Exhibit No. 252 admitted into
21 evidence.)

22 BY MR. MCNAIR:

23 Q. State's 253, is this another report from the
24 extraction?

25 A. Yes, sir. This is a report detailing all the

1 calls from the call log.

2 MR. MCNAIR: Your Honor, 253 into evidence.

3 MS. WILLIAMS: Without objection, Your Honor.

4 MR. MAULDIN: No objection.

5 THE COURT: State's 253 is admitted into
6 evidence.

7 (State's Exhibit No. 253 admitted into
8 evidence.)

9 BY MR. MCNAIR:

10 Q. Lastly, State's 254, is that another report
11 from the extraction?

12 A. Yes. This is just a specific printout of one
13 artifact item, which is a Facebook Messenger
14 correspondence between two individuals on the phone.

15 Q. Thank you.

16 MR. MCNAIR: Your Honor, at this time, we'd
17 offer State's 254 into evidence.

18 MS. WILLIAMS: Without objection, Your Honor.

19 MR. MAULDIN: That maybe subject to prior
20 objections in regards to Facebook, Your Honor.

21 THE COURT: So noted.

22 State's 254 admitted into evidence.

23 (State's Exhibit No. 254 admitted into
24 evidence.)

25 MR. MCNAIR: Permission to publish, Your Honor?

1 THE COURT: Very well.

2 BY MR. MCNAIR:

3 Q. Investigator Phipps, tell me, if you can --
4 it's kind of hard to see, isn't it? Would it help
5 to come up here with me?

6 A. I have a copy of that specific sheet.

7 Q. Okay. All right. So can you explain to the
8 jury what this State's Exhibit 251 is?

9 A. It's just a summation page of the report. At
10 the very top of this report, it just has information
11 that we enter as far as my name, the case number and
12 the specific identifier, the PR number for the item
13 of evidence.

14 Below that, it shows that it was -- a chip-off
15 was the process that the data was recovered; that's
16 how it was recovered from the phone.

17 Q. All right. And does this indicate what the
18 phone number associated with this phone is?

19 A. It does. If you look, I think the third line
20 up from the very bottom, it has an MSISDN number.
21 That's your phone number on the cell phone. In this
22 instance, it's (803) 582-9155.

23 Q. Okay. State's 252, entitled user accounts,
24 what information can we glean from this?

25 A. When you, obviously, use your phone and you

1 have various applications and things that you log
2 into, there's a database that the phone tracks all
3 user accounts.

4 So if you have a Facebook account, Snapchat, a
5 OneDrive account, whatever it may be, it logs all
6 these various accounts and the usernames that you
7 use for those. So this is a printout of all the
8 user accounts that were found on the phone.

9 Q. Is this something that you would use to help
10 determine ownership of a phone?

11 A. It is. You can tell who, basically, is using
12 the phone. Because even if I hand you my phone and
13 you log into your Facebook, that's going to generate
14 a user account on my phone. So you will be able to
15 tell that someone else had used my phone to log into
16 their account.

17 Q. Based on your review of this, who do you
18 believe the owner of this phone to be?

19 A. All the entries on here were consistent with
20 Antonio Stroman.

21 Q. Did you also see an email account associated
22 with this phone?

23 A. Yes. There was a Gmail account associated with
24 it, and that's antoniostroman74@gmail.com.

25 Q. Again, was there a phone number also associated

1 with some of these user accounts?

2 A. Yes. It's the phone number for that phone,
3 which is the (803) 582-9155 phone number.

4 Q. Okay. State's 253, what is this?

5 A. That's showing all the call logs, all the call
6 history for the phone. And it's in order as you go
7 up the columns; they are to the most recent phone
8 call.

9 Q. Most recent being here at the top?

10 A. Yes, sir. In that instance, it's showing there
11 was an outgoing phone call on the 5th, June 5th, at
12 11:50 p.m. to an individual listed in the address
13 book as Red Nose and the phone number for Red Nose.

14 Q. Okay. Is that the last call you saw being made
15 from this phone?

16 A. It is. It's the last phone activity on the
17 phone.

18 Q. And the number associated with Red Nose would
19 be this number right above it?

20 A. Yes, sir.

21 Q. What is that number?

22 A. (803) 380-10- -- I'm sorry. Might have to come
23 down. If you could, zoom it. (803) 801-0408.

24 Q. All right. And now when somebody is listed in
25 someone's phone with a name such as Red Nose, what

1 does that indicate?

2 A. It indicates that's a customized label that
3 they created for that phone number to identify the
4 individual in the address book.

5 Q. That's a contact name they would have inputted
6 into their phone?

7 A. Yes, sir.

8 Q. So for line 10, we see the name Nunu with a
9 number ending in 1082. Again, would that be a
10 contact that that person input into their phone?

11 A. Yes, sir.

12 Q. And line 29, there's a call from an individual
13 Boosie 100%.

14 A. Yes, sir.

15 Q. Again, is that a name somebody would have
16 inputted into their phone for that phone number?

17 A. They would have.

18 Q. And what is the phone number for Boosie 100%?

19 A. (803) 379-6538.

20 Q. And then line 23, the name Fresh. Again,
21 that's something the user would have inputted. And
22 what is the number associated with Fresh?

23 A. (803) 944-5317.

24 Q. And again, just to reiterate, there's no calls
25 made on this phone on June 6th of 2015?

1 A. That's correct.

2 Q. Lastly, State's 254, what is this showing?

3 A. That's an item -- it's from the time line.
4 That's the reason it has the title time line. But
5 it's an instant message that occurred on the 22nd
6 between the user of the phone or, in this instance,
7 the Facebook Messenger account of Antonio Stroman
8 and a Tyrese White.

9 Q. So that would be a Facebook message -- is it to
10 Tyrese White or from Tyrese White?

11 A. It's an incoming message to Antonio Stroman
12 from Tyrese White.

13 Q. And do you see a phone number associated with
14 Tyrese White?

15 A. Yes. It's the (803) 379, I believe, 6538.

16 Q. Yes, sir.

17 MR. MCNAIR: Investigator Phipps, I believe
18 that's all the questions I have. Thank you.

19 THE COURT: Cross-examination?

20 CROSS-EXAMINATION

21 BY MR. WILLIAMS:

22 Q. Good afternoon, Investigator. How are you?

23 A. Good afternoon.

24 Q. Two questions: So you make contact with Fresh
25 to get the phone, correct? Or you picked up the

1 phone from a Donovan Brannon?

2 A. Yes.

3 Q. But it wasn't, ultimately, his phone?

4 A. That's who this phone came from.

5 Q. But the phone belongs to a different
6 individual?

7 A. I assume so, based on the information we're
8 seeing.

9 Q. Thank you, sir. But then the time listed on
10 the call log, has it already been corrected to be
11 Eastern Standard Time?

12 A. It should have. If you have the copy of it, it
13 should have an offset already showing.

14 Q. Okay.

15 A. So as you see there, there's a date and there's
16 a time below it. And then it has, in brackets, UTC
17 minus four, meaning there's already a four-hour
18 offset applied. So it is in local time, as you read
19 it there.

20 MS. WILLIAMS: Thank you, sir, that's all I
21 have for you.

22 THE COURT: Mr. Mauldin?

23 CROSS-EXAMINATION

24 BY MR. MAULDIN:

25 Q. Let's get into that a little bit more, because

1 I think it might apply to some other things.

2 What does UTC stand for?

3 A. It's Universal Time Coordinate. It's the old
4 Greenwich meantime.

5 Q. Okay. And in a lot of these records, they're
6 put out in that standard time. And when you're
7 reading them, you have to adapt to your time by
8 subtracting or adding your hours to that time; is
9 that correct?

10 A. A lot of computers use that just as a standard
11 way of recording time, yes, sir.

12 Q. So in that exhibit we saw, next to the time it
13 has, in parentheses, UTC minus four, which means
14 that original time minus four hours, and that's how
15 you get the time on the chart; is that right?

16 A. The UTC minus four there indicates that the
17 time offset has already been applied. If it was
18 reading UTC time, it would be UTC minus zero.

19 Q. Right. Right. But that's what I'm saying:
20 The UTC minus four would equal the time that's on
21 the chart?

22 A. Correct.

23 Q. So that's been modified. And, normally, for
24 Eastern Standard Time, it's minus five hours. But
25 for daylight savings, it's minus four because we

1 skipped an hour ahead?

2 A. That's correct.

3 Q. So if you see any records, such as Facebook
4 records or phone records, that are not adapted like
5 yours was and it just says UTC, somebody would have
6 to subtract four hours from that to get the actual
7 time in Eastern Standard Time; is that correct?

8 A. Yes, sir.

9 Q. Okay. That's what I wanted to clear up.

10 Now, if Antonio Stroman's nickname is Boosie,
11 what is Boosie's phone number?

12 A. Are you saying what's the phone number to the
13 phone that we examined?

14 Q. Yeah. If Antonio Stroman's nickname is Boosie,
15 then what is Boosie's phone number?

16 A. I don't have knowledge of Boosie. I know this
17 number (803) 582-9155 is the phone number to this
18 Motorola cell phone --

19 Q. Okay.

20 A. -- that all the data was recovered from.

21 Q. That poses the question that if Antonio
22 Stroman, who you say owns the phone, if his nickname
23 is Boosie, then Boosie's number is that number; is
24 that correct? And then Boosie's number is also this
25 other number --

1 A. I'm not saying that Antonio Stroman owns the
2 phone.

3 Q. Right. But the accounts on it most likely
4 belonged to him?

5 A. I'm not tracking. I'm sorry, sir.

6 Q. Okay. You pulled the information out of this
7 phone?

8 A. Yes, sir.

9 Q. In the information is a lot of emails saying
10 antonio74stro, antoniostroman74@gmail.com, that
11 would lead you to believe that if Antonio Stroman
12 didn't own the phone, then he had a lot of access to
13 it, correct?

14 A. Antonio Stroman -- the accounts on the phone
15 were consistent with one individual of Antonio
16 Stroman.

17 Q. Right.

18 A. So I don't know who -- I don't have, you know,
19 anything from the cell phone provider or anything
20 like that identifying financial records to identify
21 who's paying the bill or anything like that. I can
22 just say what we found off the phone itself.

23 Q. And what did you say Antonio Stroman's number
24 is?

25 A. The number on the phone is (803) 582-9155.

1 Q. And you're inferring that the phone belongs to
2 Antonio Stroman, aren't you?

3 A. Well, I'm inferring that it appears that the
4 only user that logs into any accounts on the phone
5 is using accounts that are named in the name of that
6 person.

7 Q. And if Antonio Stroman's nickname is Boosie,
8 then there's a Boosie with that number that you just
9 mentioned?

10 A. I don't have knowledge of Boosie.

11 Q. I'm not saying. I'm projecting a hypothesis on
12 you. This is a hypothetical question: If his
13 nickname was Boosie, then it would be the number of
14 the phone that you just mentioned. That would be
15 Boosie's number, too?

16 A. It could be.

17 Q. Okay.

18 A. People can have more than one phone number,
19 too.

20 THE COURT: Redirect?

21 MR. MCNAIR: Thank you.

22 REDIRECT EXAMINATION

23 BY MR. MCNAIR:

24 Q. Now, the number associated with that phone
25 ended in 9155; is that correct?

1 A. Yes, sir.

2 Q. Now, entry 29 on here, we talked about there
3 was a contact entered into this phone as Boosie 100%
4 with the number ending 6538, correct?

5 A. That's correct.

6 Q. So that is not the same individual who owns
7 this phone.

8 Then State's 254, there was a Facebook message
9 between Antonio Stroman and a gentleman by the name
10 of Tyrese White, correct?

11 A. Yes, sir.

12 Q. And what is the number associated with Tyrese
13 White?

14 A. (803) 379-6538.

15 Q. 6538, which is the same number associated with
16 Boosie 100%'s phone, correct?

17 A. Yes, sir.

18 MR. MCNAIR: Thank you.

19 THE COURT: Recross?

20 MS. WILLIAMS: No recross, Your Honor.

21 MR. MAULDIN: No, Your Honor.

22 THE COURT: All right. The witness may step
23 down.

24 MR. MCNAIR: Your Honor, the State calls
25 Jasmine Pringle.

1 JASMINE PRINGLE

2 being first duly sworn, testified as follows:

3 THE WITNESS: I do.

4 THE CLERK: Thank you. You can have a seat
5 over there. You can remove your mask. If you would
6 state your name and spell your last, please.

7 THE WITNESS: Jasmine P-R-I-N-G-L-E.

8 DIRECT EXAMINATION

9 BY MR. MCNAIR:

10 Q. Ms. Pringle, how are you doing today?

11 A. I'm good.

12 Q. And just to be clear, you didn't want to be
13 here, did you?

14 A. No.

15 Q. We subpoenaed you to be here?

16 A. Yes.

17 Q. I'll get right to the point.

18 Back in June of 2015, where were you living?

19 A. On -- in Columbia.

20 Q. What was the address?

21 A. Ashley's Place -- 13 Ashley's Place.

22 Q. 13 Ashley's Place. Okay. Now, back during
23 that time, were you in a relationship with a guy
24 named Shantrez Robertson?

25 A. Yeah, we were dating.

1 Q. Do you see him in the courtroom today?

2 A. Yes.

3 Q. And back then, was your phone number
4 (803) 767-9149?

5 A. Yes.

6 Q. Is that still your number?

7 A. Yes.

8 Q. Do you know what Mr. Robertson's number was
9 back then?

10 A. No, I don't.

11 Q. During the time y'all were together, did he
12 only have one phone that you knew of?

13 A. Not that I know of. I think he had a few
14 phones.

15 Q. Do you recall meeting with us and telling us
16 that you only communicated with him on one phone?

17 A. Yes.

18 Q. So you only communicated with him on one phone,
19 correct?

20 A. Yes.

21 Q. Do you also know a guy -- well, what did you
22 call Mr. Robertson?

23 A. Trez.

24 Q. Trez?

25 A. Yes.

1 Q. Did you know him by any nicknames?

2 A. No.

3 Q. Did you know of somebody named Boosie?

4 A. Yeah. I know Boosie.

5 Q. Do you know Boosie's real name?

6 A. No.

7 Q. Was Boosie friends with Trez?

8 A. Yes.

9 Q. When you would see Boosie, was he typically
10 with Trez?

11 A. Not always, no.

12 Q. So you knew Boosie outside of Trez?

13 A. No.

14 Q. You knew Boosie because of Trez?

15 A. Yes.

16 Q. All right. Now, during the early morning hours
17 of June 6th of 2015, did you receive a call from
18 Mr. Robertson to come pick him up?

19 A. Yes.

20 Q. And whose phone did he call you from?

21 A. I can't recall if it was his phone number or --

22 Q. Did you talk to anybody --

23 THE COURT REPORTER: I'm sorry. I didn't hear
24 the end of that.

25 THE WITNESS: I said that I'm not sure. I'm

1 sure if he did call me from his phone, but I can't
2 remember if he did call from another number as well.

3 BY MR. MCNAIR:

4 Q. Did you talk to anybody else that morning other
5 than Trez?

6 A. No.

7 Q. So if there was another number on your phone
8 records, that would have been him calling you?

9 A. Yes.

10 Q. Do you recall what time he called you that
11 night or early that morning?

12 A. I can't really remember, like I told you guys.
13 I'm sure it was after 12:00 though.

14 Q. After midnight?

15 A. Yes.

16 Q. Could it have been later than that?

17 A. I can't remember. It was a long time ago. I
18 know it was late though, like, early morning, like I
19 said, after 12:00.

20 Q. Okay. Well, if your phone records reflected a
21 call around 4:30 in the morning, would that sound
22 about right?

23 A. I can't -- I know it was late. Like I said,
24 after hours in the morning.

25 Q. All right. And what did he say?

1 A. Nothing. Just to come pick him up.

2 Q. Where did you go pick him up?

3 A. It was -- I can't really remember, but I know
4 it was, like I said, like some country area.

5 Q. Where did he tell you to go pick him up?

6 A. He said that he was going to be at The Spot or
7 whatever.

8 Q. He told you to come pick him up at The Spot?

9 A. Yeah.

10 Q. Is that where you went?

11 A. I mean, yeah. I went there. I went to -- I
12 just remember off an exit or whatever. I don't
13 recall -- I don't recall even how to get there now,
14 so I don't remember.

15 Q. Did you see a lot of people there?

16 A. I just seen a lot of cars, a few people
17 scattered, but I don't recall seeing, like I said,
18 the front of the club or anything.

19 Q. Did you see any police cars or anything like
20 that?

21 A. I don't remember seeing, like, police cars.

22 Q. I'm going to show you State's 285. Does that
23 look familiar to you?

24 A. Like I said, not really.

25 Q. You don't recall going there to pick him up?

1 A. I just know it was real country and wooded. It
2 could have been that area, but I really don't
3 honestly remember exactly where I picked him up.

4 Q. Where exactly was he when you picked him up?

5 A. It was, like I said, some cars on the side of
6 the road. He just came -- like, I always fall
7 asleep anyway and it was late. So I just know he
8 was tapping on the window, and then I let him in the
9 car.

10 Q. Do you remember where you were parked when he
11 was tapping on the window?

12 A. I was pulled on the side because it was other
13 cars outside.

14 Q. So you were on the side of a country road
15 somewhere?

16 A. Yes.

17 Q. What were all the other people doing out there?

18 A. Just hanging out.

19 Q. But you didn't see any police cars?

20 A. I don't remember seeing police cars.

21 Q. Who was with Trez when you picked him up?

22 A. I didn't remember at the time. But when I
23 spoke to you, I recall you saying that Boosie was
24 with us.

25 Q. Well, you do recall giving a written statement

1 to law enforcement back on June 9th of 2015, right?

2 A. Yes.

3 Q. And you recall putting in your written
4 statement at that time that Boosie was with Trez as
5 well?

6 A. Yes.

7 Q. So you've always said that; that's not just
8 something you told us?

9 A. Right.

10 Q. And you recall telling law enforcement that you
11 picked up Boosie and Trez from The Spot, but you'd
12 never been to The Spot?

13 A. I never been to the club, no.

14 Q. You have no recollection of what time he called
15 or when you got back to your house?

16 A. Not really. Like I said, it was so long ago,
17 I -- I really don't remember. Like I said, it was
18 late, but I don't really recall; probably like 2:00
19 or 3:00-something, something like that. Probably
20 like 3:00-something.

21 Q. Well, are you going to defer to your phone
22 records for the actual time of when that call came
23 in?

24 A. What do you mean?

25 Q. Well, if there's not a call from him on your

1 phone records until 4:31, are you disputing that?

2 A. No, I'm not saying that. If you said he called
3 me around that time, then --

4 Q. So that would be accurate, the time reflected
5 on your phone records? Are you guessing that it was
6 around 3:00?

7 A. That's what I remember.

8 Q. But you're not sure?

9 A. No.

10 Q. What did you do after you picked him up?

11 A. We went back to my house.

12 Q. Did he stay there the rest of that day?

13 A. Yeah. He stayed the weekend.

14 Q. With Trez?

15 A. Yeah. Trez stayed with me.

16 Q. With Boosie?

17 A. I don't remember if Boosie stayed the whole
18 weekend, but I know he came with us.

19 Q. And back during this time, did Trez have a car?

20 A. No.

21 Q. Was he depending on you for rides a lot?

22 A. No, just only if we were going to be together
23 or something like that.

24 Q. But he didn't have his own mode
25 of transportation?

1 A. Not at that time.

2 Q. How -- will you describe Boosie for us? What
3 does Boosie look like?

4 A. I can't really remember. Like I said, it was a
5 long time ago. I haven't seen these people for
6 years. But he was like, probably like dark-skinned,
7 brown-skinned or whatever.

8 Q. Tall? Short?

9 A. Kind of short/medium.

10 Q. Short, dark-skinned?

11 A. Yeah.

12 Q. Sounds about right?

13 A. Yeah.

14 Q. I'm going to show you what's been marked as
15 State's 217 for ID. I'm going to show you what's
16 been introduced into evidence as State's 295. Do
17 you recognize this individual?

18 A. Yes.

19 Q. Who is that?

20 A. Trez.

21 Q. Trez?

22 A. Yeah.

23 Q. Trez Robertson?

24 A. Yes.

25 Q. Okay. I'm going to show you what's been marked

1 for ID as 216. Do you recognize any of the folks in
2 this photo?

3 A. That's definitely Trez.

4 Q. Trez would be the second from the right?

5 A. Yes.

6 Q. And you recognize any other individuals?

7 A. Actually, I recognize him.

8 Q. The guy on the far right?

9 A. Yes.

10 Q. Do you know his name?

11 A. Tonio.

12 Q. Antonio?

13 A. Uh-huh.

14 Q. Stroman?

15 A. I guess so.

16 Q. What about the guy on the far left?

17 A. Looks familiar. But it was so dark.

18 Q. All right. Well, I'll give you a better
19 picture. State's 217 for ID, do you recognize that
20 individual?

21 A. Yeah. He looks familiar.

22 Q. Who is it?

23 A. Like I said, it's been a long time. But he
24 does look like Boosie.

25 Q. He looks like Boosie to you?

1 A. Yes.

2 MR. MCNAIR: Ms. Pringle, that's all the
3 questions I have. Thank you.

4 THE COURT: Cross-examination?

5 MR. WILLIAMS: May it please the Court?

6 CROSS-EXAMINATION

7 BY MR. WILLIAMS:

8 Q. Ms. Pringle, I'm Theo Williams. How are you?

9 A. I'm good.

10 Q. Good. You live in Columbia?

11 A. Yes.

12 Q. Where did you live in Columbia back in June 6th
13 of 2015?

14 A. Still Columbia.

15 Q. What area of Columbia?

16 A. Southeast.

17 Q. Okay. Could you tell me what your address was
18 back then?

19 A. Yes, it was 13 Ashley's Place, Columbia.

20 Q. And were you working back then?

21 A. Yes.

22 Q. Where were you working?

23 A. I was working at AFLAC.

24 Q. AFLAC?

25 A. Uh-huh.

1 Q. The one with the duck and all that?

2 A. Yes.

3 Q. Did you work during the morning hours with
4 AFLAC?

5 A. Yes.

6 Q. Now, do you recall whether or not June the 6th
7 would have been a Saturday or a Friday?

8 A. It probably was a Friday night.

9 Q. Friday night?

10 A. Yeah.

11 Q. And you say you -- you call him Trez? You call
12 him Trez, don't you?

13 A. Yes.

14 Q. You been dating Trez for how long?

15 A. During that time, it possibly was probably
16 about seven months or so, seven to a year.

17 Q. Okay. Did he tell you later that he was going
18 to need you to pick him up or you just didn't know
19 and he just called you saying he needed to be picked
20 up?

21 A. Yeah. He usually always tell me to come pick
22 him up.

23 Q. Because he didn't have a car?

24 A. Right. And then if he wanted to come be with
25 me, he'd tell me to pick him up.

1 Q. Tell me what kind of car you had.

2 A. I had a black Honda.

3 Q. When he called you, I think you said -- on
4 direct examination, you said you thought it was
5 around 3:00, didn't you? 2:00, 3:00, like that?

6 A. Yeah.

7 Q. And then the solicitor asked you about --
8 something about time or something like that. But
9 there's no question in your mind that when you got
10 down there, there were no police cars, no flashing
11 lights, nothing?

12 A. Yeah, I didn't see anything.

13 Q. And you picked him up. And the other guy
14 who -- you don't know his regular name?

15 A. No.

16 Q. You just call him Boosie?

17 A. Yeah.

18 Q. So you pick those two individuals up and you
19 took both of them back to your place, which is
20 where?

21 A. Ashley's Place.

22 Q. And since it was Saturday, you didn't have to
23 go to work the next day?

24 A. No.

25 Q. Did you have anybody at your house?

1 A. Yes.

2 Q. Other than those -- this guy, Boosie, and Trez?

3 A. Yes.

4 Q. Who stayed at your house that night?

5 A. My cousin.

6 Q. All right. So your cousin was staying there,
7 too?

8 A. Yes.

9 Q. And when you came back, did y'all go to bed?
10 I'm not getting personal, but you went to bed or did
11 you go eat breakfast or what did you do?

12 A. Went to bed.

13 Q. Okay. So from the time in which you came back,
14 did you and Trez go anywhere else up until that
15 night, that Saturday night?

16 A. No.

17 Q. You stayed at the house?

18 A. Yes.

19 Q. And you fixed your meals there?

20 A. Yes.

21 Q. Okay. Now, you said you picked him up at The
22 Spot, and then you described The Spot as being a
23 place on kind of a country road.

24 A. Yes.

25 Q. But the road you were on, it was a paved road,

1 wasn't it?

2 A. Yes.

3 Q. Now, when you describe -- when you describe
4 this particular place you went to, what was -- I
5 think you said that you saw a bunch of cars there.

6 A. Yes.

7 Q. All right. And when I -- it's a bunch of cars,
8 are you referring to -- how many different types of
9 cars -- how many cars were down there in the parking
10 area?

11 A. Probably a few, you know, like a few cars on
12 the side.

13 Q. On the side of what?

14 A. On the side. They was parked on the side.

15 Q. Okay. So they were on a kind of like a hill?

16 A. No. They was still, like, on the side. Where
17 I was parked at, it was cars still parked on the
18 side where I was parked at as well.

19 Q. Could you see back down -- anything about what
20 was going on back down the area there?

21 A. No.

22 Q. It was just a bunch of cars parked on the side
23 of the road?

24 A. And woods.

25 Q. And woods?

1 A. Yes.

2 Q. Okay. And there were no blue lights there?

3 A. No.

4 Q. You didn't hear any gunshot, did you?

5 A. No.

6 Q. And then you took those -- took Trez and his
7 friend back to your place to where your cousin was?

8 A. Yes.

9 Q. And you didn't go back out?

10 A. No.

11 Q. How did you know where to go? He had you turn
12 at an exit or something?

13 A. Yes.

14 Q. He gave you the exit number to turn on?

15 A. Yes.

16 Q. And how far to go?

17 A. Yes.

18 MR. WILLIAMS: That's all the questions I have,
19 Your Honor.

20 THE COURT: Mr. Mauldin?

21 MR. MAULDIN: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. MAULDIN:

24 Q. Hello, Ms. Pringle.

25 A. Hello.