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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Honorable Grace Gilchrist Knie, Circuit Court Judge

MAURICE ROBERTS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000652

APPENDIX

JOANNA K. DELANY
Appellate Defender

ALAN WILSON
Attorney General

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

DAVID SPENCER
Senior Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3689

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

VOLUME I OF III

PAGES 1-500

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED FEBRUARY 24-28, 2014	1
APPLICATION FOR POST-CONVICTION RELIEF	939
RETURN, PARTIAL MOTION TO DISMISS, AND MOTION FOR MORE DEFINITE STATEMENT	945
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	961
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED MARCH 28, 2022	962
ORDER OF DISMISSAL	1043
INDICTMENTS	1058
SENTENCE SHEETS	1068

Elizabeth B. Harris, CVR-M
Circuit Court Reporter

I N D E X

<u>Description</u>	<u>Page No.</u>
Volume I.	1-373
Volume II.. . . .	374-723
Volume III.	724-938

MONDAY, FEBRUARY 24, 2014

Jackson vs. Denno Hearing

Scott McDonald

Direct Examination by Ms. Campbell.. . . . 21

Cross-examination by Mr. Sutherland. 32

James S. Smith

Direct Examination by Mr. Sutherland.. . . . 44

Cross-examination by Ms. Campbell. 46

Redirect Examination by Mr. Sutherland.. . . . 47

Maurice Roberts

Direct Examination by Mr. Sutherland.. . . . 48

Cross-examination by Ms. Campbell. 78

Redirect Examination by Mr. Sutherland.. . . . 101

Neil vs. Biggers Hearing

Trenton Scott

Direct Examination by Ms. Simpson. 106

Cross-examination by Mr. Sutherland. 116

Troy Scott

Direct Examination by Ms. Campbell.. . . . 123

Cross-examination by Mr. Sutherland. 134

Stephen Scott Faust

Direct Examination by Ms. Campbell.. . . . 139

Cross-examination by Mr. Sutherland. 143

F.L. Tanner

Direct Examination by Ms. Campbell.. . . . 145

Cross-examination by Mr. Sutherland. 147

Hal Boland

Direct Examination by Ms. Campbell.. . . . 148

Cross-examination by Mr. Sutherland. 150

TUESDAY, FEBRUARY 25, 2014

Jury Voir Dire. 171

Jury Selection. 191

Opening Remarks by the Court. 198

Opening Statement by Ms. Simpson. 202

Opening Statement by Mr. Sutherland.. . . . 218

State's Case in Chief

1	Reginald Grant	
2	Direct Examination by Ms. Walker..	223
3	Cross-examination by Mr. Sutherland.	228
4		
5	Joshua Williams	
6	Direct Examination by Ms. Walker..	230
7	Cross-examination by Mr. Sutherland.	247
8		
9	Chandler Davis	
10	Direct Examination by Ms. Simpson.	248
11		
12	Michael Beeler	
13	Direct Examination by Ms. Simpson.	258
14	Cross-examination by Mr. Sutherland.	298
15		
16	Yvonne Woods	
17	Direct Examination by Ms. Campbell..	300
18		
19	Trenton Scott	
20	Direct Examination by Ms. Simpson.	322
21	Cross-examination by Mr. Sutherland.	352
22		
23	Stan Richards	
24	Direct Examination by Ms. Walker..	354
25	Cross-examination by Mr. Sutherland.	371

1	<i>WEDNESDAY, FEBRUARY 26, 2014</i>	
2	Cinammon Wright	
3	Direct Examination by Ms. Simpson.	377
4		
5	Mary Ellen Swain	
6	Direct Examination by Ms. Walker.. . . .	386
7		
8	Jwaun Duckett	
9	Direct Examination by Ms. Simpson.	399
10	Cross-examination by Mr. Sutherland.	429
11	Redirect Examination by Ms. Simpson.	432
12		
13	Angel L. Cruz	
14	Direct Examination by Ms. Walker.. . . .	435
15		
16	Troy Scott	
17	Direct Examination by Ms. Campbell.. . . .	439
18	Cross-examination by Mr. Sutherland.	462
19		
20	Cari Pearson	
21	Direct Examination by Ms. Campbell.. . . .	466
22	Cross-examination by Mr. Sutherland.	477
23		
24	Charles Sizemore	
25	Direct Examination by Ms. Walker.. . . .	483

1	Demetrice James	
2	Direct Examination by Ms. Simpson.	485
3	Cross-examination by Mr. Sutherland.	507
4		
5	Timothy Lee	
6	Direct Examination by Ms. Walker.. . . .	512
7	Cross-examination by Mr. Sutherland.	514
8		
9	Vincent Nelson, Jr.	
10	Direct Examination by Ms. Walker.. . . .	515
11	Cross-examination by Mr. Sutherland.	555
12		
13	Terri Gleason	
14	Voir Dire Examination by Ms. Campbell.	560
15	Direct Examination by Ms. Campbell.. . . .	562
16		
17	John Barron	
18	Voir Dire Examination by Ms. Simpson.. . . .	580
19	Direct Examination by Ms. Simpson.	583
20		
21	<i>THURSDAY, FEBRUARY 27, 2014</i>	
22	John Barron	
23	Direct Examination by Ms. Simpson Resumes.	602
24	Cross-examination by Mr. Sutherland.	618
25	Redirect Examination by Ms. Simpson.	624

1	John Barron	
2	Recross-examination by Mr. Sutherland.	626
3		
4	Amy Durso	
5	Voir Dire Examination by Ms. Walker.	632
6	Direct Examination by Ms. Walker.. . . .	634
7	Cross-examination by Mr. Sutherland.	643
8	Redirect Examination by Ms. Walker.. . . .	644
9		
10	Trisha Odom	
11	Voir Dire Examination by Ms. Simpson.. . . .	645
12	Direct Examination by Ms. Simpson.	648
13		
14	Deshawn McClary	
15	Direct Examination by Ms. Campbell.. . . .	661
16	Cross-examination by Mr. Sutherland.	685
17	Redirect Examination by Ms. Campbell.. . . .	688
18		
19	Stephen Scott Faust	
20	Direct Examination by Ms. Simpson.	689
21	Cross-examination by Mr. Sutherland.	715
22		
23	Scott McDonald	
24	Direct Examination by Ms. Walker.. . . .	725
25	Cross-examination by Mr. Sutherland.	755

1 Scott McDonald

2 Redirect Examination by Ms. Walker.. . . . 763

4 James Boland

5 Direct Examination by Ms. Campbell.. . . . 764

6 Cross-examination by Mr. Sutherland. 795

7 Redirect Examination by Ms. Campbell.. . . . 798

9 James S. Smith

10 Direct Examination by Ms. Campbell.. . . . 799

11 Cross-examination by Mr. Sutherland. 810

13 *End of State's Case in Chief*

15 *FRIDAY, FEBRUARY 28, 2014*

16 Closing Argument by Ms. Walker. 838

17 Closing Argument by Mr. Sutherland. 874

18 Jury Charge.. . . . 893

19 Verdict.. . . . 921

20 Sentence of the Court.. . . . 937

21 Certificate Page. 938

<u>E X H I B I T S</u>				
	<u>No.</u>	<u>Description</u>	<u>I.D.</u>	<u>Ev.</u>
1				
2				
3	S-1	Advice of Rights form	19	734
4	S-2	Statement	19	740
5	S-3	Photo Lineup	19	458
6	S-4	Photo Lineup	19	458
7	S-5	Photo Lineup	19	458
8	S-6	Photo Lineup	19	458
9	S-7	Photo Lineup	19	458
10	S-8	Photo Lineup	19	459
11	S-9	Photo Lineup	19	460
12	S-10	Photo Lineup	19	350
13	S-11	Photo Lineup	19	345
14	S-12	Photo Lineup	19	347
15	S-13	Photo Lineup	19	348
16	S-14	Swabs	168	306
17	S-15	Projectiles	169	306
18	S-16	Latent Cards	169	314
19	S-17	Cigarette Butts	169	306
20	S-18	Fragment	169	314
21	S-19	.45 caliber casings	169	306
22	S-20	Swabs	169	304
23	S-21	Beer Can	169	309
24	S-22	Buccal Swab	169	588
25	S-23	Buccal Swab	169	588

				10
1	S-24	Swab	169	794
2	S-25	Buccal Swab	169	587
3	S-26	Buccal Swab	169	587
4	S-27	\$0.63	169	314
5	S-28	Hair	170	315
6	S-29	Buccal Swab	170	370
7	S-30	Hair	170	-
8	S-31	GSR Kit of Victim	170	-
9	S-32	Buccal Swab	170	586
10	S-33	Post-mortem Print	170	656
11	S-34	GSR Kit	170	-
12	S-35	Buccal Swab	170	586
13	S-36	Clothes	170	587
14	S-37	Clothes	170	596
15	S-38	Cell Phone	170	535
16	S-39	Gloves	170	591
17	S-40	Glove	171	591
18	S-41	Glove	171	589
19	S-42	Glove	171	590
20	S-43	Photo Lineup	171	460
21	S-44	Blow Up of Ariel Map	171	227
22	S-45	Blow Up of Arial Map	171	227
23	S-46	Photograph	196	317
24	S-47	Photograph	196	317
25	S-48	Photograph	196	317

				11
1	S-49	Photograph	196	317
2	S-50	Photograph	196	317
3	S-51	Photograph	196	317
4	S-52	Photograph	196	317
5	S-53	Photograph	196	317
6	S-54	Photograph	257	274
7	S-55	Photograph	257	274
8	S-56	Photograph	257	274
9	S-57	Photograph	257	274
10	S-58	Photograph	257	274
11	S-59	Photograph	257	274
12	S-60	Photograph	257	274
13	S-61	Photograph	257	274
14	S-62	Photograph	257	289
15	S-63	Photograph	257	289
16	S-64	Photograph	257	289
17	S-65	Photograph	257	289
18	S-66	Photograph	257	289
19	S-67	Photograph	257	289
20	S-68	Photograph	257	276
21	S-69	Photograph	257	276
22	S-70	Photograph	257	276
23	S-71	Photograph	257	288
24	S-72	Photograph	257	288
25	S-73	Photograph	257	288

				12
1	S-74	Photograph	257	288
2	S-75	Photograph	257	269
3	S-76	Photograph	257	269
4	S-77	Photograph	257	269
5	S-78	Photograph	257	269
6	S-79	Photograph	257	269
7	S-80	Photograph	257	269
8	S-81	Photograph	257	269
9	S-82	Photograph	257	269
10	S-83	Photograph	257	269
11	S-84	Photograph	257	269
12	S-85	Photograph	257	269
13	S-86	Photograph	257	269
14	S-87	Photograph	257	269
15	S-88	Photograph	257	269
16	S-89	Photograph	257	269
17	S-90	Photograph	257	269
18	S-91	Photograph	257	269
19	S-92	Photograph	257	269
20	S-93	Photograph	257	269
21	S-94	Photograph	257	269
22	S-95	Photograph	257	296
23	S-96	Photograph	257	296
24	S-97	Photograph	257	296
25	S-98	Photograph	257	292

				13
1	S-99	Photograph	257	292
2	S-100	Photograph	257	292
3	S-101	Photograph	257	292
4	S-102	Photograph	257	292
5	S-103	Photograph	257	292
6	S-104	Photograph	257	292
7	S-105	Photograph	257	292
8	S-106	Photograph	257	292
9	S-107	Photograph	257	292
10	S-108	Photograph	257	268
11	S-109	Photograph	257	268
12	S-110	Photograph	257	268
13	S-111	Photograph	257	268
14	S-112	Photograph	257	268
15	S-113	Photograph	257	268
16	S-114	Photograph	257	268
17	S-115	Photograph	257	268
18	S-116	Photograph	257	268
19	S-117	Photograph	257	268
20	S-118	Photograph	257	268
21	S-119	Photograph	257	268
22	S-120	Photograph	257	268
23	S-121	Photograph	257	268
24	S-121	Photograph	257	268
25	S-122	Photograph	257	268

				14
1	S-123	Photograph	257	281
2	S-124	Photograph	257	281
3	S-125	Photograph	257	281
4	S-126	Photograph	257	281
5	S-127	Photograph	257	281
6	S-128	Photograph	257	281
7	S-129	Photograph	257	281
8	S-130	Photograph	257	281
9	S-131	Photograph	257	278
10	S-132	Photograph	257	278
11	S-133	Photograph	257	278
12	S-134	Photograph	257	278
13	S-135	Photograph	257	278
14	S-136	Photograph	257	278
15	S-137	Photograph	257	278
16	S-138	Photograph	257	283
17	S-139	Photograph	257	283
18	S-140	Photograph	257	283
19	S-141	Photograph	257	284
20	S-142	Photograph	257	284
21	S-143	Photograph	257	284
22	S-144	Photograph	257	284
23	S-145	Photograph	257	284
24	S-146	Photograph	257	284
25	S-147	Photograph	257	280

				15
1	S-148	Photograph	257	284
2	S-149	Photograph	257	276
3	S-150	Photograph	257	276
4	S-151	Photograph	257	276
5	S-152	Photograph	257	276
6	S-153	Photograph	257	286
7	S-154	Photograph	257	286
8	S-155	Photograph	257	262
9	S-156	Photograph	257	262
10	S-157	Photograph	257	281
11	S-158	Photograph	257	281
12	S-159	Photograph	257	281
13	S-160	Photograph	257	281
14	S-161	Photograph	257	281
15	S-162	Photograph	257	360
16	S-163	Photograph	257	360
17	S-164	Photograph	257	361
18	S-165	Photograph	257	361
19	S-166	Photograph	257	361
20	S-167	Photograph	257	361
21	S-168	Photograph	257	361
22	S-169	Photograph	257	363
23	S-170	Photograph	257	363
24	S-171	Photograph	257	363
25	S-172	Photograph	257	363

				16
1	S-173	Photograph	257	363
2	S-174	Photograph	257	363
3	S-175	Photograph	257	364
4	S-176	Photograph	257	364
5	S-177	Photograph	257	364
6	S-178	Photograph	257	364
7	S-179	Photograph	257	364
8	S-180	Photograph	257	364
9	S-181	Photograph	257	364
10	S-182	Photograph	257	365
11	S-183	Photograph	257	365
12	S-184	Photograph	257	365
13	S-185	Photograph	257	365
14	S-186	Photograph	257	369
15	S-187	Photograph	257	369
16	S-188	Photograph	257	369
17	S-189	Photograph	257	-
18	S-190	Photo Lineup	257	423
19	S-191	Photo Lineup	257	424
20	S-192	Photograph	257	290
21	S-193	Photograph	257	290
22	S-194	Photograph	257	290
23	S-195	Photograph	257	290
24	S-196	Photograph	257	290
25	S-197	Clothing Items	308	308

				17
1	S-198	Call Records	478	484
2	S-199	Blow Up of Photograph	478	712
3	S-200	Blow Up of Photograph	478	712
4	S-201	Photograph	479	513
5	S-202	Photograph	479	513
6	S-203	Photograph	479	513
7	S-204	Photograph	559	513
8	S-205	Swabs	558	836
9	S-206	Diagram	559	637
10	S-207	Clothing	559	597
11	S-208	Photograph	601	706
12	S-209	Photograph	601	706
13	S-210	Photograph	601	706
14	S-211	Photograph	601	706
15	S-212	Photograph	601	706
16	S-213	Photograph	601	706
17	S-214	Photograph	601	706
18	S-215	Photograph	601	706
19	S-216	Photograph	601	706
20	S-217	Photograph	601	706
21	S-218	Photograph	601	706
22	S-219	Photograph	601	706
23	S-220	Photograph	601	706
24	S-221	Photograph	601	706
25	S-222	Photograph	601	706

				18
1	S-223	Clothing	601	602
2	S-224	Fingerprint Card	601	654
3	S-225	Fingerprint Card	601	654
4	S-226	Fingerprint Card	601	654
5	S-227	Fingerprint Card	601	654
6				
7				
8	C-1	JURY NOTE		921
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 MONDAY, FEBRUARY 24, 2014

2 (ADVICE OF RIGHTS FORM MARKED AS STATE'S EXHIBIT
3 NUMBER 1 FOR IDENTIFICATION.)

4 (STATEMENT MARKED AS STATE'S EXHIBIT NUMBER 2 FOR
5 IDENTIFICATION.)

6 (PHOTO LINEUPS MARKED INDIVIDUALLY AS STATE'S EXHIBIT
7 NUMBERS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 FOR
8 IDENTIFICATION.)

9 THE COURT: Ms. Campbell, we are ready to proceed with
10 the pretrial motions in the case of Maurice Roberts, who is
11 present in the courtroom, along with his attorney, Mr.
12 Sutherland. Is the state ready?

13 MS. CAMPBELL: The state's ready, Your Honor.

14 THE COURT: Mr. Sutherland, you ready?

15 MR. SUTHERLAND: Defense is ready, Your Honor. May it
16 please the court? My client needs to use the restroom,
17 sir.

18 THE COURT: Do you have a list of your motions?

19 MR. SUTHERLAND: Your Honor, the motions ---

20 THE COURT: Do you have them in writing or just the
21 oral motions?

22 MR. SUTHERLAND: Oral, oral.

23 THE COURT: Wait. Let's wait till your client gets
24 back. And those who would like to leave, you are certainly
25 welcome to do so.

1 (OFF THE RECORD.)

2 THE COURT: Okay, we're ready to proceed, ladies and
3 gentlemen.

4 MS. CAMPBELL: State's ready, Your Honor.

5 THE COURT: All right, this is the *State vs. Maurice*
6 *Roberts*. There are a number of indictments, five
7 indictments: 2013-GS-40-1449, 1458, 1460, 1452, and 1481.
8 Present and appearing are the defendant, Mr. Maurice
9 Roberts, and his lawyer, Mr. Sutherland. We have some
10 pretrial motions.

11 Ms. Campbell, do you want to tell me sort of where we
12 are and how you wish to proceed?

13 MS. CAMPBELL: Having conferred with the defense, Your
14 Honor, I believe the only motions that we really need to
15 take up this afternoon before trial would be between -- there
16 were a number of photo lineups that were shown to different
17 people that did identify this defendant.

18 As well as that, the defendant did give a statement on
19 January 28, 2013. He was mirandized prior to that, and we
20 had a hearing on that statement.

21 THE COURT: So, a *Jackson vs. Denno* and just a live
22 hearing?

23 MS. CAMPBELL: Right.

24 THE COURT: Any preference as to what's the most
25 efficient way of doing it?

S. McDONALD - DIRECT EXAMINATION BY MS. CAMPBELL

21

1 MS. CAMPBELL: I've conferred with defense. He asked
2 me which one would go up first, and I just picked the
3 lineup -- I mean, the statement just because...

4 MR. SUTHERLAND: That, that would be fine. I was
5 anticipating that, Your Honor.

6 THE COURT: All right. Let's move forward with the
7 *Jackson vs. Denno*.

8 MS. CAMPBELL: State would call Captain McDonald.

9 SCOTT MCDONALD, BEING DULY SWORN,
10 TESTIFIES AS FOLLOWS:

11 CLERK OF COURT: Have a seat in the witness stand,
12 please. State your name for the record.

13 WITNESS: Scott McDonald.

14 DIRECT EXAMINATION BY MS. CAMPBELL:

15 Q. Captain McDonald, where are you employed?

16 A. Richland County Sheriff's Department.

17 Q. How long have you worked there, sir?

18 A. Twenty-five years.

19 Q. And what's your current position there?

20 A. I'm a captain in the Major Crimes Unit.

21 Q. I'm going to turn your attention back to January 28th
22 of 2013. Were you working that day?

23 A. Yes, I was.

24 Q. And did you participate in the investigation involving
25 the murder of Brandon Jones?

1 A. Yes. I got involved a couple of days prior to this,
2 this investigation.

3 Q. At some point on January the 28th, did you come in
4 contact with the defendant?

5 A. Yes, I did.

6 Q. And can you explain to the judge how you came in
7 contact with him that day?

8 A. We were looking for the co-defendant that just pled
9 guilty here earlier today and had an address that he'd been
10 related to earlier on some data base searches that we had
11 done. When we went to that location at Hammond Village, we
12 encountered him there, as well as this defendant. Asked
13 him to come to headquarters to talk to us about this
14 incident.

15 Q. How was he actually transported to headquarters that
16 day?

17 A. I believe he was transported in my vehicle. He came
18 freely and voluntarily. Agreed to come talk to us.

19 Q. So at that point, was he under arrest?

20 A. No, he wasn't.

21 Q. And was he being detained at that point?

22 A. No, he was not.

23 Q. Was he handcuffed?

24 A. No.

25 Q. Once you got to headquarters, tell the judge what

1 happened.

2 A. Once we got to headquarters, we went to my office,
3 myself, Sergeant Lindler. I believe Sergeant Isenhoward
4 was present as well. First thing we did is I advised him
5 of his written Miranda rights with our standard written
6 Miranda form.

7 Q. I show you a copy of State's Exhibit Number 1 for ID
8 purposes in this hearing. Do you recognize this?

9 A. Yes. This is the form I went over his Miranda rights
10 with him on.

11 Q. And this is prior to asking him any questions about
12 the case?

13 A. That's correct.

14 Q. And who all was always present when, when you were
15 advising him his rights?

16 A. Myself, Sergeant Isenhoward, and Sergeant Lindler.

17 Q. And is that reflected on the sheet?

18 A. It is.

19 Q. And what time was it when you actually advised him of
20 his rights that day?

21 A. 4025 hours, which would be to 2:25 p.m.

22 Q. And again, whose office did this take place in?

23 A. My office.

24 Q. And tell the judge exactly, using that paper, how you
25 went through his rights with him and what rights were

1 explained to him.

2 A. I went right down the list here. I'll read it to you.
3 It's: Before we ask you any questions, you must understand
4 your rights.

5 And after each one of these, I would check off as he
6 understood what I was reading to him. Then I went to: You
7 have the right to remain silent.

8 He understood that.

9 Anything you say can be used against you in
10 court.

11 He understood that.

12 You have the right to talk to a lawyer for advice
13 before we ask you any questions and have a lawyer
14 with you during any questioning.

15 Checked that, that he understood it.

16 If you cannot afford a lawyer, one will be
17 appointed for you before any questioning if you
18 wish.

19 He checked that, that he understood it.

20 If you decide to answer questions now without a
21 lawyer present, you still have the right to stop
22 answering at any time. You also have the right
23 to stop answering at any time until you talk to a
24 lawyer.

25 Which he indicated he understood that as well. I then

1 proceeded to the waiver of rights and read these to him to
2 make sure he understood this. It states:

3 I have read this statement of my rights and
4 understand what my rights are. I am willing to
5 talk, to answer questions. I understand and know
6 what I am doing. No promises have been made to
7 me, and no pressure or coercion of any kind has
8 been used against me.

9 I then stopped and underlined the word coercion and
10 asked him if he understood what that meant. I don't
11 believe he was sure. I explained coercion was force. No
12 one was forcing him to talk or speak with us that day; he
13 was doing this voluntarily. He indicated he fully
14 understood that and then memorialized this form with his
15 signature, which I then witnessed.

16 Q. And how many times did he actually sign off on that
17 piece of paper?

18 A. Two places: one on consent of the rights, and one on
19 the waiver of rights.

20 Q. And whose signature is that witnessing both
21 signatures?

22 A. Chris Lindler's, myself and Chris Lindler.

23 Q. And there are actually three of you present for the
24 advice of rights?

25 A. Right.

1 MS. CAMPBELL: Your Honor, may I approach?

2 THE COURT: Yes, ma'am.

3 BY MS. CAMPBELL:

4 Q. At any time, did you promise him anything to make him
5 talk to you?

6 A. No, I did not.

7 Q. Did you deprive him of any creature comforts?

8 A. No.

9 Q. Did you threaten him in any way?

10 A. No.

11 Q. Did you promise him any leniency to talk to you?

12 A. No.

13 Q. In your experience, was he talking to you voluntarily
14 that day?

15 A. Yes, he was.

16 Q. At any point, did he invoke any of his rights, tell
17 you he didn't want to talk anymore?

18 A. No, he did not.

19 Q. At any point, did he ask for an attorney?

20 A. No.

21 Q. And, in fact, was he voluntarily, in your opinion,
22 talking to you that day?

23 A. Yes, he was.

24 Q. Once you had advised him of his rights, he indicated
25 and signed off on them and indicated he wanted to talk to

1 you, what happened next?

2 A. We then started talking about the incident, any
3 knowledge he might have of it. Just kind of going over the
4 facts of the case and what, if any, involvement he might
5 have. At this point, we had no idea if he had any
6 involvement or not.

7 Sergeant Isenhoward would then step out of the
8 interview and interview another subject that we had
9 encountered at the residence, and he would check back on
10 this interview several times over the course of the next
11 hour probably, updating us with new information that we
12 were learning from this other party, which indicated to us
13 that Mr. Roberts was involved in this incident. So, we, we
14 continued to talk to him about his involvement in this
15 particular crime.

16 Q. And at first, did he tell you he was involved in the
17 actual murder and attempted armed robbery?

18 A. No. He denied it initially.

19 Q. And specifically what kind of information were you
20 confronting him with about his involvement?

21 A. We knew the other party that was speaking to
22 Isenhoward, Mr. Duckett, had indicated that this was a
23 planned event. It was a setup type robbery attempt with
24 multiple people involved, one of them being Mr. Vincent
25 Neil -- Nelson, and a couple other individuals that had all

1 been over to the residence. They all agreed in unison to
2 participate in this.

3 Q. And he was given that information?

4 A. Yeah. We presented him with this information once we
5 learned it from Mr. Duckett.

6 Q. And again initially he denied any involvement in
7 anything?

8 A. Right.

9 Q. But as you continued to talk to him and get updates
10 from Sergeant Isenhoward, did his story change?

11 A. It did. He, he did admit his involvement to us.
12 Talked about how his phone was used by Mr. Nelson. How
13 they were apprised that Mr. Nelson was going to get the
14 subjects to come outside so they could perpetuate this
15 crime. Some messages back and forth on the phone indicate
16 this. And then once on scene, he told us about his
17 involvement where he says he ran down the hill to assist
18 and got involved in some fight and tried to assist another
19 party when shots were fired in the residence. At no time
20 did he admit in his statement to us that he's the one that
21 fired the rounds.

22 Q. But he did admit to being involved in the actual ---

23 A. Right.

24 Q. --- events?

25 A. An active, active participant.

S. McDONALD - DIRECT EXAMINATION BY MS. CAMPBELL

29

1 Q. And at first when you were talking to him, were you
2 immediately writing everything down, or did you talk for a
3 period of time?

4 A. No. We probably talked ten or fifteen minutes. Might
5 have scratched a note here or there about what he was
6 initially saying. But as Sergeant Isenhoward was updating
7 us, we knew that he wasn't being truthful with us at this
8 point.

9 Q. So, after the initial ten or fifteen minutes, then
10 there was another period of time where he actually told you
11 the story?

12 A. Right, and I believe Mr. Nelson was being interviewed
13 as well at this time. So, we were constantly updating each
14 other, other what each subject was telling.

15 Q. And at some point, though, did you then initiate and
16 reduce his final version of what he wanted to tell you into
17 writing?

18 A. I did.

19 Q. And I show you what's been marked as State's Exhibit
20 Number 2. Do you recognize that?

21 A. Yes. This is the statement I took from Mr. Roberts
22 that day. We began this at 1522 hours, which would be 3:22
23 in the afternoon.

24 Q. And again, what time was it when you initially advised
25 him of his rights?

1 A. It was 1425, so at 2:25. So, essentially about an
2 hour later when we began the written statement.

3 Q. And at that point, who actually typed out that
4 statement?

5 A. I did.

6 Q. And who provided the information that's in the answer
7 form on the statement?

8 A. Maurice Roberts, Jr.

9 Q. Who else was present when you were taking the
10 statement?

11 A. Sergeant Lindler.

12 Q. Again, prior to reducing his verbal communication down
13 into written form, did he ever invoke any of his rights?

14 A. No.

15 Q. Did he ever tell you he didn't want to talk anymore?

16 A. No, he did not.

17 Q. Did anyone threaten or promise anything to make him
18 talk?

19 A. No.

20 Q. As you were typing out the form, was he -- typing down
21 his version of events, was he there giving you information?

22 A. Yes, he was. I would ask a question. He would
23 respond to it. I would type it down. I would read it back
24 to him periodically to make sure I -- what I was putting
25 down was accurate, and that upon the conclusion of the

S. McDONALD - DIRECT EXAMINATION BY MS. CAMPBELL

31

1 statement, I read the entire statement to him, which he
2 agreed that was his statement. I then gave him an
3 opportunity to review it himself, which he did look over,
4 and then he did sign his signature on two places on each
5 page indicating that this was his statement that he had
6 given freely and voluntarily.

7 Q. And you actually witnessed his signing on that
8 statement?

9 A. Yes, I did.

10 Q. And he did have an opportunity to change anything
11 prior to signing?

12 A. That's right. That's why we read it back to him and
13 let him review it: in case we need to change anything
14 before we publish it.

15 Q. And then again at the bottom of the page, this is his
16 signature again?

17 A. Yes.

18 Q. And what's that for?

19 A. It's to certify that I have read or have read to him
20 the foregoing statements consisting of three pages. A true
21 copy was given to him this 28th day of January 2013.

22 MS. CAMPBELL: Your Honor, may I approach?

23 THE COURT: Yes, ma'am.

24 BY MS. CAMPBELL:

25 Q. During the time -- once he had signed off on his

1 statement, was he then placed under arrest?

2 A. Yes. He was charged with murder, burglary first,
3 attempted armed robbery.

4 Q. And that was based on his version of events?

5 A. Right. In the hand of one, the hand of all, his -- he
6 was an active participant in this incident, and he was
7 charged.

8 Q. And there at the scene, he was actually placed in your
9 patrol car to be transported back to headquarters. Is that
10 correct?

11 A. Right.

12 Q. Thank you.

13 MS. CAMPBELL: I don't have anything further for this
14 witness on this issue.

15 MR. SUTHERLAND: May it please the court, sir?

16 CROSS-EXAMINATION BY MR. SUTHERLAND:

17 Q. Captain McDonald?

18 A. Yes, sir.

19 Q. When, when did, when did you make captain?

20 A. Couple of weeks ago.

21 Q. Couple weeks ago.

22 Sir, what I'm going to try to do is try to take us
23 through a timeline here because I listened to your
24 testimony on direct with Ms. Campbell, and you went through
25 some things pretty quickly here.

1 You have testified that you had gone to his residence
2 looking for Vincent Nelson?

3 A. That's correct.

4 Q. And that he was there, and then it went pretty much
5 straight to that he came freely and voluntarily to
6 headquarters?

7 A. Right.

8 Q. Okay. Do you remember what time he got there?

9 A. This was around midday. Probably 12:30, 1:00, in that
10 region.

11 Q. So, 12:30 to 1:00?

12 A. 1, 1:30, somewhere in there.

13 Q. Okay.

14 A. Around midday.

15 Q. 1 to 1:30, okay, and go back for me, if you would.

16 You had said basically that you'd walked up to him and you,
17 you asked him to come along with you. Did you say anything
18 else to him? Do you remember?

19 A. Well, when we first got there, we knocked on the door.

20 Mr. Roberts, Sr., answered the door. We told him why we
21 were there. We asked him if Mr. Nelson was there because
22 we knew this residence is one that had been used previously
23 by Mr. Nelson. At that time, Mr. Roberts, Sr., indicated
24 he was not there. We then asked, well, can we come in to
25 verify whether or not he's here. He said sure.

1 Well, soon as we came in, Sergeant Isenhoward spotted
2 someone asleep on the couch, which ended up being Mr.
3 Nelson. So, at that point Mr. Roberts had obviously lied
4 to us. We then inquired as to who else was in the
5 residence. Of course your client was present. Another
6 subject, Mr. Duckett, was present upstairs hiding in a
7 closet.

8 Once we got an idea of who all was there and got
9 everyone down where we could kind of talk to everyone, we
10 got consent to search the apartment. We got consent to
11 look at the cell phones. There was two or three cell
12 phones that were present.

13 Q. Okay.

14 A. As things started to develop, we thought, well, we
15 probably need to talk to Mr. Roberts to see what he knows
16 about this incident. At that point we had no idea he was
17 involved, but we thought he might know something because
18 the defendant we were looking for was present in his
19 apartment, and they may have talked about it.

20 Q. Okay.

21 A. So, we asked him if you'd come to headquarters with us
22 and talk further, and he agreed to come.

23 Q. Okay. Now, you just testified that you found two,
24 three cell phones?

25 A. Yeah.

S. McDONALD - CROSS-EXAMINATION BY MR. SUTHERLAND

35

1 Q. Was there anything else in the apartment that y'all
2 saw, anything in plain view?

3 A. I believe there was a couple other items on my ---

4 Q. Or let me, let me say. Any contraband? Y'all found
5 marijuana?

6 A. I believe there was some marijuana, yes, small amount
7 of marijuana, right.

8 Q. After you got the, the phones together and after you
9 saw the marijuana, did, did you place him into custody ---

10 A. No.

11 Q. --- for, for the marijuana?

12 A. No.

13 Q. Okay. Did you talk to him about the marijuana?

14 A. He was aware that we found it.

15 Q. Okay.

16 A. We, we had not discussed him being charged with it or
17 anything.

18 Q. Okay, and you went out to the car. Did -- from your
19 testimony, am I to take it that you went out to the car and
20 went directly to the sheriff's department? Excuse me.

21 A. That's correct.

22 Q. Did you talk to him in the car at all about the case?

23 A. I think we had maybe some small talk. You know, where
24 do you go to school, how old are you, things like that, but
25 nothing about the case. Once we got to my office and after

1 we did the advice of rights is when we started talking
2 about the case. And there again, we still didn't know any
3 kind of involvement. We were more wanting to know what he
4 might know that Mr. Nelson had told him. It wasn't until
5 Sergeant Isenhoward talked to Mr. Duckett and we were
6 getting other information from Major Smith and the others
7 that were interviewing Mr. Nelson that we learned it looks
8 like he may have been involved in this incident.

9 Q. Okay. How long -- let me, let me go back to this
10 timeline here. So, when do you think y'all head down to
11 the sheriff's department?

12 THE COURT: Mr. Sutherland, I hate to interrupt you.

13 MR. SUTHERLAND: Yes, sir. Sorry.

14 THE COURT: We're going to take a five-minute break.

15 (OFF THE RECORD.)

16 THE COURT: All right, I apologize. You may continue.

17 BY MR. SUTHERLAND:

18 Q. All right, Captain McDonald, I think we were sort of
19 going through your timeline, fleshing out a few of the, the
20 details of everything as far as just your interaction with
21 Maurice.

22 A. Right.

23 Q. Which this is what we're here to do. You testified
24 you searched the house. You got three or four phones. You
25 arrived there around midday. You saw some marijuana, and

S. McDONALD - CROSS-EXAMINATION BY MR. SUTHERLAND

37

1 that effectively you just took him to the car and took him
2 to the sheriff's department?

3 A. I asked him if he would come to the sheriff's
4 department and talk with us further about this, and he
5 agreed he would.

6 Q. He agreed that he would, and you testified that there
7 was no discussion of the case that you were there
8 investigating at that location at [REDACTED]?

9 A. On the way to headquarters?

10 Q. Well, not on the, on the way to headquarters. While
11 you were in the car with him or at any time, did you
12 question him about the events that you were, that you were
13 investigating about the murder?

14 A. As I recall on the way in to -- I mean, when we left
15 the residence, we went straight to the car. We got in the
16 car. We headed straight to headquarters. It was small
17 talk. You know, how old are you, what school do you go to,
18 things like that.

19 Q. Okay.

20 A. We got to my office, did the advice of rights, and
21 that's when we first started talking about the incident.

22 Q. Okay, and he was not in custody?

23 A. He was not in custody ---

24 Q. At that time ---

25 A. --- at that point. He came voluntarily.

1 Q. All right, and you had testified on -- well, Ms.
2 Campbell's examination it was 1425 was the advice of
3 rights?

4 A. That's correct.

5 Q. Okay, and you had testified that once you got him
6 there and you got him sitting down, did you mirandize him
7 right away?

8 A. Right away.

9 Q. Okay.

10 A. I didn't know what he might tell me at this point
11 where it was a murder investigation. Just kind of out of
12 an abundance of caution, it was the first thing we did was
13 go ahead and advise him.

14 Q. Okay, and you'd said maybe an hour later was when you
15 had typed up the statement form?

16 A. That, that's when we began to take the written
17 statement. We went through the story several times.
18 Initially he was denying any involvement or any knowledge,
19 and we quickly learned through interviews from Mr. Nelson
20 and with Mr. Duckett that that wasn't true.

21 So, as we were beginning to question him more about
22 things we were learning, he would start coming out more and
23 more with the story. It became very apparent shortly that
24 he was an active participant in this, which he ultimately
25 would reveal and put down on paper.

S. McDONALD - CROSS-EXAMINATION BY MR. SUTHERLAND

39

1 Q. How long -- okay, how long after 1425, and I know this
2 is a while ago. About how long after 1425 did it become
3 apparent to you, as you just testified, that he had been,
4 been involved in the incident?

5 A. Probably within thirty minutes.

6 Q. Okay. So, would he have been free to leave at that
7 time?

8 A. As we were getting more and more involved in this, you
9 know, I don't know exactly to the minute when we got the
10 information that he, he was not going to be leaving.

11 Q. Okay. So, it -- just some point during this interview
12 down ---

13 A. Right.

14 Q. --- there, once, in your mind, you believed that he
15 had something to do with it, he wasn't leaving?

16 A. Right.

17 Q. All right, and approximately an hour you had said
18 before taking the written statement?

19 A. 1522 is when we began taking a written statement.

20 Q. And do you know how long that took?

21 A. Approximately twenty to thirty minutes at least
22 probably. As we're going through it, I'm doing a
23 question-answer type scenario and I would ask the question.
24 He would then respond. I'd type it. As I'm typing it, I'm
25 making sure this is what he wants it to read, and then upon

1 the conclusion, I read it all back to him and give him an
2 opportunity to read over it as well. So, that entire
3 process from start to finish would probably be closer to an
4 hour, you know.

5 Q. Sure. Sure. Thirty minutes to an hour. Did he need
6 to take any bathroom breaks, or did he ask for anything to
7 eat or any water that you recall?

8 A. Not that I recall, no.

9 Q. Okay.

10 A. When we generally -- when we first arrive, I ask do
11 you need to go to the restroom, you need anything. If
12 they're good, then we go in there and start talking.
13 Certainly if he did ask for anything, we would be obligated
14 to.

15 Q. Okay, and approximately what time do you think that
16 y'all wrapped up with the statement?

17 A. I would guess probably an hour after -- with -- within
18 an hour of starting to type it.

19 Q. Okay. So, somewhere around 16, 1630 somewhere, around
20 there?

21 A. Probably.

22 Q. Okay. Once y'all were done with the statement, what
23 happened after that?

24 A. Once he was signed up on the statement, and I
25 discussed further with the other investigators who

S. McDONALD - CROSS-EXAMINATION BY MR. SUTHERLAND

41

1 investigated the other people. We put all our information
2 together, what we had just learned from Mr. Roberts, what
3 we had learned from Mr. Nelson, what we had learned from
4 Mr. Duckett. Decision was ultimately made then that yes,
5 he was going to be charged as a principal in this: hand of
6 one, hand of all.

7 Q. Did you ever discuss with him whether or not he would
8 be charged and with what he might be charged?

9 A. Yes. After the conclusion of the statement and
10 talking with the others, I came back and told him we're
11 going to be charging him.

12 Q. Okay. So, then you informed him that you were going
13 to charge him?

14 A. Correct.

15 Q. Okay. Let me think. What, what happened after that?
16 Did you just take him to D cell or...

17 A. He probably would've been taken to D cell when we
18 typed up the warrant sheets, the arrest report, prepared
19 ---

20 THE COURT: Hold on. Hold on one second.

21 WITNESS: Yes, sir.

22 THE COURT: Officer, how about go and tell those
23 people get out of that anteroom. We will let them in at
24 the appropriate time, and quit knocking on the door, and
25 there's a reason for that. I'll explain it to you.

1 (A PAUSE.)

2 THE COURT: All right, you may proceed.

3 MR. SUTHERLAND: Yes, sir.

4 BY MR. SUTHERLAND:

5 Q. And I believe you just testified he's down there.

6 You're getting the warrants typed up to serve on him, and
7 then he's transported to jail?

8 A. That's correct.

9 Q. Are you aware of anyone from your office or any
10 investigators working on this case going to see him down at
11 the jail after?

12 A. I believe we may have sent some investigators down
13 there to show him photo lineups as we were developing the
14 case and getting other parties identified, yes.

15 Q. Any idea on the time, or are you just not...

16 A. I, I don't know. Over the course of the next day or
17 two probably. This thing started rolling pretty quick
18 after that point as far as who was involved. So, probably
19 would have been the following day, maybe a couple -- the
20 day after that as well.

21 Q. Okay.

22 A. Pretty quickly.

23 Q. So all in all, what, what's your estimate of the time
24 from when you left Hammond Village with him to the time
25 that he was transported down to the jail? Do you have an

S. McDONALD - CROSS-EXAMINATION BY MR. SUTHERLAND

43

1 idea?

2 A. We probably left there a little -- 2, little after 2.
3 Drive straight to the office ten to fifteen minutes. Got
4 to the office, you know, did the advice of rights
5 statement. I'm not sure how long it was before he was
6 transported from headquarters. Usually we have a paddy
7 wagon, and sometimes that's a few minutes. Sometimes
8 that's -- could be thirty, forty-five minutes. I'm not
9 exactly sure how long he was there before he was
10 transported.

11 Q. So maybe two and a half, three hours, somewhere in
12 there?

13 A. Probably about that.

14 Q. Okay. Thank you.

15 MR. SUTHERLAND: Your Honor, I have no further
16 questions of this witness at this time, sir.

17 THE COURT: Thank you.

18 Redirect if any?

19 MS. CAMPBELL: No, sir.

20 THE COURT: Ma'am?

21 MS. CAMPBELL: No, sir.

22 THE COURT: All right, you may step down, Captain.

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Next witness, please.

25 MS. CAMPBELL: Your Honor, I think at this point,

1 that's all we have on this matter.

2 THE COURT: Any witnesses?

3 MR. SUTHERLAND: Yes, sir. If I may, Your Honor, I'd
4 like to call Major Stan Smith to the stand.

5 THE COURT: You may?.

6 MR. SUTHERLAND: Thank you, sir.

7 JAMES S. SMITH, BEING DULY SWORN,
8 TESTIFIES AS FOLLOWS:

9 CLERK OF COURT: Have a seat in the witness stand,
10 please. State your name for the record.

11 WITNESS: James Standin Smith.

12 DIRECT EXAMINATION BY MR. SUTHERLAND:

13 Q. Yes, sir, Major Smith, how are you?

14 A. Doing fine, Mr. Sutherland.

15 Q. All right. Thank you. You remember -- you have your
16 report in front of you?

17 A. I do.

18 Q. Okay. That's good. You arrived, according to your
19 report, it was about 12:30?

20 A. That's correct, about 12:30.

21 Q. Okay, and I was wondering if you might be able to --
22 let's see, this is on the second page as I have it. I see
23 that you have it on ASIS where it says at approximately
24 1230 hours?

25 A. Yes, sir.

S. SMITH - DIRECT EXAMINATION BY MR. SUTHERLAND

45

1 Q. Sir, I was wondering if you might be able to start
2 reading there and just stop reading when I sort of give you
3 the high sign?

4 A. Sure.

5 MS. CAMPBELL: I object, Your Honor. I believe he can
6 ask him questions. I don't think he can have him read his
7 file, though.

8 MR. SUTHERLAND: Okay. Certainly, Your Honor. Under
9 613, yes, sir.

10 BY MR. SUTHERLAND:

11 Q. It says in your report here that you arrived at
12 approximately 12:30?

13 A. That's what it says, yes.

14 Q. Okay. It says that they had tracked Nelson down there
15 after seeking him at other locations?

16 A. Correct. Yes, sir.

17 Q. It also said that Nelson was in custody when you
18 arrived at 12:30?

19 A. Yes.

20 Q. It says that the apartment was the home of Maurice
21 Roberts and his parents?

22 A. Yes, sir.

23 Q. It says that investigating officers found marijuana in
24 the search, which was by consent of the parents?

25 A. Yes, sir.

S. SMITH - CROSS-EXAMINATION BY MS. CAMPBELL

46

1 Q. And it says that Roberts was soon taken into custody
2 for that charge?

3 A. Yes.

4 Q. Okay. Thank you, sir.

5 MR. SUTHERLAND: I have no further questions.

6 THE COURT: Cross-exam?

7 CROSS-EXAMINATION BY MS. CAMPBELL:

8 Q. You said he was taken into custody for that charge.
9 Did you have any contact with Roberts himself?

10 A. I did not. I knew that they had found marijuana in
11 the search. I didn't actually speak to anyone while I was
12 there. I didn't know what the nature of Roberts's
13 cooperation or lack thereof was with Captain McDonald at
14 that time. I know that they had found marijuana, and I
15 knew that he was transported.

16 Q. And so when you put down there that he was in custody
17 for that, you assumed that?

18 A. I assumed that, yes, ma'am.

19 Q. And Captain McDonald would have actual knowledge of
20 whatever transpired that day?

21 A. Yes, ma'am. We were investigating a murder.
22 Obviously a marijuana charge having been made, it's not
23 significant.

24 Q. Thank you, sir.

25 MS. CAMPBELL: I don't have anything further.

S. SMITH - REDIRECT EXAMINATION BY MR. SUTHERLAND

47

1 THE COURT: Anything on redirect?

2 MR. SUTHERLAND: Yes, sir.

3 REDIRECT EXAMINATION BY MR. SUTHERLAND:

4 Q. Sir, just briefly. You're pretty scrupulous about,
5 about the details in your reports, aren't you?

6 A. I try to be, yes, sir.

7 Q. Okay. So, when you have in your report -- I
8 understand this report was written thirteen months ago --
9 that he was taken into custody on that charge, that's what
10 you -- that's what was in your mind at that time.

11 A. I ---

12 Q. That's what you knew to be.

13 A. I knew that marijuana had been found at the search.
14 Again, I did not know as to the level of his cooperation,
15 whether he had agreed to come to headquarters at the time I
16 wrote this, typed this out as I did. I know now obviously
17 that he had -- was indeed cooperative. He did agree to
18 come to headquarters. He could have been charged with the
19 marijuana charge had we chosen to do so.

20 Q. Okay. Well, let me ask you then. Well, again, when
21 you say Roberts was soon taken into custody for that
22 charge, that's, that's pretty direct.

23 A. Well, again, I wasn't interacting with him. I didn't
24 ride to headquarters with him; I was in my own vehicle. I
25 was not communicating with him, so that was an assumption

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

48

1 on my part.

2 Q. All right. Thank you.

3 MR. SUTHERLAND: No further questions, Your Honor.

4 THE COURT: All right, you may step down.

5 (THE WITNESS EXITS THE STAND.)

6 THE COURT: Any additional witnesses?

7 MR. SUTHERLAND: Yes, sir. May it please the court?

8 I would call Maurice Roberts to the stand.

9 THE COURT: All right, Mr. Roberts.

10 MAURICE ROBERTS, BEING DULY SWORN,
11 TESTIFIES AS FOLLOWS:

12 CLERK OF COURT: Have a seat in the witness stand,
13 please. State your name for the record.

14 WITNESS: Maurice Roberts.

15 DIRECT EXAMINATION BY MR. SUTHERLAND:

16 Q. Maurice, why don't you just tell me about how you came
17 into contact with the police. Where were you when it
18 happened?

19 A. Well, I was at home. When I was at the house, that's
20 when I heard a loud banging at the door. So, I went
21 upstairs to get my dad. When I went to get my dad, that's
22 when -- I went and got my dad. That's when me and my dad
23 came back -- came downstairs and we answered the door.
24 That's when they said they had a warrant for Vincent
25 Nelson.

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

49

1 THE COURT: Slow down. Slow down a little bit. I can
2 hardly understand you.

3 Q. Okay, and just, what I'll do is I'll just stop you,
4 and we'll go back.

5 So, you were at home. You heard the loud banging.
6 You went and got your dad. Did you hear anyone yelling or
7 saying anything?

8 A. Yeah. They said Richland County Sheriff's Department.

9 Q. Okay. So, you heard the police were outside your
10 dad's place?

11 A. Yes, sir.

12 Q. And you went and got him?

13 A. Yes, sir.

14 Q. Okay. Please go on. What happened then when y'all
15 went to the door?

16 A. Well, me and my dad, when we answered the door, that's
17 when they said they had a warrant for Vincent Nelson. My
18 dad said he don't know Vincent Nelson. That's when they
19 showed me a picture, and I said I know him as Junior.

20 THE COURT: I'm sorry, I can't understand. You've got
21 to slow down. I can hear him; I just can't understand him.

22 MR. SUTHERLAND: Oh. Yes, sir.

23 BY MR. SUTHERLAND:

24 Q. Just slow it down a little bit, and we'll go back over
25 your testimony.

1 You had said that the officers had asked for Vincent
2 Nelson, and that neither you nor your dad knew who Vincent
3 Nelson was?

4 A. Yes, sir.

5 Q. And you said that the officers showed you all a
6 picture?

7 A. Yes, sir.

8 Q. And that you identified that person as Junior?

9 A. Yes, sir.

10 Q. Okay. What happened after you told them that's
11 Junior?

12 A. They said -- that's when the officer said they seen
13 him on the couch, and that's when they went, grabbed him
14 off the couch because he was sleep.

15 Q. Okay. So, they come in. You say that's Junior. Do
16 they say they see him? How did, how did that happen?

17 A. Yeah. They said, they said they seen him, said, said
18 they seen him laying down on the couch.

19 Q. Okay, and so what did they do at that point?

20 A. They rushed in the house, and they grabbed -- pick him
21 up off of the couch because he was still sleep.

22 Q. Okay. Then what happened?

23 A. They picked him up off the couch, and that's when,
24 when one of the officers opened up the back door and they
25 went up the steps, and they said they found Jwaun in the

1 closet.

2 Q. Okay, let me stop you right there. You said one of
3 the officers opened up the back door?

4 A. Yes, sir.

5 Q. What happened then?

6 A. That's when they brung Jwaun back downstairs and they
7 went on, took him to police car.

8 Q. Okay. So, they brought Jwaun downstairs. Did they
9 say anything when they were bringing him downstairs?

10 A. They told me that they'd almost shot him.

11 Q. They almost shot him. Any -- anything else? Where
12 was -- where they found him?

13 A. Was -- well, they said they found him in the closet.

14 Q. Okay, I just want to go back. Might seem small, but
15 when they opened the back door to the house, did anybody
16 come in the back door?

17 A. Yes, sir.

18 Q. And who?

19 A. Like two, two, two, three officers.

20 Q. Okay, and so at that point, any idea how many officers
21 were, were in the apartment?

22 A. Probably, probably about, probably about six.

23 Q. Okay. Okay.

24 A. It was more officers outside the house.

25 Q. Okay. More officers outside. Now, we left off where

1 you had talked about them bringing Jwaun downstairs and
2 what the officers had said about that. What happened after
3 they brought him down?

4 A. After they brought Jwaun down?

5 Q. Yes.

6 A. Well, they brang Jwaun down. They, they took him to a
7 police car, and that's when that one, I think his name
8 McDonald, he ask me, he asked me come to the car.

9 Q. Okay. So, they, they brought him down and took him to
10 a police car. Did they -- where was Vincent Nelson?

11 A. In the police car.

12 Q. Okay. So ---

13 A. My mistake. He didn't ask me come to -- didn't ask me
14 come to the car. That when he asked me did I know where my
15 cell phone was.

16 Q. Oh. Okay. All right. So, you're jumping ahead a
17 little bit.

18 A. Yes, sir.

19 Q. So, where you are, they're taking Jwaun Duckett to the
20 car. They've taken Vincent Nelson to the car.

21 A. Yes, sir.

22 Q. And then they started to ask you about cell phones?

23 A. Yes, sir.

24 Q. Okay. Then what happened?

25 A. He asked me where was my cell phone. I told him I

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

53

1 don't know. That when he said he -- that when he went
2 around the house and he found, like, four or five cell
3 phones. He also found some marijuana.

4 Q. Okay. All right. So, you said you don't know where
5 your cell phone is?

6 A. Yes, sir.

7 Q. And you said he went around, found four or five phones
8 and found some marijuana?

9 A. Yes, sir.

10 Q. Okay. What happened then?

11 A. After that, that's what I asked them why was -- I
12 asked them why was they there. He -- the officer didn't
13 say nothing.

14 Q. Okay. Now, which officer was it that you asked why
15 they were there?

16 A. I believe McDan -- McDonald.

17 Q. McDonald, the fellow that just testified up here?

18 A. Not, not, not Lieutenant ---

19 Q. Oh, I'm sorry. Not the one that just testified for
20 the state?

21 A. The first.

22 Q. Captain McDonald now?

23 A. Yes. Yes, sir.

24 Q. Okay. Okay. Okay. So, he was the one that was
25 asking you about the phone was -- you asked him, you know,

1 why are you here, and he didn't say anything or?

2 A. He didn't say nothing at that time, sir.

3 Q. Okay. So, what happened then?

4 A. That's when he asked me, that's when he asked me to
5 come to his car.

6 Q. Okay, he asked you to come to his car. Do you
7 remember what he said?

8 A. He asked me -- once we got to his car, he asked me did
9 I know anything about, did I know anything about a murder,
10 and I told him I didn't know what he was talking about.

11 Q. Okay. Well, let me take you back a little bit. I
12 need to be more clear. What I meant was do you remember
13 what he said about going to the car or, or not? I mean,
14 it's okay if you don't.

15 A. I mean, I really don't remember, sir.

16 Q. Just you remember that he asked you to go to the car?

17 A. Yes, sir.

18 Q. Okay. Were you inside the car, outside of the car?

19 A. Inside the car on the passenger's side.

20 Q. Okay. Was anybody else in the car with you?

21 A. I mean, McDaniel.

22 Q. McDonald. That's fine. That's fine. Okay, and then
23 what happened in the car?

24 A. We was talking probably about five, ten minutes, and
25 that when the officer with the blue eyes, that when the

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

55

1 officer with the blue eyes came up to the driver's side
2 window.

3 Q. Okay, let me stop you right there. What were you
4 talking about for five, ten minutes?

5 A. He was -- just asked me questions like do I know what
6 happened this weekend, do I know anything about a murder.
7 And, like, he asked me, you know, he had asked me something
8 about some weed, like was it my weed.

9 Q. Okay. So, in the five or ten minutes you're talking
10 about, he's asking you what happened this weekend, do you
11 know anything about a murder, something about some weed you
12 said?

13 A. Yes, sir.

14 Q. Okay, okay, and then the officer with the blue eyes
15 walked up. Where, where, where did the person walk up to
16 with respect to the car?

17 A. Driver's side.

18 Q. Driver's side by Captain McDonald?

19 A. Yes, sir.

20 Q. Okay. Was the door open or was the window open? How
21 was he communicating with you?

22 A. The window was down.

23 Q. Okay, the window was down, and do you see the, the --
24 who you're referring to as blue eyes? I know you don't
25 know his name. Do you see him here?

1 A. Yes, sir.

2 Q. And what kind -- what color tie is he -- well, that
3 might be bad.

4 A. I would say maroon tie and a light blue shirt with the
5 coat.

6 Q. Is that the fellow right there?

7 A. Yes, sir.

8 Q. Okay. All right. Thank you. Okay, so he came up to
9 the side of the vehicle to the window. Then what happened?

10 A. He tell -- he said they were going to take me, too.

11 Q. He said they're taking? Taking?

12 A. He say -- yeah. He said that -- he was saying -- he
13 was telling the other officer that we taking -- taking me,
14 too.

15 Q. Oh, he told McDonald that they are taking you, too?

16 A. Yes. Yes, sir.

17 Q. Okay. Okay, and then what happened?

18 A. That's when he left, left the car probably about five
19 minutes, and he came back. He kept asking me about my eye.

20 Q. Okay. Now, you're, you're talking about the blue-eyed
21 officer you identified ---

22 A. Yes.

23 Q. --- left and came back?

24 A. Yes, sir.

25 Q. And started asking you about your eye?

1 A. Yes, sir.

2 Q. Do you remember what kind of questions you were being
3 asked about your eye?

4 A. He, he was asking me what happened to my eye, and I
5 told him nothing had happened to my eye. That's when he
6 came back and said that the victims had told us that they
7 bust somebody eye and broke they nose and something like
8 that.

9 Q. Okay, and did he leave and come back and say that the
10 victims -- or what -- was this continuous? In other words,
11 he's saying what happened to your eye, and you're saying
12 nothing happened to my eye. Did he right away say that the
13 victims were saying somebody did that, or did he leave and
14 then come back and say that?

15 A. Immediately.

16 Q. Okay, and then what happened?

17 A. That's when he left again, probably for another five
18 minutes, and then he came back and told the officer that,
19 that when he came back. And he said, well, you the only
20 one we see -- he was telling me that you the only one we
21 see with a hurt eye. So, you got to be the one they was
22 talking about.

23 Q. Okay, and I'd like to stop you right there and just
24 ask you a question. Did you feel at that point like you
25 could leave, go, or what do you ---

1 A. No. Well, I felt like, you know -- I mean, I, I
2 didn't know that I had a choice leave or get out the car or
3 stay in the car. I felt like if I would have got out the
4 car, they probably would have try to draw down on me.

5 Q. Okay. Okay. So, you felt like you were stuck in the
6 car?

7 A. Yes, sir.

8 Q. You didn't have a choice?

9 A. No. I didn't have -- I felt like I didn't have a
10 choice, sir.

11 Q. Okay. So, talked about -- you talked about the hurt
12 eye. How, how long was, was this going on? Because you
13 were being questioned about that, and this is still in the
14 car?

15 A. About my eye, sir?

16 Q. Yes.

17 A. Probably ten, almost fifteen minutes.

18 Q. Okay, and this is still in that vehicle, right? Still
19 in that police car?

20 A. Yes, sir.

21 Q. Okay. Then what happened?

22 A. That's when we -- after that, that's when we left.

23 Q. Okay, and by left, you mean you went to ---

24 A. Went, went ---

25 Q. --- went to the sheriff's department?

1 A. Yes, sir.

2 Q. How long do you think the ride was to the sheriff's
3 department?

4 A. Probably fifteen, fifteen to twenty minutes. It was
5 pretty quick.

6 Q. Okay, it was pretty quick. What did y'all talk about
7 on the way to the sheriff's department during the drive?

8 A. He -- ride was pretty quiet. Didn't say nothing
9 really, really, and when -- it was quiet.

10 Q. Okay. So, it was quiet on the drive on the way. What
11 happened when you arrived at the sheriff's department?

12 A. Got to the sheriff's department. That's when they
13 took me to a office, and I asked him. Once we got in the
14 office, I asked him for some water.

15 Q. Okay. Did you get any?

16 A. No, not the first time that I asked.

17 Q. Okay. All right. What happened after you asked for
18 some water?

19 A. Excuse me. I asked for some water, and then that when
20 he asked me what happened this weekend, and I, I told him I
21 don't know what you're talking about.

22 Q. Okay, and what, what happened? Was it more questions,
23 similar questions, or what, what happened after that?

24 A. It was -- he asked me, continued asking questions
25 about ten, fifteen minutes. He asked me, he asked me what

1 -- do I know anything about a murder. Did I, did I shoot
2 anybody. I told him I didn't own a gun. I told him about
3 -- when he asked me about a murder, I told him I don't know
4 nothing about a murder. He asked, he asked me who I was
5 with, and I told him that I don't, I don't know what he was
6 talking about.

7 Q. Okay. So, he asked you what happened this weekend,
8 did you shoot anyone, who you were with. What other kind
9 of questions was he asking about this murder he was
10 investigating?

11 A. Just questions like, you know, did I, did I shoot
12 anyone, what -- who I were with that weekend, and what role
13 did I play in it. I told him that I can't play -- I
14 couldn't play a role in something I didn't know about.

15 Q. Okay. Very good. So, what role did you play?

16 A. Yes.

17 Q. What part did you play?

18 A. Yes, sir.

19 Q. Okay, and while this was going on, how many officers
20 -- what was the state of other officers as far as were you
21 in there with two all the time, one all the time?

22 A. It was ---

23 Q. One, two, three? How did that go?

24 A. It was one mainly, but the other officers, other
25 officers went in and out, but during the questioning it was

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

61

1 one officer that came in that just was staring.

2 Q. Okay. So, you said there was a couple other officers
3 that were in and out, but mainly it was McDonald?

4 A. Yes, sir.

5 Q. Okay. You said an officer came in and stared at you?

6 A. Yes, sir.

7 Q. Officer say anything?

8 A. He didn't say anything. He just looked at me and then
9 he left out.

10 Q. And then left, okay. Then what happened? How long,
11 how long did this questioning go on?

12 A. He asked me questions probably for another -- I want
13 to say five, ten minutes.

14 Q. Okay, another five, ten minutes. Then what happened?

15 A. That's when I asked him for, I asked him for some
16 water again, and that was the third time that I had asked
17 for some water.

18 Q. Okay. Did you get any that time?

19 A. On the third time, third or fourth times I asked for
20 some.

21 Q. You did? You did? Ultimately you did get some water?

22 A. Yes, sir.

23 Q. Okay, and you said it's the third or fourth time you
24 asked. Okay, then, then what happened about officers
25 talking to you? Anything? Then what happened?

1 A. That's when he, that's when he had asked me -- you
2 know, he had, had, had asked me about -- excuse me. That's
3 when he had asked me, kept -- he was still asking me
4 questions about the murder. Like what do I know about the
5 murder. That's when he asked me, he asked me who -- he was
6 still asking me questions like who, who -- excuse me -- who
7 was I with.

8 Q. Who were you with?

9 A. Yes, and he asked me -- I can't remember the last
10 particular question he asked me, but he just kept asking me
11 a bunch of questions.

12 Q. Okay. Yeah, and that's fine. Did any other officers
13 come in and say anything to you?

14 A. No. The blue-eyed officer came, blue-eyed officer
15 came in and said that we already -- he told me that he had
16 -- they had knew who 600, who 600 was.

17 Q. Okay. Did you ask any questions to the blue-eyed
18 officer?

19 A. Yes, sir. I asked him where Leon Lott was.

20 Q. Okay, and what did the blue-eyed officer say to you?

21 A. He, he told me, he had told me he downstairs. He
22 asked me did I want to talk to him. I said no.

23 Q. Okay, he's downstairs and asked you if you wanted to
24 talk to him, and then you said no?

25 A. Yes, sir, after I thought about it for a second.

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

63

1 Q. So, you thought about it?

2 A. Yes, sir.

3 Q. Were you going to ask the sheriff what was happening
4 or?

5 A. Well, I kind of felt like stuff that they were doing
6 was wrong.

7 Q. Okay. Okay. All right. So, after you indicated you
8 did not want to talk to Sheriff Lott, then, then what
9 happened after that?

10 A. At that time, I didn't want to talk to, to sheriff.
11 That's when he just continued on with the questions
12 probably for another five minutes, and that's when Blue
13 Eyes -- that's when the officer with the, officer with blue
14 eyes had said -- say that we was going to take pictures,
15 had told me that he was going to take some pictures.

16 THE COURT: Mr. Sutherland.

17 MR. SUTHERLAND: Yes, sir.

18 THE COURT: The court reporter nor I can understand
19 him. He's got to slow down and be distinct.

20 MR. SUTHERLAND: Yes, sir.

21 BY MR. SUTHERLAND:

22 Q. And what I'll do is I'll just take you through a few
23 things, and then we'll go over it, and then we'll move
24 forward, okay?

25 A. Yes, sir.

1 Q. Okay, let's see. You had said that you thought about
2 it for a second, and then you said no about Sheriff --
3 about meeting with Sheriff Lott?

4 A. Yes, sir.

5 Q. And you said you didn't feel like what was happening
6 was right. Then you said the blue-eyed officer came in and
7 said something to you about pictures?

8 A. Yes, sir.

9 Q. What did he say to you?

10 A. He, he told me they had, they had to get pictures and
11 DNA.

12 Q. Okay, pictures and DNA, and then what happened?

13 A. That's when a guy came in, a camera guy came in with a
14 big camera. He took pictures of my eye and my face.

15 Q. Okay, a camera guy?

16 A. Yes, sir.

17 Q. With a big camera?

18 A. Yes, sir.

19 Q. Are you used to -- how big, how big was the camera?

20 A. I can't really -- it was pretty big, pretty big
21 camera. Had a big lens on it.

22 Q. Big lens, okay. So -- well, we'll leave it there.
23 So, he came in. He took some pictures of your eye. Have
24 you testified yet how many he took or you think he took?

25 A. I, I think he took ten.

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

65

1 Q. Okay, and was -- what other officers were present at
2 this time? Was, was Blue Eyes there when the camera person
3 was there, or was it McDonald?

4 A. Blue Eyes, he was there, too.

5 Q. Okay. Okay, and so after the pictures, then what
6 happened?

7 A. That's when I had asked him where -- that's when I had
8 seen, that when I had seen JG. That when I had seen JG
9 getting his coat, getting his coat and leaving.

10 Q. Okay, let stop you right there. You, you testified
11 that you had seen JG getting his coat and leaving. Who is
12 JG? What's his name?

13 A. Jwaun Duckett.

14 Q. Jwaun Duckett. This is the person that you saw led to
15 the police car ---

16 A. Yes, sir.

17 Q. --- at your house?

18 A. Yes, sir.

19 Q. And you saw him getting his coat and leaving?

20 A. Yes, sir.

21 Q. How, how did he get his -- did he pick his coat up?
22 What happened?

23 A. Police handed him his coat, and then I seen him leave
24 towards the way we came in.

25 Q. Okay. So, he went out the way that you came in?

1 A. Yes, sir.

2 Q. An officer gave him his coat, and he went out the way
3 that you came in?

4 A. Yes, sir.

5 Q. What were you thinking at that time when you saw that
6 happen?

7 A. Well, I was thinking if I talked to -- if -- I, I was
8 thinking if I talked to them, I would leave, too.

9 Q. Okay. So, you see him. The officer hands him his
10 coat and he leaves, and you think to yourself maybe if I
11 talk to them, then I'll get to leave also?

12 A. Yes, sir.

13 Q. Okay. All right, I'm going to go back just a little
14 bit. You had said that Blue Eyes had said something about
15 pictures and DNA?

16 A. Yes, sir.

17 Q. What about anything about DNA? Did they do anything?

18 A. He had swabbed -- they swabbed my mouth with, like, a
19 cotton swab.

20 Q. Like a cotton swab, okay, and I just had to go back
21 and get that. You know, fill in the prior testimony.

22 Okay. So, after you, after you thought that you might
23 be able to leave if you talked to them also, then what
24 happened?

25 A. Well.

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

67

1 Q. Did you -- had you been told you were being charged
2 with anything yet, or did you ask?

3 A. I asked him was I charged with anything. He told me
4 no, not yet.

5 Q. Okay. No, not yet. Okay. Well, then what happened?

6 A. That's when, that's when he told me if, if you want us
7 to help you, he was, like, if you want us to help, help
8 you, you got to help us help you. So, he was, he -- excuse
9 me.

10 Q. That's fine. Just take your time.

11 A. That -- he was saying if I wanted help, I had to help
12 them help me. And he told me I had to tell them what, what
13 happened.

14 Q. Okay. So, he said if you want us to help you, you
15 have to help us to help you?

16 A. Yes, sir.

17 Q. Okay, and then what happened?

18 A. Asked me questions for another five minutes. You
19 know, the same type questions, you know.

20 Q. What was he doing while he was asking you these
21 questions?

22 A. He was typing on his, he was typing on his computer.
23 He was typing on the computer and writing me answering the
24 questions.

25 Q. Okay. Okay. Then what happened?

1 A. That's when -- after, after, after -- while he was
2 typing the questions -- excuse me.

3 Q. That's fine. That's fine. Just take your time.

4 A. After he typed, after he typed questions, he had
5 printed, printed stuff he had -- excuse me again -- that he
6 had printed stuff, he had printed stuff out. He hand it to
7 me, but I told him I had ---

8 Q. What -- had you, had you answered any of the questions
9 yet? Are you getting your time a little mixed up?

10 A. Yes, sir. I had asked him -- he had asked me, you
11 know, what had happened. I told him, well, I was at home.

12 Q. Okay, and then that was -- now, we got to be clear
13 about this. When did you start talking to him and
14 answering his questions? Was it -- is it your testimony
15 that it's after you saw JG get his coat and leave? Then
16 you started talking to Investigator McDonald about the
17 facts of the case?

18 A. Yes, sir.

19 Q. Okay. Please don't talk about the facts of the case,
20 but what was going on while you were talking to him about
21 the facts of the case? What was he doing?

22 A. He was talking. Like, like I had say, he was typing
23 on his, typing on his computer interrupt -- interrupting
24 me, asking me more questions.

25 Q. Okay. During this period of time, were there any more

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

69

1 officers in, out? Anything going on with other officers?

2 A. Yes, sir. The officer with, officer with the blue
3 eyes came back in after he had put it in -- put in the
4 papers. I had asked him, I had asked him to read it, read
5 it to me.

6 Q. You -- let me stop you. You had asked McDonald to
7 read it to you?

8 A. Yes, sir, because I have difficulty reading.

9 Q. Right. You can read, right?

10 A. Yes.

11 Q. You can read?

12 A. Yes, sir.

13 Q. It's just ---

14 A. Just not.

15 Q. --- not that well?

16 A. Yeah. I just have a hard time reading.

17 Q. Okay. So, you had to ask McDonald to read the
18 statement to you?

19 A. Yes, sir.

20 Q. Did he read the statement to you?

21 A. He read it one time, but when I -- I heard something
22 that -- I heard something that I didn't -- I had heard
23 something that -- the way I didn't -- I had heard something
24 and it wasn't the way that I had said. So, I asked him to
25 read it again. That when the officer with the blue eyes

1 came, and he had told him that he was ready to wrap up.

2 Q. All right, so let me stop you there. So, you told him
3 you don't read too well. You asked him to read it to you.
4 He read it to you. You said that there were some things in
5 there that didn't sound like what I said, that didn't sound
6 right, and you asked him to read it again?

7 A. Yes, sir.

8 Q. And that's when the blue-eyed officer came back in?

9 A. Yes, sir.

10 Q. Then what happened?

11 A. That's when, that's when the blue-eyed officer said
12 something about he was -- they was ready to wrap it up, and
13 so he asked, asked McDonald what he was -- he asked
14 McDonald what he was -- asked McDonald what he was doing.
15 McDonald say he was, he was rereading the statement. That
16 when the blue-eyed officer said give it to him before him
17 could read it.

18 Q. Okay. So, the blue-eyed officer just came in and said
19 you're reading it to him. You give it to him so he can
20 read?

21 A. Yes, sir. It was kind of, like, good cop/bad cop type
22 stuff.

23 Q. Oh. Well, you feel -- okay, and that's -- then that's
24 the feeling you're getting from that. That's fine. Then
25 what happened about the papers, any -- anything?

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

71

1 A. That's when he left and another officer had brought,
2 had brought some -- I think the right forms. He had brung,
3 brung some right, right forms to go over -- excuse me --
4 going over -- excuse me -- going over the right forms, and
5 that was the first time I was read my rights.

6 Q. Okay, let me stop you right there. You said that it
7 was at that point when Blue Eyes was in there saying that
8 we needed to wrap it up that another officer came with some
9 papers?

10 A. After he left.

11 Q. After he left?

12 A. Blue Eyes left, and he, he went somewhere.

13 Q. Okay, and another officer came with some papers?

14 A. Yes, sir.

15 Q. And one of those was the Advice of Rights form?

16 A. Yes, sir. The one, like, you have the right, right to
17 remain silent.

18 Q. Yeah, the one they were talking about earlier. You
19 have the right to remain silent. You have the right to an
20 attorney, that.

21 A. Yes.

22 Q. And then what? Was that the first time that you had
23 been advised of your rights?

24 A. Yes, sir.

25 Q. Okay. So, you have the printed statement. You have

1 the Advice of Rights form. Then what happens?

2 A. That's when I had -- I, I signed it. Excuse me.

3 That's when I signed, signed the papers, and that's when we
4 left and we went to the holding cell.

5 Q. Okay, and after you signed the papers, that's when you
6 left and went to the holding cell?

7 A. Yes, sir.

8 Q. All right.

9 A. But right before -- excuse me, right before we had
10 went to holding, right before we had went to the holding
11 cell, that's when I asked McDonald, asked McDonald what was
12 going to happen. He didn't, he didn't say nothing. He
13 didn't say nothing at first. I had asked him again.
14 That's when he told me, you know, the big charge was going
15 to get dropped.

16 Q. Okay. Had you asked him about that before or talked
17 to him about that before?

18 A. Yes, sir. One time, one, one time before. He really
19 didn't -- once again, he really didn't answer it at that
20 point in time.

21 Q. But it's around the time that -- in your signing the
22 Advice of Rights and the statement?

23 A. It was, like, more, it was more around when I, when --
24 excuse me -- it was more around when I had start telling
25 him about, you know, what had happened.

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

73

1 Q. Okay. So, that was back when you first started
2 talking, you asked ---

3 A. It was -- when he was -- had -- when he was, like, you
4 got to help us help you.

5 Q. So, there was more to that?

6 A. Yes, sir.

7 Q. Okay, and that's when you asked him what was going to
8 happen, and what did he say back then?

9 A. He said, he said that he was sure -- first, first he
10 was, like, he, he ain't had said, he ain't -- excuse me.

11 Q. That's fine.

12 A. Excuse me. He hadn't said nothing. He hadn't said
13 nothing. I asked him again. He was, like, well, I'm sure
14 that the charges will get dropped, some -- the big charges
15 will get dropped.

16 Q. Okay, the big charges will get dropped or dropped
17 down?

18 A. Dropped down.

19 Q. Okay, and so at the end on the way to the, to the
20 holding cell, you're following up on that earlier
21 conversation asking again?

22 A. Yes, sir.

23 Q. Okay, and what happened at that time when you asked
24 what was going to happen?

25 A. He, he once again told me, you know, he was sure that

1 -- excuse me.

2 Q. That's okay. That's okay.

3 A. He told me he was sure that -- he -- the only charge
4 that was going to get dropped -- some -- the big charge was
5 going to get dropped down. So, that's when we was walking
6 to the holding cell. That's when I seen the officer with
7 the blue eyes putting Vincent clothes in a orange or a red
8 bag.

9 Q. Okay. All right. So, you had this conversation again
10 about the big charge being dropped down. You're on the way
11 to the holding cell, and you see the blue-eyed officer
12 putting Vincent's clothes into an orange or a red bag?

13 A. Yes, sir.

14 Q. Okay. Then what happens?

15 A. That's when they, that's when they had took -- excuse
16 me -- that's when they had took my clothes. That's when I
17 had went in the holding cell. They told me take off, take
18 off my clothes. That's when they gave me shower shoes,
19 jailhouse pants, and t-shirt.

20 Q. Okay, and those are the shoes that we got you in
21 today?

22 A. Yeah. Yes, sir.

23 Q. Okay. Sorry about that. We'll get that done
24 tomorrow. Okay. So ---

25 THE COURT: Mr. Sutherland, I can't understand you

M. ROBERTS - DIRECT EXAMINATION BY MR. SUTHERLAND

75

1 now.

2 MR. SUTHERLAND: Oh, I'm sorry. He had -- Your Honor,
3 he had testified that they had given him some jailhouse
4 pants and the shower shoes, and I didn't have any shoes for
5 him today, and I'm sorry about that.

6 THE COURT: All right.

7 BY MR. SUTHERLAND:

8 Q. Okay. So, they gave you the pants, and then what
9 happened? They put you in the holding cell. What happened
10 from there?

11 A. That's when a black, a black guy came in. He put me
12 in shackles, and that was when we was getting ready to
13 leave. As we was leaving, I seen McDonald one more time.
14 I see McDaniel or McDonald.

15 Q. That's fine. We know who you're talking about.

16 A. Yeah, I see him one more time and I asked him, asked
17 him again what, what were going to happen. He told me, you
18 know, he told me, he told me some -- the big charge was
19 going to be dropped down. I asked him was he sure. He
20 told me he was sure again.

21 Q. Okay, and so I guess they put you in the shackles.
22 They transported you to jail. Did any law enforcement
23 officers come and speak with you or try to speak with you
24 at the jail?

25 A. Yes, sir. Once the second day. One time the second

1 day I got there, they showed me a photo. They showed me a
2 photo lineup.

3 Q. Okay.

4 A. And then a week, I was in a regular -- I was already
5 in a regular dorm. That's when the ---

6 Q. Okay, let me stop you there. You say you were in a
7 regular dorm, which means you were at a classification.

8 A. Yes.

9 Q. Which is Yankee Dorm?

10 A. Yes, sir.

11 Q. Right. So, after classification what happened?

12 A. That's when the officer with the blue eyes had -- I
13 believe it's McDonald.

14 Q. Okay.

15 A. That's when they came back and -- my bad. It was, it
16 was just, it was the officer with the blue eyes.

17 Q. Okay. That's fine. So, just the blue-eyed police
18 officer came back, and then what happened? Where were you?
19 What happened to you in the jail? Did they take you from
20 your dorm?

21 A. I had left from my dorm. I went over there by the
22 holding cells in Giles.

23 Q. Where they do the sally port?

24 A. Right.

25 Q. Where they do the transport to the jail?

1 A. Yes, sir.

2 Q. To the courthouse, I mean.

3 A. Yes, sir.

4 Q. Okay. So, what happened in the sally port at the
5 jail?

6 A. That when he, he had told me that he wanted to take me
7 down back to Two Notch Road, but I had asked him when he --
8 I had told him that my lawyer had told me not to talk. I
9 told him that my lawyer told me not talk to no more
10 investigators. That when he telling me no, your lawyer
11 work for you. You ain't got to listen to him. He was,
12 like, if you want to fire him, you can fire him.

13 Q. Fire him?

14 A. Yeah. He was trying to get me, you know, to not
15 listen to my lawyer and listen to what he was trying to
16 tell me what to do.

17 Q. Okay. Then what happened?

18 A. I told, I told him that ain't -- I told him that I
19 ain't going to leave, and that's when I told the correction
20 officers that I wanted to go back to the dorm.

21 Q. Okay. So, you remember he was talking to you about
22 you don't have to listen to your lawyer. You can fire your
23 lawyer, and you should come with me and talk?

24 A. Yeah.

25 Q. And your testimony is that you said no, and you turned

1 to the correctional officer that was there and asked to be
2 taken back to your dorm?

3 A. Yes, sir.

4 Q. And that's the last time, isn't it?

5 A. That's the last time I seen any of the investigators.

6 Q. Okay, and that was about a year ago?

7 A. Yes.

8 Q. Approximately.

9 MR. SUTHERLAND: Okay, thank you. I have no further
10 questions of this witness at this time, Your Honor.

11 And they're going to cross-examine you now. Answer
12 their questions to the best of your ability, okay?

13 THE COURT: Ms. Simpson, who's going to do it? Be a
14 great learning experience.

15 CROSS-EXAMINATION BY MS. CAMPBELL:

16 Q. So, you have a -- let me ask you this. You talked
17 about they were good cop and bad cop?

18 A. Yes, ma'am.

19 Q. Can you speak up a little for us?

20 A. Yes, ma'am.

21 Q. Which one was the good cop? I couldn't figure it out.

22 A. McDaniel.

23 Q. McDonald was the good cop?

24 A. Yeah. Yes, ma'am.

25 Q. And then Blue Eyes is the bad cop?

M. ROBERTS - CROSS-EXAMINATION BY MS. CAMPBELL

79

1 A. Yes, ma'am.

2 Q. Do you remember coming in contact with any other cops
3 that day?

4 A. Yes, ma'am. I see a couple of them here today.

5 Q. Okay, and when did you see them?

6 A. I seen some of them at the house, and I seen one of
7 them, he was one of the officers that came in, and he was
8 staring.

9 Q. He was staring at you?

10 A. Yes, ma'am.

11 Q. Which one was staring at you?

12 A. The one in the tan suit back there.

13 Q. In the tan suit on the back row?

14 A. Yes, ma'am.

15 Q. Okay. What about any other cops back there? You
16 recognize any of them?

17 A. The dude with the black hair behind the lady with the
18 red suit. I remember him.

19 Q. Where did you see him?

20 A. I've remember seeing him at the house.

21 Q. But the two that were in there, the good cop and the
22 bad cop, and the only two you came in contact with that day
23 at the sheriff's department were McDonald and Blue Eyes?

24 A. Yes, ma'am.

25 Q. And do you know Blue Eyes's real name?

1 A. No, ma'am.

2 Q. You haven't looked at your discovery to figure that
3 part out?

4 A. I, I think it's something with a B. I don't know how
5 to say it.

6 Q. Could it be Boland?

7 A. I don't know. Is that his name?

8 Q. Okay, did you know he's the lead investigator on this
9 case?

10 A. I wouldn't know.

11 Q. You didn't read that part in your discovery?

12 A. Once again, ma'am, I can't read like that.

13 Q. At the house, they asked you who Vincent Nelson was,
14 right?

15 A. Yes, ma'am.

16 Q. And you didn't tell them the truth?

17 A. I told them that I know him as Junior. I don't know
18 his -- know him as his first name was, was, was Vincent
19 Nelson.

20 Q. So, your testimony is you actually identified him that
21 day?

22 A. Yes, ma'am.

23 Q. Unlike what they said?

24 A. Yeah, I, I identified him.

25 Q. Okay, but there's no dispute he was asleep on the

1 couch?

2 A. Yes, ma'am.

3 Q. Did you know that Jwaun Duckett, your other best
4 friend, was upstairs hiding in the closet?

5 A. I thought he left at that time.

6 Q. Well, did they stay over at your house, and you don't
7 know where they are all the time?

8 A. He didn't stay. He didn't stay, not at my house. The
9 only person who really stayed the night at my house,
10 Vincent.

11 Q. And you testified you were there when they found the
12 marijuana?

13 A. Yes, ma'am.

14 Q. Did you think that was a problem?

15 A. Yes, ma'am, because it wasn't mine's. It was Jwaun's.

16 Q. That was Jwaun's?

17 A. Yes, ma'am.

18 Q. And does Jwaun usually keep his marijuana at your
19 house?

20 A. He didn't have it at my house. He left it on the
21 table. I mean, he ran upstairs. He left it on the table.

22 Q. Well, then, it was at your house.

23 A. Yes, ma'am. You're saying do he usually leave it
24 there. No.

25 Q. And you said that the officers asked you to go get in

1 the car. Is that right?

2 A. Could you say that again, ma'am?

3 Q. The officers asked you to leave your house and go get
4 in the car?

5 A. Yes, ma'am.

6 Q. And you did that?

7 A. Yes, ma'am.

8 Q. Well, why did you do that?

9 A. Because I thought I had to.

10 Q. Wasn't your dad there that day?

11 A. Yes, ma'am.

12 Q. And you said you felt intimidated, right?

13 A. Yes, ma'am.

14 Q. So, did you reach out to your dad to help you out?

15 A. No, because I was already in the car at that time.

16 Q. Well, wait a minute. Your dad was in the house,
17 wasn't he?

18 A. Yes, ma'am.

19 Q. He answered the door?

20 A. Me and him came to the door together.

21 Q. And he's right there with you?

22 A. Yes, ma'am.

23 Q. And you felt intimidated and your father was there.

24 Did you ask your father to help you out? You didn't
25 testify to that.

M. ROBERTS - CROSS-EXAMINATION BY MS. CAMPBELL

83

1 A. I mean, what would I had to ask my own father about?

2 Q. Well, you felt threatened that you had to go to the
3 car. You weren't going there voluntarily, were you?

4 A. Yeah.

5 Q. You did go there voluntarily?

6 A. Yeah.

7 Q. Okay. So, you voluntarily ---

8 A. After he, after he ---

9 Q. --- went to the car when he asked you?

10 A. After he had, after he had asked me to come to the
11 car.

12 Q. Did you voluntarily go to the car?

13 A. Yes, ma'am, after he asked me to come to the car.

14 Q. Okay, and then they transported you down?

15 A. Yes, ma'am.

16 Q. And you mentioned that they asked you some questions?

17 A. Yes, ma'am.

18 Q. About what happened that weekend?

19 A. Yes, ma'am.

20 Q. There at the house?

21 A. Yes, ma'am.

22 Q. Who was doing the asking at that point?

23 A. McDonald.

24 Q. And what did you tell him?

25 A. I told him -- he had -- well, he had asked me some

1 questions.

2 Q. Oh. So, you didn't tell him anything?

3 A. No, ma'am. He asked me questions.

4 Q. You understood your rights?

5 A. He never read -- he didn't read me my rights at the
6 house.

7 Q. Okay, but you still know you don't have to answer
8 questions if you don't want to?

9 A. I have to be read my rights first because I wouldn't
10 know -- I didn't know that.

11 Q. Okay, and that's good, and we'll get to that in a
12 minute. So, you understand that before police question
13 you, you're supposed to be advised of your rights, but you
14 understand what your rights are?

15 A. Now I do you.

16 Q. You just testified a minute ago that they were
17 supposed to. That you knew it at the time.

18 A. I...

19 Q. Because you testified earlier in your testimony that
20 what they were doing that day you knew was wrong, right?

21 A. I felt like it was wrong.

22 Q. And you felt like it was wrong from the moment they
23 were asking you because you pointed out to the judge how
24 they asked you questions at house. That was wrong. They
25 hadn't advised you of your rights, right?

M. ROBERTS - CROSS-EXAMINATION BY MS. CAMPBELL

85

1 A. No, they didn't have advisement of rights at my house.

2 Q. So, that was wrong for them to ask you questions?

3 A. Yes, ma'am.

4 Q. And you knew that?

5 A. Not at the time.

6 Q. Oh. This is something you figured out after you'd
7 been arrested?

8 A. Yes, ma'am.

9 Q. And who told you that was wrong?

10 A. Like when?

11 Q. When did you figure out it was wrong for the police to
12 ask you questions without advising you of your rights?

13 A. I don't get the question, ma'am.

14 Q. Who told you it was wrong for the police to ask you
15 questions while they're at your house? Was it your lawyer?

16 A. I -- he -- I had a lawyer, Greg Collins. He had told
17 me that, you know, they ain't supposed to ask me questions
18 without reading my rights.

19 Q. When they were asking you questions at the house, was
20 your father present?

21 A. No, ma'am, because I was in the car. My dad weren't
22 at the car with us.

23 Q. When they asked you to go to the car, was your father
24 present?

25 A. Yes, ma'am.

1 Q. Did he intercede on your behalf?

2 A. He didn't say, he didn't say nothing about that I
3 couldn't go.

4 Q. He didn't say anything?

5 A. I believe he thought I had to go, too, ma'am.

6 Q. And why did you think you had to go?

7 A. Because they told me I had to get in the car, and
8 they're police.

9 Q. You say you don't read that well?

10 A. Yes, ma'am.

11 Q. But do you understand like when I'm talking to you?

12 A. Yes, ma'am.

13 Q. Do you understand when the police were talking to you?

14 A. Yes, ma'am.

15 Q. So, you didn't have any trouble understanding them
16 that day?

17 A. No, ma'am.

18 Q. And you understand, and you seem intelligent about
19 understanding what your rights are because you've referred
20 to those several times.

21 A. Yeah, mostly.

22 Q. What are your rights? Right for an attorney maybe?

23 A. Yeah. I, I know that after the fact, after that
24 happened.

25 Q. You know it after that happened? You didn't know that

1 before?

2 A. No, ma'am. I never been in, never been in no real
3 trouble.

4 Q. No real trouble?

5 A. Yes, ma'am.

6 Q. You've never had any interaction with the police
7 before?

8 A. Before when it wasn't nothing about, you know, where
9 they had to read my rights. I done got stopped, stopped on
10 the street, and then they asked me my name.

11 Q. Did you understand that when they tell you you don't
12 have to answer any questions, you don't have to?

13 A. They never told me at the house.

14 Q. And you went through this whole series with your
15 lawyer of a lot of details about Blue Eyes and the good
16 cop/bad cop and all that, right?

17 A. Say that again?

18 Q. And it wasn't until the end, according to your
19 testimony, that you -- they pulled out the Advice of Rights
20 sheets. Is that what you testified to?

21 A. Yes, ma'am.

22 Q. And at that point, after you -- have you already given
23 them a statement at this point?

24 A. After, after what?

25 Q. When they pulled out the Advice of Rights sheet, you

1 know what that is?

2 A. Now.

3 Q. No, you testified to it earlier. You can't back off
4 that. Do you know what Advice of Rights -- the sheet you
5 talked about. You brought it up.

6 A. Yeah. Now I know what it is.

7 Q. Okay, and did they read it to you like you testified
8 to earlier?

9 A. Yes. Yes, ma'am, after the fact, after the fact I had
10 already gave my statement.

11 Q. Had you already signed your statement at that point?

12 A. Ma'am?

13 Q. Had you already signed your statement at that point?

14 A. Yes, ma'am.

15 Q. When you signed your statement, they had not advised
16 you of your rights is your testimony?

17 A. They ain't advised me of my rights.

18 Q. Okay. So, then they pull out this advice sheet and
19 they tell you, oh, we need to tell you what these rights
20 are, and they went through them?

21 A. Yes, ma'am.

22 Q. And then you signed off on this Advice of Rights as
23 well, according to your testimony?

24 A. Say that again, ma'am?

25 Q. You signed that. I can show it to you. You want to

M. ROBERTS - CROSS-EXAMINATION BY MS. CAMPBELL

89

1 see it?

2 A. Yes, ma'am.

3 THE COURT: Ms. Campbell.

4 MS. CAMPBELL: Thank you, Your Honor.

5 THE COURT: Ms. Campbell, hold on one second.

6 (A PAUSE.)

7 THE COURT: Thank you.

8 MS. CAMPBELL: Thank you, Your Honor.

9 BY MS. CAMPBELL:

10 Q. Let me show you this, State's Exhibit Number 2. Do
11 you recognize that?

12 A. Yes, ma'am.

13 Q. What's that?

14 A. It's in my motion.

15 Q. That's in your motion, this, what we're talking about
16 here today?

17 A. Yes, ma'am.

18 Q. And that's your statement?

19 A. That's the paper that, that -- the paper I signed that
20 day.

21 Q. Okay, and when you signed that paper, was that the
22 statement you had given to the police, either the good cop
23 or the bad cop?

24 A. Some of the stuff that was said in there, it was some
25 of the stuff that I didn't say.

1 Q. Okay, and that ---

2 A. It, it, it wasn't said the way that I said it.

3 Q. Okay. So, why did you sign it?

4 A. Because the police told me I had to.

5 Q. Okay, and did, did they threaten you?

6 A. No, ma'am.

7 Q. Did they hit you?

8 A. No, ma'am.

9 Q. And what -- which one was the one that told you you
10 had to sign it even though it was wrong?

11 A. The officer with blue -- the officer with the blue
12 eyes.

13 Q. The blue-eyed officer, and then they pulled out, after
14 you signed that, this sheet, State's Exhibit 1. Do you
15 recognize that?

16 A. Yes, ma'am.

17 Q. And that's your signature?

18 A. Yes, ma'am.

19 Q. Let me ask you this. Did you understand the right
20 when they said: Before we ask you any questions, you must
21 understand your rights?

22 A. Excuse me? Say it again, ma'am.

23 Q. Before we ask you any questions, you must understand
24 your rights. Did you understand that?

25 Q. Yes, ma'am.

M. ROBERTS - CROSS-EXAMINATION BY MS. CAMPBELL

91

1 Q. And then they told you: You have the right to remain
2 silent. Did you understand that?

3 A. Yes, ma'am.

4 Q. That anything can be used against you in court?

5 A. Yes, ma'am.

6 Q. That you have the right to talk to a lawyer for
7 advice?

8 A. All this was after the fact.

9 Q. But you signed this paper.

10 A. Yes, ma'am, after the fact.

11 Q. Why did you sign this paper once your rights had been
12 explained to you?

13 A. Because they told, because they told me I had to.

14 Q. So, now your testimony is they told you you had to?

15 A. Yes, ma'am.

16 (A PAUSE.)

17 Q. You said a minute ago about your testimony, that
18 that's what's in your motion.

19 A. Yes, ma'am.

20 Q. And then I show you this. It's just been handed to
21 us. Do you recognize that?

22 A. No, ma'am.

23 Q. You haven't seen your motion?

24 A. What's...

25 Q. Yeah.

1 A. I haven't -- my motion is not like that.

2 Q. What does your motion look like? What motion are you
3 referring to, sir? You might want to look at this.

4 (A PAUSE.)

5 A. I don't have this page. It don't look like this.

6 Q. Well, what motion are you referring to because I don't
7 have that motion.

8 THE COURT: Where is the motion, young man?

9 WITNESS: It's at, at the jailhouse.

10 THE COURT: At the jailhouse? Who prepared it? Did a
11 lawyer or did you prepare it?

12 WITNESS: I mean, I wouldn't be able to prepare it
13 because I don't -- how could I be able to get ahold, ahold
14 to this while I'm in jail?

15 THE COURT: I understand. I'm not suggesting you did
16 it, but your lawyer prepared it?

17 WITNESS: Yes, sir.

18 THE COURT: And you looked at it?

19 WITNESS: Yes, sir.

20 BY MS. CAMPBELL:

21 Q. Okay. So, you understood the point your lawyer was
22 trying to make with you?

23 A. What point?

24 Q. The point about what the police did and said.

25 A. Yeah. That -- I didn't have him at that -- I didn't

1 have him when -- at ---

2 Q. So, a different lawyer did that for you?

3 A. Yes, ma'am. I had Greg Collins.

4 Q. And the only two officers that were in the room
5 speaking with you that day at the sheriff's department were
6 Blue Eyes and McDonald?

7 A. The only ones that I really remember. It was couple
8 other officers walk in and out.

9 Q. So, they would know who was there if they were walking
10 in and out?

11 A. They would who know was there?

12 Q. Uh-huh.

13 A. Yes, ma'am.

14 Q. And your testimony is that you were intimidated, and
15 then you were promised things, and then you weren't read
16 your rights, and then you just signed a statement
17 voluntarily, and then you were advised of your rights --
18 which you signed also -- and then you were promised things
19 again?

20 A. Can you say that again, ma'am?

21 Q. Does that sum up your testimony?

22 A. Can you say that again, ma'am?

23 Q. That you were intimidated at the house even though
24 your father was there. That you went with them because you
25 had to. You didn't think you had any other choice. That

1 you talked to them because they promised you things.

2 A. No one ever actually said the word that I promise.

3 Q. What did they do?

4 A. He just told me, you know, the charges would -- he
5 just told me the big charges would get dropped down, and I
6 asked him was he sure. He said yeah. It wasn't that, you
7 know, I promise that, I promise that. I'm'a do this for
8 you.

9 Q. Is your statement, other than some of the wording, is
10 that what you told them?

11 A. Yes, ma'am, and some of the wording in there and some
12 of the stuff that -- like some of the big stuff that I was
13 trying to stress wasn't what it was.

14 Q. Okay. What's wrong in there? Just show me a little
15 bit.

16 A. I can't read like that, ma'am.

17 Q. You can't read like that? You don't want to read
18 this, do you. Was it the part ---

19 MR. SUTHERLAND: If I may, Your Honor? The facts, the
20 facts are outside the scope of the hearing.

21 MS. CAMPBELL: Goes to the voluntariness.

22 MR. SUTHERLAND: With respect to this person did that,
23 this person did the other.

24 THE COURT: Overruled.

25 MS. CAMPBELL: Thank you.

M. ROBERTS - CROSS-EXAMINATION BY MS. CAMPBELL

95

1 BY MS. CAMPBELL:

2 Q. Do you remember telling him:

3 600 and Metro began tussling with someone in the
4 driveway.

5 WITNESS: Excuse me. May I -- like when you said what
6 you just said, what -- she can, she can do that?

7 THE COURT: What I said, she can ask you any question.
8 You got that?

9 WITNESS: All right.

10 BY MS. CAMPBELL:

11 Q. He'll tell you if you don't have to answer the
12 questions.

13 I saw them tussling and ran down the driveway to
14 help out. Did you say that?

15 A. Say it again, ma'am?

16 Q. I saw them tussling and ran down the driveway to
17 help out.

18 A. I didn't say it like that.

19 Q. Okay.

20 The boy had 600 on the ground; I ran down and
21 pulled the boy off 600.

22 A. Say it again, ma'am?

23 Q. The boy had 600 on the ground; I ran down and
24 pulled the boy off 600.

25 A. Yeah, I, I didn't say that like that either.

1 Q. When I did this ---

2 THE COURT: Hold on a second. Yes, sir.

3 MR. SUTHERLAND: If I may, Your Honor? I've just got
4 to object to him being examined about the facts of the
5 incident. The scope of the hearing is the facts and
6 circumstances surrounding the interrogation, not subject
7 matter of the interrogation itself. They're sitting up
8 there trying to create a record that they can introduce to
9 a jury at some point later on.

10 THE COURT: Overruled.

11 BY MS. CAMPBELL:

12 Q. Did you say that?

13 A. Say it again, ma'am?

14 Q. The boy had 600 on the ground; I ran down and
15 pulled the boy off 600.

16 A. I didn't say it like -- I didn't say it like that.

17 Q. When I did this, the guy turned around and hit me
18 with his elbow in my eye.

19 A. I said that I got hit with that elbow. I got hit in
20 the face with his elbow.

21 Q. But you said it differently from how it's put there?

22 A. Ma'am?

23 Q. I'm just asking.

24 A. Say again?

25 Q. When I did this, the guy turned around and hit me

1 with his elbow in my eye.

2 A. I said that.

3 Q. Okay.

4 The boy then turned around and hit me with his
5 fist.

6 A. I said that.

7 Q. 600 then pistol whipped the boy, and he fell
8 down.

9 A. I said that.

10 Q. 600 then went to the doorway of the door at the
11 bottom of the driveway.

12 A. Say again?

13 Q. 600 then went to the doorway of the door at the
14 bottom of the driveway.

15 A. I said that.

16 Q. 600 was trying to get the door open, and the
17 other boys were trying to shut the door on him,
18 and he got his arm or hand stuck in the door and
19 was screaming for help.

20 A. I didn't say it like that.

21 Q. I ran over and tried to help push the door open
22 so 600 could get his hand out.

23 A. Say again, ma'am?

24 Q. I ran over and tried to help push the door open
25 so 600 could get his hand out.

1 A. I didn't say it like that.

2 Q. That is when I heard the gunshot go off from
3 600's gun.

4 A. I said that.

5 Q. After the first shot, 600 and I back away from
6 the door.

7 A. I didn't say that.

8 Q. Okay.

9 That's when 600 ran up the hill and started
10 shooting the boy that was down in the middle of
11 the driveway about halfway up.

12 A. Say it again, ma'am?

13 Q. That's when 600 ran up the hill and started
14 shooting the boy that was down in the middle of
15 the driveway about halfway up.

16 A. One more time, ma'am.

17 Q. That's when 600 ran up the hill and started
18 shooting the boy that was down in the middle of
19 the driveway about halfway up.

20 A. I ain't say it like that.

21 Q. When I saw this, I took off running and ran back
22 to my house.

23 A. I said that.

24 Q. So, they made up all of this, too, a lot of this?

25 A. They didn't -- I -- some of it.

1 Q. And you knew it was wrong and you tried to tell them?

2 A. I never told them that.

3 Q. Weren't they reading it back to you, and you told them
4 parts were wrong?

5 A. He didn't ---

6 Q. Isn't that what you testified to?

7 A. He didn't read it. He didn't read it the second time.
8 He start -- he started reading it, but he didn't -- he
9 never finished it.

10 Q. Well, when he read it the first time, you told him it
11 was -- parts of it were wrong?

12 A. Yes.

13 Q. And did he agree to change it then?

14 A. He never said he was going to change it.

15 Q. So, basically both Blue Eyes and the good cop
16 conspired to deprive you of your rights?

17 A. What you say?

18 Q. They didn't observe your rights?

19 A. What that mean?

20 Q. Like you testified on direct, you knew it was wrong?

21 A. Say it again?

22 Q. You knew what they were doing was wrong. That's what
23 you testified to with your lawyer up there.

24 A. I know what they, I know what they put in there was --
25 wasn't what I said.

1 Q. You say and stated earlier in your testimony before
2 this judge that you knew that things were being done wrong,
3 that they weren't right. Isn't that what you testified to?

4 A. I knew, I knew what they put in there was not what I
5 said.

6 Q. I'm talking about what they did with you that day:
7 forcing you to go to the car, not reading you your rights.
8 All that day, you knew what they were doing was wrong.
9 That's what you testified to earlier.

10 A. You, I mean, you ain't got to, you ain't got to be a
11 lawyer to know when something feel like it ain't right.

12 Q. That's right, and you never reached out to your father
13 for help.

14 MS. CAMPBELL: Thank you. I don't have any further
15 questions.

16 THE COURT: Anything on redirect?

17 MR. SUTHERLAND: Yes, sir.

18 THE COURT: How long?

19 MR. SUTHERLAND: Perhaps ten minutes, sir, maybe.

20 THE COURT: Very well. I've got a 4:30 conference
21 call that I'm going to ---

22 MR. SUTHERLAND: Yes, sir. I'm going to, I'm going
23 to ---

24 THE COURT: No, sir, I'm not cutting you off. I just
25 need to know if I need to stop something.

M. ROBERTS - REDIRECT EXAMINATION BY MR. SUTHERLAND 101

1 REDIRECT EXAMINATION BY MR. SUTHERLAND:

2 Q. Okay, Ms. Campbell asked you about your motion. You
3 kept saying this isn't in my motion. That isn't in my
4 motion. The lead investigator's name isn't in my motion.
5 That's called discovery, right, the evidence in your case,
6 the stuff that you do have at the jail, right?

7 A. Yeah. That's what -- I mean, that what we call --
8 because of that, you know, because of the motion of
9 discovery.

10 Q. That -- she -- it is a motion ---

11 MS. CAMPBELL: Objection, Your Honor. If he could let
12 him testify.

13 THE COURT: Well, I've been real easy with that
14 because I can't understand everything he's saying. He's
15 trying to help me, I think.

16 BY MR. SUTHERLAND:

17 Q. And it is -- so, you're, you're talking about your
18 motion of discovery, right, when you say my motion, it's
19 not in my motion. I don't ---

20 THE COURT: Well, what motion are you talking about,
21 sir?

22 WITNESS: Like, when you get the, like, statements and
23 stuff like that.

24 THE COURT: Okay.

25 BY MR. SUTHERLAND:

1 Q. Okay, and that's -- just to be clear. I'm sure it
2 went by you, but she kept saying, going over with you at
3 the end I know this is wrong. I know this is wrong. You
4 testified earlier that you thought that you asked to talk
5 to Sheriff Lott, and you thought about it.

6 A. Yes, sir.

7 Q. And you changed your mind.

8 A. Yes, sir.

9 Q. You testified about your rights, that you didn't know
10 at that time what your rights were.

11 A. Yes, sir.

12 Q. You testified that after you spoke with your first
13 attorney, Greg Collins, that ---

14 THE COURT: Mr. Sutherland, I've been real patient
15 with all this.

16 MR. SUTHERLAND: Yes, sir.

17 THE COURT: But I know what he testified to. I've
18 been sitting here listening to it.

19 MR. SUTHERLAND: Yes, sir, and ---

20 THE COURT: We don't need to ---

21 MR. SUTHERLAND: Absolutely.

22 THE COURT: --- regurgitate it.

23 MR. SUTHERLAND: And that would be all my questions at
24 this time. Thank you, sir.

25 THE COURT: Thank you.

1 You may step down, sir.

2 (THE WITNESS EXITS THE STAND.)

3 THE COURT: Any additional witnesses? I don't
4 understand that.

5 MR. SUTHERLAND: No more witnesses, Your Honor.

6 THE COURT: All right, if y'all will please bear with
7 me, I've got about a five-minute conference call, a
8 malpractice case starting next week. I won't be any longer
9 than five, ten minutes at the most. We'll come back and
10 rule on this motion. Then we'll sort of see how we want to
11 go the rest of the afternoon. Court personnel decides
12 these things.

13 Stand at ease about five to ten minutes.

14 (OFF THE RECORD.)

15 THE COURT: Okay, what else we got? It's a quarter
16 till 5. I don't know how they do it up in Richland County.

17 MR. SUTHERLAND: I'm good with that, Judge.

18 THE COURT: I know you are, but you're not employed by
19 Richland County.

20 MR. SUTHERLAND: Oh. Yes, sir. Yes, sir.

21 MS. CAMPBELL: The clerk is not in here.

22 THE COURT: What else we got? Lineup?

23 MS. CAMPBELL: Lineups. Your Honor, there are a
24 series of lineups that are shown. There are two main
25 witnesses, and then there are also some lineups shown to

1 some of the co-defendants. I would, and I don't mean to
2 presume, but I think we could just take those lineups. The
3 co-defendants know him by name. We just have to do a short
4 hearing on those. If we could just do those right before
5 that testimony, right before they testify, I just think it
6 would be more expeditious. It's hard to transfer them.

7 MR. SUTHERLAND: I wouldn't have any objections to
8 that, Your Honor.

9 THE COURT: So then we have what left?

10 MS. CAMPBELL: Then we have lineups that were shown to
11 the victims where they did identify this defendant.

12 THE COURT: How long do you think that would take?

13 MS. CAMPBELL: I would say the testimony would take a
14 second. I would -- and I can limit it. There were a
15 number of lineups shown of all the defendants, but I could
16 limit it just to this defendant now. So, it should really
17 shorten that.

18 MR. SUTHERLAND: But I would, I would be
19 cross-examining them ---

20 THE COURT: I understand.

21 MR. SUTHERLAND: --- about the lineups to the other
22 defendants as well.

23 THE COURT: No problem.

24 MR. SUTHERLAND: I mean, I don't, I don't have an
25 issue with maybe, after we've picked tomorrow, doing it, or

1 we can do it this afternoon.

2 THE COURT: If we can get some of them done this
3 afternoon, let's do. Whatever, Ms. Campbell, you think is
4 the most efficient way to do it. I'm here for the rest of
5 the week. As long as that threat doesn't materialize, I'll
6 be here.

7 MS. CAMPBELL: I understand. We could do -- we've got
8 two victims here right now that we could do very quickly,
9 and we'll limit ours to direct on the actual identification
10 of this defendant.

11 MR. SUTHERLAND: And if, and if I may, Judge, the
12 argument, the argument on my motion is contained within the
13 memorandum that's been submitted to the court. It's been
14 provided to ---

15 THE COURT: Well, what I'm going to do on that, we're
16 going to start up at 9 sharp in the morning. The jury
17 won't be here until about 10.

18 MR. SUTHERLAND: Yes, sir.

19 THE COURT: I can rule; I can take care of whatever
20 else we've got, and then we'll be ready to go. As soon as
21 the jury gets here, we'll select a jury, move into the
22 trial of this.

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: Is that fair?

25 MR. SUTHERLAND: Yes, sir. Absolutely.

1 THE COURT: Ladies, is that fair to y'all?

2 MS. WALKER: Yes, Your Honor.

3 THE COURT: Okay.

4 MS. SIMPSON: The state calls Trenton Scott.

5 THE COURT: Mr. Scott, are you in the courtroom?

6 MS. SIMPSON: Yes, Your Honor.

7 TRENTON SCOTT, BEING DULY SWORN,

8 TESTIFIES AS FOLLOWS:

9 BAILIFF: Please state your name for the record,
10 please.

11 WITNESS: Trenton Scott.

12 DIRECT EXAMINATION BY MS. SIMPSON:

13 Q. Mr. Scott, how old are you?

14 A. Twenty-four.

15 Q. Twenty-four, and do you actually go by a nickname or
16 have a name that friends call you?

17 A. Yeah.

18 Q. Do you sometimes go by Trey?

19 A. Yeah.

20 Q. I want to turn your attention to last year, January
21 25th of 2013. Do you recall that day?

22 A. Yes, ma'am.

23 Q. Tell me how you are able to recall that day.

24 A. Well, it was just like any other day. I was sitting
25 at home, and all of a sudden this time of day, my client

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

107

1 didn't want me to come to work because he was a ---

2 Q. And let me stop you. Your client. Where do you work?

3 What type of work ---

4 A. I work ---

5 Q. --- do you do?

6 A. I work for a lawyer.

7 Q. You work for a lawyer?

8 A. Yes. I'm a caregiver for a lawyer and a judge.

9 Q. And a judge. All right, and how long have you been in
10 that?

11 A. I've been doing it for about a year now.

12 Q. A year, and have you graduated from high school?

13 A. I graduate -- I graduated from a private school.

14 Q. From a private school. Are you currently taking any
15 college courses?

16 A. No, ma'am.

17 Q. Going back January 25th, you said this was pretty much
18 like any other day, right? What happened later on?

19 A. Well, later on that day, I went and, I went and bought
20 a Go Pro camera with my brother, and so we brought it back
21 to the house. And later on that night, I'd have to say I
22 rode out with Brandon to drop off, to drop off Seconia
23 [phonetic], and so we stopped by the store. He grabbed a
24 Bud Lite and a pack of cigarettes, and we went back to the
25 house.

1 Q. And you said the house. This is your house?

2 A. Correct.

3 Q. Where, where is that?

4 A. [REDACTED].

5 Q. And who all lives there with you?

6 A. My mother, my father, and my brother.

7 Q. And your brother, and at your house, do you actually
8 have a recording studio or did at one time?

9 A. Yes, I do have a recording studio.

10 Q. Okay, and on this night, you were with your brother
11 and Brandon?

12 A. Yes, ma'am.

13 Q. Okay, and tell me what happened later on that evening
14 when this incident occurred.

15 A. Well, later on that evening, I turned -- we turned
16 around and Vincent was standing right there. He was
17 looking real nervous. He was pace -- pacing back and forth
18 on the cell phone.

19 Q. And how do you know Vincent?

20 A. Well, I knew, I knew him through a friend of my
21 brother's.

22 Q. Through a friend of your brother's?

23 A. Yes, ma'am.

24 Q. And had he actually stayed at your home?

25 A. Yes, he had.

1 Q. And ---

2 A. Vincent Nelson, right?

3 Q. Yes. Is that the Vincent you're referring to ---

4 A. Yes, ma'am.

5 Q. --- who was there that day, and had it been a while
6 since he's been to the house?

7 A. Yes, it had.

8 Q. Okay, and you said he was pacing back and forth,
9 pacing?

10 A. He was pacing back and forth. He kept receiving phone
11 calls.

12 Q. And did that seem a little odd to you?

13 A. That was very odd.

14 Q. But what did you continue to do?

15 A. Well, I basically continued to ignore it, and I told
16 Brandon to cut up the music, but he kept pressuring Brandon
17 to come outside for a cigarette smoke.

18 Q. And when you say he, who are you referring?

19 A. To Vincent.

20 Q. Vincent, and did you also know him by a nickname as
21 well?

22 A. J School.

23 Q. J School, and so he kept pressuring Brandon. What
24 happened next?

25 A. And so Brandon was finally, like, all right, man. So,

1 he -- so, they proceeded to go out the, the back door, him
2 and Joshua.

3 Q. Okay, Joshua, is Joshua a good friend of yours, too?

4 A. Yes.

5 Q. And what happened after they went out the back door?
6 Who -- where were you?

7 A. I went to get pack up my camera, and I took it
8 upstairs. So, I had a -- so, I had a, a lot of hangers
9 that was on my bed. So, I grabbed all of those hangers and
10 I went downstairs to my sports room, and that's when I ran
11 into this motherfucker.

12 Q. Let's watch our language a little bit.

13 THE COURT: All right, I'm going to tell you
14 something.

15 WITNESS: I'm sorry about my language.

16 THE COURT: Well.

17 WITNESS: Sorry about that. I was just -- I'm very
18 upset. I'm sorry about that, Your Honor.

19 THE COURT: I'm not going to warn you again.

20 WITNESS: Yes, sir.

21 THE COURT: First warning, that's it.

22 WITNESS: Sorry about that.

23 THE COURT: Well, you show respect in this courtroom
24 and courthouse.

25 WITNESS: Yes, sir.

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

111

1 BY MS. SIMPSON:

2 Q. All right. So, the lighting at the time, were the
3 lights on downstairs?

4 A. Yes, ma'am, it was.

5 Q. And when you come downstairs, is there actually a door
6 leading outside to the, I guess, driveway area?

7 A. Yes.

8 Q. And is that the point in which you saw an individual
9 whom you just identified?

10 A. Uh-huh.

11 Q. And were you able to see him clearly?

12 A. Yes.

13 Q. What was he doing when he came through the door?

14 A. Well, when he came straight through the door, he ran
15 in with a gun on point.

16 Q. And when you say on point, what do you mean?

17 A. He ran in just like this.

18 Q. Okay. So, the door was open. He ran in. You're
19 coming downstairs.

20 A. No. I was already in the shop with the hangers in my
21 hand.

22 Q. Okay.

23 A. That's when I ran. That's when he came in.

24 Q. And at that point, did he have anything covering his
25 face?

1 A. No.

2 Q. Were you able to get a clear view of him?

3 A. Yes, ma'am.

4 Q. And had you seen him before?

5 A. No, never seen him before.

6 Q. Okay, and did -- what did you do next?

7 A. Well, right after that, he came in so fast, I end up
8 dropping the hangers. That's when he pistol whipped me up
9 side my head. So, I fell back, and he caught one to the
10 face.

11 Q. Okay. So, you all are actually engaged in a struggle
12 at this point?

13 A. Yes.

14 Q. And you're in close proximity to him?

15 A. Yes.

16 Q. During the struggle?

17 A. Yes, I am.

18 Q. And you're able to see him clearly with the lighting
19 and identify his face?

20 A. Yes.

21 Q. Were you able to give a general description of his
22 build?

23 A. Well, he was -- at the time he was very short. He had
24 on a, he had on a, like, a dark blue jacket and a dark hat,
25 dark boots, black boots.

1 Q. But you could clearly see his face?

2 A. I could clearly see his face.

3 Q. And you all struggled over the gun. At some point --
4 or what happened next after the struggle?

5 A. Well, after the struggle, he end up getting more
6 leverage on to the gun, and he passed it off to the other
7 gentleman.

8 Q. So, another person actually rushed in behind him as
9 well?

10 A. Yes, while we was struggling for the gun.

11 Q. And were you able to actually also get a pretty good
12 look at that individual ---

13 A. Yes.

14 Q. --- as well? At some point, does your brother come
15 down?

16 A. Yes, he does.

17 Q. And attempt to assist you?

18 A. Uh-huh.

19 Q. And at this point, are you all trying to protect
20 yourself in some way?

21 A. Yes.

22 Q. What exactly are you trying to do at this point?

23 A. Well, we was basically, we was basically fighting them
24 off. See, after I got -- after I came -- with the struggle
25 with him, I got up and I fought the guy that had the gun.

1 Q. And were you eventually able to, after seeing them
2 clearly, able to push them outside or kind of force them
3 out of the door?

4 A. As in forcing them out of the shop door?

5 Q. Yes.

6 A. Yes.

7 Q. And in that process, did something happen?

8 A. Yes. Actually, actually, he tried to proceed more
9 into the house, and so, so I caught ahold of him. I
10 slammed him to the ground, and so I picked him up into a
11 Full Nelson so just in case, you know, Demetrice did shoot,
12 he was going to hit him.

13 Q. And you're actually trained, too, in fighting and
14 things of that nature, correct?

15 A. Yes, ma'am.

16 Q. A black belt in Karate?

17 A. You are correct.

18 Q. And you were shown a number -- you actually talked to
19 police several times throughout this case, correct?

20 A. Yes, ma'am, I did.

21 Q. And throughout this case, they showed you a number of
22 different lineups, correct?

23 A. Yes. Yes, ma'am.

24 Q. And in those lineups, and I'm going to show you what's
25 been marked as State's Exhibit 13. Do you recognize this?

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

115

1 A. Yes, ma'am. Yes, ma'am.

2 Q. And when they showed you the lineup, who did you
3 identify this person as being in State's Exhibit 13?

4 A. Maurice Roberts.

5 Q. Okay, and when they showed you the lineup, did the
6 investigator tell you you had to pick someone?

7 A. No, ma'am.

8 Q. Did he tell you who to pick?

9 A. No.

10 Q. How certain were you of your pick?

11 A. I was one hundred percent sure.

12 Q. And who, who do you know Maurice Roberts to be? What
13 was his role that night with respect to you, how you were
14 able to recognize him?

15 A. I just -- I never, I never seen him before a day in my
16 life.

17 Q. But you knew if you saw him again ---

18 A. Yeah, I knew when I saw him. He hit me.

19 MS. SIMPSON: Your Honor, at this time the state would
20 offer for ID purposes the State's Exhibit 13 into evidence.

21 THE COURT: Yes, ma'am.

22 BY MS. SIMPSON:

23 Q. And the person you identified as Maurice Roberts in
24 State's 13, that's one of the gentleman came in with the
25 gun?

1 A. Yes. He's the first one that came in.

2 Q. He's the first one that came in with the gun and hit
3 you up side the head?

4 A. Yes, ma'am.

5 Q. And do you see that person here in the courtroom
6 today?

7 A. I beg your pardon?

8 Q. Do you see that person that you identified in the
9 courtroom here today?

10 A. Yes, ma'am.

11 Q. And can you point him out for the judge? What is he
12 wearing?

13 A. You said what? What is he wearing?

14 Q. What is he wearing?

15 A. Well, he got on a striped shirt.

16 MS. SIMPSON: Your Honor, let the record reflect he's
17 identified the defendant.

18 (A PAUSE.)

19 THE COURT: Yes, sir.

20 MR. SUTHERLAND: May it please the court?

21 CROSS-EXAMINATION BY MR. SUTHERLAND:

22 Q. Mr. Scott?

23 A. Yes, sir.

24 Q. Is it Trent?

25 A. Yes, sir.

1 Q. Or Trey?

2 A. Trent.

3 Q. Okay, Trent, Trent. Just going to ask you a couple of
4 questions about your prior testimony and show you just a
5 couple of lineups. It shouldn't take too long.

6 You've given a description, and you said that the
7 person had a dark blue jacket, a dark hat, and black boots?

8 A. Yes, sir.

9 Q. When they came. What kind of hat was it?

10 A. It was more so with -- you know, one of those beanies
11 with the little -- what do they call it? A little brim on
12 it.

13 Q. So, something with a brim?

14 A. Yeah. At least that's what I seen.

15 Q. Brim, and your testimony was that that person came in
16 with the firearm?

17 A. Yes.

18 Q. Struck you with the firearm?

19 A. Yes.

20 Q. And that that happened pretty quick or ---

21 A. Yes, sir.

22 Q. You came, you came down with an arm full of stuff?

23 A. Right.

24 Q. And then this person comes in, and is the person just
25 on you and striking you with the firearm?

1 A. Yes. He, he struck me one time.

2 Q. Okay, one time, and a second person entered the room?

3 A. Yes.

4 Q. You had identified that second person as Demetrice?

5 A. Yes, sir.

6 Q. Do you know, do you know Demetrice?

7 A. No, I don't, but I've seen him around twice before.

8 Q. Okay, just, just around the area or something?

9 A. Yes.

10 Q. So, somebody that you didn't know but that you had
11 seen before?

12 A. Yes, sir.

13 Q. Okay. I'd like to ask you about -- you said you
14 stopped on the way home and you got a beer, or did you get
15 beers? There was nothing -- you know, what -- did you pick
16 up something or just a beer on the way home?

17 A. No, I didn't say I picked up a beer. I said Brandon
18 picked up a beer.

19 Q. Brandon picked up a beer?

20 A. Yes, sir.

21 Q. So, just one?

22 A. Yeah, just one.

23 Q. Okay. I got to ask.

24 Okay, were you in the room when the firearm was
25 discharged?

TRENTON SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

119

1 A. Yes.

2 Q. Okay, and at that time, the second person had the
3 firearm?

4 A. Yes.

5 Q. Okay, and if you are able, I know this was a while ago
6 but, you know, it certainly makes -- would make an
7 impression on somebody. When you say the person was on you
8 that quick, how, how fast did this go by? Do -- would you
9 be able to estimate in terms of seconds or not really?

10 A. Well, it all happened in three minutes.

11 Q. Okay. So, it's three minutes from you with the
12 hangers to everything being done?

13 A. Yes, sir.

14 Q. Okay. I want to ask you about the other lineups.

15 MR. SUTHERLAND: May I approach the witness, Your
16 Honor, and these are just the other lineups that were
17 presented to him.

18 BY MR. SUTHERLAND:

19 Q. Okay, and I'm just going by date.

20 A. Okay.

21 Q. And the state has these, and so this is the January
22 26th lineup, which was the first one, and this one was
23 presented to you and...

24 A. Yes, sir.

25 Q. And so you picked picture number 6 there?

1 A. Yes, sir.

2 Q. Okay, and that's actually a guy that you had known ---

3 A. Yeah.

4 Q. --- pretty well?

5 A. Yes.

6 Q. He had stayed at your house?

7 A. Yes. Yes.

8 Q. Okay.

9 THE COURT: Who is number 6 in that?

10 MR. SUTHERLAND: Number 6 is Vincent Nelson, sir.

11 THE COURT: Thank you.

12 MR. SUTHERLAND: Yes, sir.

13 BY MR. SUTHERLAND:

14 Q. Now on the 29th, they came back ---

15 THE COURT: 29th of what?

16 MR. SUTHERLAND: 29th of January, yes, sir.

17 THE COURT: Two thousand?

18 MR. SUTHERLAND: 13.

19 THE COURT: Thank you.

20 BY MR. SUTHERLAND:

21 Q. So, on three day -- three days later, they came ---

22 A. Uh-huh.

23 Q. --- back with a lineup, and they showed you this
24 lineup here. Is that, is that, is that your signature
25 there?

TRENTON SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

121

1 A. Yes, sir.

2 Q. And that was picture number 6?

3 A. Yes, sir.

4 Q. And this is who you referred to earlier as Demetrice?

5 A. Yes.

6 Q. Okay, and let me ask you. Did -- were you shown a
7 lineup with a Leonard Gaston in it? Do you know that
8 person or...

9 A. No.

10 Q. Okay, and then on February 1st of 2013, they come back
11 to you with this lineup?

12 A. Yes, sir.

13 Q. And you chose picture number 6?

14 A. Yes, sir.

15 Q. Okay.

16 THE COURT: And who was number 6?

17 MR. SUTHERLAND: Picture number 6, sorry, Maurice
18 Roberts, sir.

19 THE COURT: Thank you.

20 MR. SUTHERLAND: No further questions of this witness
21 at this time, Your Honor.

22 THE COURT: Anything on redirect?

23 MS. SIMPSON: Briefly, Your Honor, since he did refer
24 to -- I know we're trying to streamline -- several items.
25 And I'll show you what's been marked as State's Exhibit

1 Number 11 where the victim, Trenton Scott, identifies
2 Vincent Nelson. If I could just pass that up to Your
3 Honor, as well as State's Exhibit 12, where the victim
4 identifies, positively identifies Demetrice James. And
5 then also State's Exhibit 10 containing, I believe, where
6 there was no identification that defense counsel referred
7 to as Leonard Gaston.

8 THE COURT: That's just the three that he talked about
9 on cross-examination. We're putting it in the record. Is
10 that correct?

11 MR. SUTHERLAND: Yes, sir.

12 THE COURT: Very well.

13 MS. SIMPSON: And these, Your Honor.

14 THE COURT: Anything else?

15 MS. SIMPSON: Nothing further from the state, Your
16 Honor.

17 THE COURT: All right, you may step down.

18 (THE WITNESS EXITS THE STAND.)

19 THE COURT: Any additional witnesses?

20 MS. CAMPBELL: The next witness, state calls Troy
21 Scott.

22 TROY SCOTT, BEING DULY SWORN,
23 TESTIFIES AS FOLLOWS:

24 THE COURT: Have a seat in the witness stand. Give us
25 your full name, spelling your last.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

123

1 WITNESS: Troy Jonathan Scott.

2 DIRECT EXAMINATION BY MS. CAMPBELL:

3 Q. Mr. Scott, how old are you?

4 A. Twenty-five.

5 Q. And do you live here in Columbia?

6 A. Yes, ma'am.

7 Q. And who do you live with?

8 A. My mother, my father, and my little brother.

9 Q. And what's your little brother's name?

10 A. Trenton Scott.

11 Q. I want to turn your attention back to January of last
12 year, specifically January the 25th. That evening, what
13 were y'all doing?

14 A. We were getting up like any other weekend. Just
15 hanging out, playing music.

16 Q. And at some point, did you come into contact with
17 someone you know as J School?

18 A. Yes, ma'am.

19 Q. How did that happen?

20 A. I haven't seen him in maybe, like, two months. He'd
21 just come, like, every now and then, and my stepdad let him
22 through the front door. We all, you know, greeted him. We
23 didn't see him in a minute, and he was, of course, being,
24 like, you know, kind of antsy, impatient, and we could tell
25 he just was a little on edge. Then he was basically just

1 getting Brandon outside.

2 Q. Okay. Where were y'all in the house when this was
3 taking place?

4 A. At the time, I was in my room with my girlfriend at
5 the time.

6 Q. Okay.

7 A. And I just heard a bang go off in the sports room. It
8 was glass being broken.

9 Q. What part of the house is your room in? Is it
10 upstairs, downstairs or how ---

11 A. Downstairs in the basement.

12 Q. And in the basement area, is there also an area y'all
13 use as kind of a studio?

14 A. Yes, ma'am.

15 Q. And is that bedroom adjacent to that area?

16 A. Yes. Like, right next door.

17 Q. And is there another area next to that, too? I
18 believe it's a shop your mother uses for something?

19 A. Yes, ma'am.

20 Q. You said that you were in your room with Cari, your
21 girlfriend?

22 A. Yes.

23 Q. And you heard what?

24 A. I just heard, like, breaking in this sports room, and
25 people know not to fight in my mom's house. So, my first

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

125

1 instinct was to get up and find out what the issue was.

2 Q. What did you see when you got in that area?

3 A. It was Trenton and Maurice. They was ---

4 Q. Did you know Maurice at the time?

5 A. No.

6 Q. And how did you come to learn his name?

7 A. I mean, over time in lineups.

8 Q. After this happened?

9 A. Yes.

10 Q. At the time, it was Trenton fighting with someone you
11 didn't know?

12 A. Yes.

13 Q. Okay, and what was happening?

14 A. I was basically just trying to identify, like, who was
15 actually on the ground at the time. Then I found out it
16 was Trent and Maurice, and then the other guy came in.

17 Q. Another guy came in as well?

18 A. Yeah.

19 Q. And when you saw him on the ground, did you get a good
20 look at his face?

21 A. Yes, ma'am.

22 Q. What was the lighting like down there that night?
23 Were the lights on or off or what?

24 A. They were on.

25 Q. How far away from you was he when you first saw him?

1 A. Which? Who?

2 Q. The one you've identified as Maurice.

3 A. They were on the ground. We was, like, right next to
4 each other.

5 Q. Right next to you within feet?

6 A. Yes, ma'am.

7 Q. And you were able to see his face?

8 A. Yes, ma'am.

9 Q. And were you paying attention to what he looked like?

10 A. Yes, ma'am.

11 Q. Were you trying to figure out who it was?

12 A. Yeah.

13 Q. You said the second individual came in as well. Did
14 you get a look at him as well?

15 A. Yes, ma'am.

16 Q. What happened -- when was the next time you had an
17 opportunity -- they're down on the ground. What happens
18 next?

19 A. As Demetrice comes running in, me and him, we started
20 brawling, whatever. And, like, we was on the ground
21 tussling and I hit him, and he gets up and he points the
22 gun, like, at me. And by this time, we're in my mom's
23 shop, and my little brother was on the ground. So, he gets
24 up. So, we were basically, like, in the shop holding them
25 from getting in the house.

1 Q. From getting into the house?

2 A. Yes, closer into the shop and further in the basement.

3 Q. Okay. So, you're still getting a good look at both of
4 them?

5 A. Yes, ma'am.

6 Q. And this is going on for a little while?

7 A. Yeah. Like, it happened kind of, like, a four-minute
8 span.

9 Q. It was pretty short?

10 A. Yes, ma'am.

11 Q. But you were paying attention to what both of them
12 looked like?

13 A. Yes, ma'am.

14 Q. And when you saw the gun, what was going through your
15 head?

16 A. Well, at the time my adrenaline was so high, I mean, I
17 didn't think of it. We just knew that my mother's
18 upstairs, my father's upstairs. I'm not trying to bring no
19 drama into that situation. So, it was just really go time.
20 It was really just to get, get them out the house or die
21 trying.

22 Q. Were y'all able to get them out of the house?

23 A. Yes.

24 Q. And at some point, did you or your brother actually
25 get injured?

1 A. Well, as soon as we get them to the, the back door on
2 the outside, I was letting them know don't do this, bro.
3 Don't to this, and then he let off a shot and hit my
4 brother in the arm. I closed and locked the door because
5 at the time while this was going down, you know, where's
6 Josh and Brandon at, you know, because I didn't know where
7 they were. And so I locked the door and soon as I was
8 halfway through the sports shop, I just heard five, six
9 shots go off.

10 Q. During the time they were in there, did you get a good
11 look at both of them?

12 A. Yes, ma'am.

13 Q. And were you able to give a description to the police?

14 A. Yes, ma'am.

15 Q. And do you remember what description you gave of the
16 guy that was fighting with your brother on the ground?

17 A. I think he had a, like, you know, a jacket on. I was
18 really -- I really caught, like, you know, a good glimpse
19 of what Demetrice was wearing, so...

20 Q. Okay, but as far as build and stuff, were you able to
21 give a general description?

22 A. Ma'am?

23 Q. As far as his build?

24 A. Yeah. Yes, ma'am.

25 Q. And you gave that information to the police?

1 A. Yes, ma'am.

2 Q. Later that day, did they show you some photographs
3 from -- and this was right after it happened, I believe,
4 around 1:21 AM. I show you State's Exhibits 3, 4, and 5.
5 Do you recognize those?

6 A. Yeah.

7 Q. And when they showed you those photographs, you didn't
8 recognize anyone as being in there?

9 A. No, ma'am.

10 Q. And you told them that?

11 A. Yeah, I told them.

12 Q. The next day, did a friend of yours come forward
13 with information about somebody he knew that would hang
14 with J School?

15 A. Yes, ma'am.

16 Q. And did he relay that information to you?

17 A. Yeah. He stays, like, right around the corner from
18 Hammond Village. So, he knew faces, more like people that
19 School hung with because he didn't hang with too many
20 people.

21 Q. Okay.

22 A. So...

23 Q. And then on the 26th, did they come back and show you
24 some more photo lineups?

25 A. Yes, ma'am.

1 Q. And I'm going to show you what's been marked as
2 State's Exhibit Number 7. Did you recognize anyone in that
3 photo lineup?

4 A. Yes, ma'am.

5 Q. And who did you recognize in State's Exhibit Number 7?

6 A. J School.

7 Q. And when they showed you this lineup, as they did --
8 I'm going to ask you the same questions. Did they tell you
9 who to pick or anything?

10 A. No.

11 Q. Did they tell you you had to pick anybody?

12 A. No, ma'am.

13 Q. And did they do that when they showed you those first
14 three lineups as well? They didn't tell you who to pick,
15 did they?

16 A. No, ma'am.

17 Q. And in this one, you recognized J School?

18 A. Yes, ma'am.

19 Q. And what's his real name?

20 A. Vincent nelson.

21 Q. And you told them that?

22 A. Yes.

23 Q. And that same day, did they also show you State's
24 Exhibit Number 6? You recognize that?

25 A. Uh-huh.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

131

1 Q. You didn't sign this?

2 A. No, ma'am.

3 Q. Because you didn't ---

4 A. I don't know ---

5 Q. --- circle anyone on that one, but you did tell the
6 officers what? Do you remember?

7 A. In terms of what?

8 Q. In terms of anyone that looked like somebody.

9 A. Oh. No, ma'am.

10 Q. You don't remember what you said to them?

11 A. No.

12 Q. Okay, and at some point, did you actually tell
13 officers that you thought another guy, a Leonard Gaston,
14 was involved?

15 A. Yes.

16 Q. And why? Why was that, sir?

17 A. It was -- it wasn't necessarily -- I didn't know -- I
18 don't know Leonard. It was just a name that I got from a
19 friend of mine; he was just trying to help.

20 Q. And who is that guy?

21 A. That -- William Liberty.

22 Q. William Liberty?

23 A. Yeah.

24 Q. And you actually gave a statement saying you though it
25 was Leonard Gaston that you saw that day?

1 A. Yeah.

2 Q. But later on, did they also come back on the 29th and
3 show you State's Exhibit Number 8?

4 A. Yes, ma'am.

5 Q. And did you recognize that person?

6 A. Yes, ma'am.

7 Q. And was that one of the people that was in there that
8 day?

9 A. Yes, ma'am.

10 Q. And then on February the 1st, I show you State's
11 Exhibit Number 9. Do you recognize that one?

12 A. Yes, ma'am.

13 Q. And did you also pick someone out of that photo
14 lineup?

15 A. Yeah.

16 Q. And is that the actual defendant?

17 A. Yes, Maurice.

18 Q. And when they showed you these two lineups, State's
19 Exhibit 8 and State's Exhibit 9, did they tell you who to
20 pick?

21 A. No, ma'am.

22 Q. Did they influence you in any way?

23 A. No, ma'am.

24 Q. And did you pick this person -- these people out based
25 on what you saw that night when the shooting occurred?

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

133

1 A. Based on what I saw.

2 Q. They also showed you an additional lineup, and you
3 didn't pick anybody?

4 A. No.

5 MS. CAMPBELL: Your Honor, at this time I'd like to
6 hand up these that we've referred to.

7 THE COURT: Thank you.

8 BY MS. CAMPBELL:

9 Q. That last lineup I showed you, the person that you
10 identified, what was his role in that -- that night before
11 that shot went off? Where did you first see him?

12 A. I just seen him out and about.

13 Q. That night?

14 A. You talking about...

15 Q. When you were there that night, the person that you
16 picked out of that last lineup, where did you first see him
17 when you came into that room and saw your brother on the
18 ground at the house?

19 A. Yeah, at the house. Talking about Demetrice or?

20 Q. The person that you referred to as Maurice Roberts.

21 A. Yeah.

22 Q. What was he doing when you first saw him that night?

23 A. Oh, they was on the ground.

24 Q. Okay, and that person, do you see him here in the
25 courtroom?

1 A. Yes, ma'am.

2 Q. Can you point him out for the judge? What's he
3 wearing, just for the record?

4 A. Striped shirt.

5 Q. Next to his lawyer?

6 A. Yes.

7 Q. Thank you.

8 MS. CAMPBELL: I don't have anything further, Your
9 Honor.

10 MR. SUTHERLAND: Please the court, sir?

11 (A PAUSE.)

12 CROSS-EXAMINATION BY MR. SUTHERLAND:

13 Q. Troy?

14 A. Yes, sir.

15 Q. How are you?

16 A. I'm pretty good.

17 Q. Okay. Good. Good to hear. I'm going to ask you some
18 questions about your direct testimony, and it's going to be
19 like it was with your brother and just show you some
20 pictures. It shouldn't take too long here.

21 One thing that was interesting to me about the direct
22 testimony was that -- and I know that, you know, you spoke
23 to law enforcement throughout the process and been doing
24 IDs -- is that you referred to him as Maurice and to
25 Demetrice. At that time you were referring to Demetrice as

TROY SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

135

1 Demetrice. And let's see here, and you had explained that
2 you knew the name from looking at line -- from lineups and
3 so forth.

4 A. Yeah.

5 Q. Were, were the officers using names during, during the
6 lineups or...

7 A. No.

8 Q. Okay. Was that -- when you were saying lineups and so
9 forth, then, were you saying just all the police stuff,
10 talking to the police about it?

11 A. Yeah.

12 Q. Okay. Okay, and I think one thing that's, that's
13 pretty significant, you said that you came in. Your
14 brother was on the ground, and then you went after the
15 other fellow who came through the door?

16 A. Yes, sir.

17 Q. All right, and that the other fellow was the one who
18 discharged the firearm. Is that right?

19 A. Yes.

20 Q. So, Demetrice shot?

21 A. Yes.

22 Q. Okay. I want to take you -- and you had testified
23 four minutes. How long after you came in -- sort of the
24 same with your brother, were you engaged in this? In other
25 words, you see what's going on. Were you just in ---

1 A. Yeah, it was instant. It was instant.

2 Q. Instant, okay. You see him on the ground with
3 somebody; he's in trouble. There's another dude coming
4 through the door, and it's a stranger. Well, you get an
5 idea from what's going on on the ground ---

6 A. Yeah.

7 Q. --- that this is not good. Okay. So, instantaneously
8 that -- you leapt into action. Okay.

9 Now, let's see here. Okay, do you remember telling
10 investigators -- Investigator Faust that it was Leonard or
11 -- is it Leonard or Leonard?

12 A. It's Leonard.

13 Q. Okay. Do you remember telling Investigator Faust that
14 it was Leonard that was in the house that day?

15 A. Yes. I remember saying yes to the name.

16 Q. Okay, and you had said that because you, you had met
17 him once before or something?

18 A. No.

19 Q. Or ---

20 A. I was just going by...

21 Q. Okay, but when you looked, looked at the picture of
22 him, you didn't circle it, but you said that he had been
23 there that day?

24 A. No.

25 Q. Okay.

TROY SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

137

1 (A PAUSE.)

2 Q. Okay, so the first thing we got is from January the
3 26th. Now, this is the lineup where you did not make a
4 choice?

5 A. Uh-huh.

6 Q. Where the Leonard, the Leonard Gaston lineup -- this
7 is ---

8 THE COURT: What number? What exhibit, please?

9 MR. SUTHERLAND: Oh. Yes, sir. State's Number 6.

10 BY MR. SUTHERLAND:

11 Q. And now State's Number 7 was on the 26th of January,
12 and that is J School?

13 A. Yes.

14 Q. And you've known him for a year or two?

15 A. Yes, sir.

16 Q. And he just disappeared for a couple of months and
17 then -- but showed back up?

18 A. Yes.

19 Q. Okay, and he's picture number 6. Then on the 29th,
20 State's Number 8 on the 29th of January 2013, State's
21 Number 8, you were shown this lineup of Demetrice James,
22 and you picked, picked picture number 6. Is that correct?

23 A. Yes, sir.

24 Q. And then State's Number 9 on February the 1st 2013,
25 you picked Maurice Roberts?

1 A. Yes, sir.

2 Q. And that's picture number 6 also?

3 A. Yes, sir.

4 Q. Just about done.

5 (A PAUSE.)

6 MR. SUTHERLAND: And I have no further questions of
7 this witness at this time, Your Honor.

8 THE COURT: Redirect?

9 MS. CAMPBELL: No, sir.

10 THE COURT: You may step down.

11 (THE WITNESS EXITS THE STAND.)

12 THE COURT: Any witness, additional witnesses?

13 MS. CAMPBELL: Your Honor, the only other witnesses we
14 would have would be the investigators if you want to go
15 into those. I don't know. It's not really in dispute.

16 (COUNSELORS CONFER.)

17 THE COURT: Surely it won't take long. He's just
18 going to ask him how he got, how he got the photographs,
19 how he did it. Isn't that right?

20 MS. CAMPBELL: Yes, or what they said when they showed
21 him the lineup.

22 THE COURT: Call them. Let's get it out.

23 MS. CAMPBELL: Scott Faust.

24 STEPHEN SCOTT FAUST, BEING DULY
25 SWORN, TESTIFIES AS FOLLOWS:

S. FAUST - DIRECT EXAMINATION BY MS. CAMPBELL

139

1 WITNESS: Stephen Faust.

2 THE COURT: All right, please behave in the audience.
3 If you can't, need to leave. Ladies, thank you.

4 DIRECT EXAMINATION BY MS. CAMPBELL:

5 Q. Investigator Faust, back on January the 25th into the
6 morning hours of January 26th, did you become involved in
7 the investigation of this case?

8 A. I did.

9 Q. And specifically, there at the scene or near the scene
10 that night, were certain individuals stopped near the scene
11 that you thought could be possible suspects?

12 A. We were told by officers that were at the scene that
13 heard some of the gunshots and saw a car speeding away.
14 They stopped it to try to identify them, find out why that
15 car was speeding away.

16 Q. And ultimately did you develop two lineups, as well as
17 a single photograph, of a man named Jonathan that were in
18 those?

19 A. I did.

20 Q. And were those shown to any witnesses in this case by
21 you?

22 A. Yes.

23 Q. And who did you show them to?

24 A. I showed them Troy Scott.

25 Q. And when you showed him those three -- those two

1 lineups, as well as that single photograph from the jail,
2 was he able to identify anyone?

3 A. He stated that no one in those pictures were involved
4 in the incident that had just happened at his house.

5 Q. That same day or later that day, did a friend of the
6 victims come forward to say he had information about who
7 may have been involved?

8 A. That's correct. We had a call from our front desk
9 stating that a William Liberty wanted to talk to us. That
10 he may have some information.

11 Q. And as a result of information he provided you, did
12 you develop two other lineups?

13 A. I did.

14 Q. And who were those of?

15 A. Leonard Gaston, and I'm looking for this other one,
16 the guy known as J School, and his correct name is Vincent
17 Nelson.

18 Q. And that day, did you have occasion to show those to
19 Troy Scott as well?

20 A. I did.

21 Q. And when you showed the lineup of Vincent Nelson to
22 Troy Scott, what, if anything, did you say to him?

23 A. I -- it's a standard procedure. I state that he's not
24 under any pressure to pick anybody out of the lineup, but
25 if he does see anybody that was involved in this, that to

S. FAUST - DIRECT EXAMINATION BY MS. CAMPBELL

141

1 please let me know.

2 Q. And when he was shown the lineup of Vincent Nelson,
3 what did he indicate?

4 A. He picked out the person he knew as J School.

5 Q. And then did you have him memorialize that on the
6 actual lineup itself?

7 A. I did.

8 Q. Let me get that.

9 MS. CAMPBELL: Your Honor, may I show him the lineup?

10 Q. And just for clarification, let me back up. State's
11 Exhibit 3, 4, and 5, those are the first three people that
12 were stopped in that car that he did not identify?

13 A. That would have been my, my writing on it stating I
14 showed it to him. I wrote this information after I showed
15 it to them.

16 Q. Okay, and moving on to State's Exhibit Number 7, do
17 you recognize that?

18 A. I do. This is a photo lineup I did at 5:07 PM on the
19 26th.

20 Q. And what did he indicate when he saw that?

21 A. He indicated that this is Jonathan, J School, Calli G,
22 and June. Those were his words that he used to describe
23 that particular person that he knew as being the person
24 that came over using the phone.

25 Q. And ultimately was this one of the people involved in

1 this case?

2 A. That is correct.

3 Q. Did you also show in the second lineup Leonard Gaston
4 in it as well?

5 A. I did.

6 Q. State's Exhibit 6?

7 A. I did.

8 Q. And what did he indicate to you that you indicated --
9 that you wrote up on a corner?

10 A. When I showed this to him, it indicated:

11 Shown to Troy Scott. Notes, notes pointed --
12 notes pointed to number 6 and said it looked like
13 Leonard, but it was not anybody involved.

14 Q. And that's the information that he gave you?

15 A. That is correct.

16 Q. And that's what was memorialized on this lineup?

17 A. That's correct.

18 Q. I want to turn your attention to State's Exhibit
19 Number 8. On January the -- oops, this isn't yours, and I
20 believe that same day you also showed a lineup of Vincent
21 Nelson to a Josh Williams, Joshua Williams?

22 A. Who?

23 Q. You and Investigator Boland.

24 A. I would need, I would need to see it, but I believe
25 so.

S. FAUST - CROSS-EXAMINATION BY MR. SUTHERLAND

143

1 Q. Of Vincent Nelson?

2 A. Of Vincent Nelson, yes.

3 Q. Yes. Okay. At any point, did you ever tell him that
4 he had to pick anyone out?

5 A. No, and that's -- we would never use anybody's name.

6 Q. Thank you.

7 MS. CAMPBELL: I don't have anything further.

8 THE COURT: Cross?

9 MR. SUTHERLAND: Please the court, Your Honor?

10 CROSS-EXAMINATION BY MR. SUTHERLAND:

11 Q. Just briefly, Investigator Faust. Are these still up
12 here?

13 A. I believe so.

14 Q. Let's see.

15 A. Those are the traffic stop.

16 Q. There's, let's see, 6. We've got ---

17 A. It's hard to find.

18 Q. I thought I saw him in number 6 and ---

19 A. That's Leonard.

20 Q. Okay. So, with respect to the Leonard Gaston, pointed
21 to it and said the guy looks like Leonard, but this guy
22 wasn't here?

23 A. He stated that looked like Leonard, but that was not a
24 guy that was involved in the actual incident at his
25 dwelling earlier that morning.

S. FAUST - CROSS-EXAMINATION BY MR. SUTHERLAND

144

1 Q. And that was picture number 6 that, that he was
2 pointing to?

3 A. I would have -- let me -- what's my notes say? That's
4 correct.

5 Q. Okay, and then the lineup of J School, that is a pick,
6 and J School is picture number 6?

7 A. That would be correct. That would be -- well, it's
8 actually -- the number is whatever the number that is right
9 there.

10 Q. In position 6?

11 A. I guess, yeah, 1, 2, 3. It depends on how you count
12 them up, but yes.

13 Q. All right, same one as the other one?

14 A. That, that, that same position.

15 Q. Yeah, bottom right.

16 A. Yes.

17 Q. Okay.

18 MR. SUTHERLAND: I have no further questions of this
19 witness.

20 THE COURT: Redirect?

21 MS. CAMPBELL: None.

22 THE COURT: Thank you. You may step down.

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Any additional witnesses?

25 MS. CAMPBELL: Just quickly, Your Honor, Investigator

F.L. TANNER - DIRECT EXAMINATION BY MS. CAMPBELL

145

1 Tanner.

2 THE COURT: Come around, please.

3 FLYNN TANNER, BEING DULY SWORN,

4 TESTIFIES AS FOLLOWS:

5 BAILIFF: State your name for the record.

6 WITNESS: Flynn Tanner.

7 DIRECT EXAMINATION BY MS. CAMPBELL:

8 Q. Investigator Tanner, did you become involved in the
9 investigation of the murder that occurred on Williamsburg
10 Drive on January 25th of last year?

11 A. Yes, ma'am, I did.

12 Q. And during the course of that, on an occasion on
13 February 1st of 2013, did you have an occasion to meet up
14 with Trenton Scott and show him a lineup?

15 A. Yes, ma'am, I did.

16 Q. Now I show you State's Exhibit Number 13. Do you
17 recognize that?

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

19 Q. And is that the lineup you actually showed Trenton
20 Scott on February the 1st?

21 A. Yes, ma'am, it is.

22 Q. And what, if anything, did you say to him when you
23 were showing him the lineup that day?

24 A. I told him I was going to show him a photo lineup. I
25 wanted to know that -- if you recognized anybody in this

1 photo lineup.

2 Q. Did you tell him who to pick?

3 A. No, ma'am. Of course not.

4 Q. Did you tell him he had to pick anyone?

5 A. No, ma'am.

6 Q. And when you showed him that lineup, tell the judge
7 what happened.

8 A. He picked out number 612408, said that -- pointed at
9 him and said that individual was in his house with a gun.

10 Q. And that's indicated on the front, the cover sheet?

11 A. Yes, ma'am.

12 Q. And that cover sheet would have been filled out after
13 he identified the person?

14 A. That is correct, yes, ma'am.

15 Q. And did you have him memorialize his identification in
16 any way on the actual lineup itself?

17 A. Yes, ma'am. I asked him to circle the picture that he
18 picked out and initial it.

19 Q. And while you were there, did anyone influence him or
20 tell him who to pick or anything like that?

21 A. No, ma'am, of course not. We don't do that.

22 MS. CAMPBELL: Thank you, sir. I don't have anything
23 further.

24 THE COURT: Cross then?

25 MR. SUTHERLAND: Please the court, sir?

F.L. TANNER - CROSS-EXAMINATION BY MR. SUTHERLAND

147

1 CROSS-EXAMINATION BY MR. SUTHERLAND:

2 Q. Investigator Tanner?

3 A. Yes, sir.

4 Q. I'm Tivis. Good to meet you. I don't think we've met
5 before.

6 Okay, and she just showed you this, dated February
7 1st, '13, State's 13?

8 A. Let's see if that's it. That looks like it, yeah.

9 Q. All right, and just briefly let me ask you for a
10 second. When you put a photo lineup together, how do you
11 go about it? Do you go on the jail website and pull up
12 pictures down there and create a lineup that way?

13 A. Sometimes, but I didn't create that photo lineup.

14 Q. Okay, and that was created by somebody else?

15 A. Yes, sir.

16 Q. Okay, sure, and let me just ask you. The bottom right
17 position there, been calling it picture number 6, that's,
18 that's the one that was selected, correct?

19 A. Are you calling this picture number 6?

20 Q. Right. That's the one that ---

21 A. That's the one, yeah. See, he circled it and
22 initialed it right there when he picked that one out.

23 Q. Okay. Thank you.

24 MR. SUTHERLAND: No further questions of this witness,
25 Your Honor.

H. BOLAND - DIRECT EXAMINATION BY MS. CAMPBELL

148

1 THE COURT: Anything else?

2 MS. CAMPBELL: No, sir.

3 THE COURT: You can step down.

4 (THE WITNESS EXITS THE STAND.)

5 THE COURT: Next witness?

6 MS. CAMPBELL: Finally, Your Honor, Investigator
7 Boland.

8 HAL BOLAND, BEING DULY SWORN,
9 TESTIFIES AS FOLLOWS:

10 DIRECT EXAMINATION BY MS. CAMPBELL:

11 Q. Investigator Boland, I want to turn your attention to
12 February the 1st of 2013. Did you meet up with Troy Scott
13 that day?

14 A. Yes.

15 Q. And what was the purpose of meeting him that day?

16 A. Show him a photo lineup.

17 Q. I'm going to show you State's Exhibit Number 9. Do
18 you recognize that?

19 A. Yes.

20 Q. And is that, in fact, the lineup that you showed,
21 along with the sheet that's attached in the front that you
22 showed to him that day?

23 A. Yes.

24 THE COURT: Please have a seat. Thank you. Please
25 have a seat. Please have a seat. Thank you.

H. BOLAND - DIRECT EXAMINATION BY MS. CAMPBELL

149

1 BY MS. CAMPBELL:

2 Q. And the second page of State's Exhibit Number 9, is
3 that the lineup that was actually presented?

4 A. Yes.

5 Q. What, if anything, did you you say to Mr. Scott when
6 you presented him with this lineup?

7 A. Typically I say that I want to show you some pictures,
8 and in this lineup may or may not be a person that might be
9 a participant.

10 Q. A participant?

11 A. Right.

12 Q. In the actual events?

13 A. Right, connected to the incident.

14 Q. And when you showed him these six photos, what, if
15 anything, did he do?

16 A. He indicated the bottom right picture as somebody
17 involved. He circled it, dated it, and initialed it.

18 Q. And at that point, then, do you have him fill out this
19 front form as well?

20 A. Photo lineup affidavit, yes.

21 Q. And you actually put the picture identifying number on
22 the front?

23 A. That is correct.

24 Q. At any time when you were with him, did you tell him
25 who to pick?

1 A. No.

2 Q. Did you influence him in any way?

3 A. No.

4 Q. Did anyone else influence him while you were there as
5 far as who he recognized?

6 A. No.

7 Q. Thank you.

8 MS. CAMPBELL: Your Honor, I have nothing further.

9 MR. SUTHERLAND: Briefly, Your Honor.

10 CROSS-EXAMINATION BY MR. SUTHERLAND:

11 Q. Sir, we sort of met earlier. I'm Tivis. I'll ask you
12 the same question I asked Investigator Tanner about putting
13 the photo lineups together.

14 A. Correct.

15 Q. Just log onto the jail website and create a lineup on
16 a jail website?

17 A. If they're available, yes.

18 Q. If they're available. Otherwise, you go to DMV or, or
19 wherever the records might come from?

20 A. Right.

21 Q. Okay, and your testimony was that it was the bottom
22 right photo ---

23 A. Right.

24 Q. --- that was picked? Thank you, sir.

25 MR. SUTHERLAND: No further questions, Your Honor.

1 THE COURT: All right, you may step down.

2 (THE WITNESS EXITS THE STAND.)

3 THE COURT: Additional witnesses?

4 MS. CAMPBELL: No, sir.

5 THE COURT: All right, I think what we need to do now
6 is probably break for the evening. Let me see y'all in
7 chambers in the morning. I will receive any arguments and
8 rule on the lineups and the *Jackson vs. Denno*, and if you
9 need to make any argument, I'll take it. It'll be limited,
10 and then we'll draw the jury about 10:00 and move straight
11 into the trial of the case.

12 All right, we'll stand adjourned. Obviously he's in
13 custody.

14 (WHEREUPON, THE CASE IS AT EASE.)

15 TUESDAY, FEBRUARY 25, 2014

16 (COURT RESUMES AT 9:01 AM.)

17 THE COURT: All right, ladies and gentlemen, ready to
18 proceed? Ms. Campbell, you ready to proceed?

19 MS. CAMPBELL: Yes, sir.

20 MR. SUTHERLAND: Yes, sir.

21 THE COURT: All right, I have before me two matters
22 this morning: ruling on the photo IDs, IDs by potential
23 witnesses, as well as the *Jackson vs. Denno*.

24 Sir, anything you want to argue on either one of them,
25 Mr. Sutherland?

1 MR. SUTHERLAND: Briefly, sir. The, the memorandum
2 does cover the argument pretty specifically.

3 THE COURT: That's in the *Jackson vs. Denno*, correct?

4 MR. SUTHERLAND: Yes, sir, and I would point to, with
5 respect to whether or not he was in custody, Major Smith
6 has -- he's testified previously in trial. He's been doing
7 this since I was twelve years old. While his report
8 doesn't reflect an assumption, his testimony reflects that
9 he assumed that Maurice was in custody. I think any
10 reasonable person standard, if Major Smith, an experienced
11 law enforcement officer, assumes that Maurice is in
12 custody, then any reasonable person would assume that they
13 were in custody. The, the rest of the facts are spelled
14 out in there with respect to that.

15 With respect to Miranda, Maurice's testimony is clear:
16 that he was mirandized after the statement was taken and
17 prior to the statement being reread to him. I would also
18 argue that that would be either, depending on how Justice
19 Rehnquist or Suter pronounces it, *Missouri vs. Seder* or
20 *Missouri vs. Seder*, violation in that the question first
21 aspect of it is in the taking of the statement, and then
22 the rereading of the statement to him would be going over
23 the same facts which ultimately, Judge, I do believe
24 there's Miranda violation here, sir.

25 THE COURT: All right, sir, I would like you to make

1 your memorandum of law a part of the record because I have
2 read your memorandum fully.

3 MR. SUTHERLAND: Yes, sir.

4 THE COURT: As well as the cases that you have
5 attached to it. So, I want the record to reflect that I
6 have considered the entire memorandum that you've
7 presented, which was also incorporated into your argument
8 here today.

9 Ms. Campbell or whoever is going to argue on behalf of
10 the state on Miranda, i.e. *Jackson vs. Denno*, i.e.
11 voluntariness of the statement.

12 MS. CAMPBELL: Your Honor, if you take the credible
13 evidence that's before you today, the testimony of Captain
14 McDonald, it's clear that no rights were violated in any
15 way. Basically, there was no discussion of the case prior
16 to the defendant being mirandized. He was mirandized
17 first, as was reflected on the form. He then signed off on
18 that, according to the credible testimony before you. He
19 then voluntarily chose to talk to the officers. And even
20 the defendant in his own -- some of his testimony, at
21 least, admitted that those were his words and gave them
22 information, Your Honor.

23 Respectfully, Your Honor, we would just say any
24 incredible evidence in this case shows that the police did
25 their job and did it properly, and there are no violations

1 of anyone. There is no credible evidence that there was
2 any talked-to-first-advised-later tactics that were done in
3 this case, and everything was a pretty much by the book.

4 THE COURT: Thank you.

5 Anything in response?

6 MR. SUTHERLAND: No, sir.

7 THE COURT: Well, obviously my job is, in a *Jackson*
8 *vs. Denno* situation, is to act as a gatekeeper to allow or
9 not allow the alleged statement into the trial of a case.
10 And obviously I have to find by the preponderance or
11 greater weight of the evidence that his Miranda warnings
12 were given, and that the statement was voluntarily given.
13 If I make that finding, then obviously it can be admitted
14 into the trial case, and then the state has to prove beyond
15 a reasonable doubt that it was voluntary and Miranda was
16 given.

17 So, I find that, based on the preponderance of the
18 evidence at this stage of the game, that the state has
19 shown by the greater weight or preponderance of the
20 evidence that Miranda warnings were given and that the
21 statement was voluntary. I will allow it to be introduced
22 into the trial of the case for the jury to make the final
23 determination as to whether or not the state has proven
24 beyond a reasonable doubt that it is voluntary and that the
25 Miranda warnings were given.

1 All right, let's turn our attention to the photo IDs,
2 Mr. Sutherland, please.

3 MR. SUTHERLAND: Yes, sir. May it please the court?
4 With, with respect ---

5 THE COURT: Hold on just a second.

6 MR. SUTHERLAND: Yes, sir.

7 (A PAUSE.)

8 THE COURT: Thank you. I'm sorry. Go ahead. Trying
9 to do three things at once.

10 MR. SUTHERLAND: Yes, sir. I've got four kids, so
11 it's...

12 THE COURT: Then you do a lot more than three things
13 at once.

14 MR. SUTHERLAND: Yes, sir.

15 THE COURT: Go ahead.

16 MR. SUTHERLAND: With respect to the lineup being
17 suggestive, what I was attempting to show during the
18 hearing was that in every lineup ---

19 THE COURT: Number 6.

20 MR. SUTHERLAND: Number 6, yes, sir, and ---

21 THE COURT: Does that make it unnecessarily
22 suggestive?

23 MR. SUTHERLAND: Well, I think -- I would say
24 empirically that it, that it would, and here's my basis for
25 that.

1 There is a witness that they did not call, Your Honor,
2 that I expected to be called that ---

3 THE COURT: Well, you could have called him. You
4 could have called the witness, couldn't you?

5 MR. SUTHERLAND: Oh, yes, sir. That -- and just as an
6 officer of the court, as far as my reasoning in, in making
7 the argument, that -- actually did pick an innocent guy, a
8 guy who wasn't there, in the spot of picture number 6.

9 I think imperially where you, where you begin with
10 someone, for you to proceed with someone that they know for
11 a year or two, and then you proceed on to someone in the
12 case -- I believe it was Troy with respect to Leonard
13 Gaston. He said number 6 looks like Leonard. He went
14 right to number 6. That's what they were speaking about.
15 And you're moving along and you're showing them people that
16 they know relatively, and then they move on to people that
17 they don't know with respect to the defendants. On the
18 three days after the J School lineup that was the lineup
19 for Demetrice James, picture number 6, they picked him.
20 Two days later, there was a lineup with Maurice Roberts,
21 picture number 6, and they picked him. There that -- it's
22 just human, a matter of human psychology to -- every answer
23 is 6. It's going to be ---

24 THE COURT: Well, there's no evidence in the record
25 about human psychology.

1 MR. SUTHERLAND: But -- yes. Yes, sir. Yes, sir, and
2 so I would just -- I would propose to the court that
3 putting the picture of people that law enforcement wants to
4 be chosen or hopes to be chosen in a lineup in the same
5 position in every lineup is unduly suggestive.

6 I would say with respect to the opportunity to view,
7 there was testimony yesterday that was on both sides of the
8 issue. The -- both Troy and Trent testified that as soon
9 as they saw the person whom they engaged with, that they
10 engaged with him. That the fight, it was on was some of
11 the testimony as soon as they saw them. Ran right up and
12 hit me with the butt of the gun and then we began fighting.
13 So, I think we really, we're talking the space of a couple
14 of, a couple of seconds or more here.

15 THE COURT: Well, I think the testimony was three
16 minutes sort of from start to finish by one witness.

17 MR. SUTHERLAND: From, from the start of the event,
18 yes, sir. But in being physically engaged with someone,
19 you know, in a Full Nelson from behind, concentrating on
20 survival in a fight I believe was the testimony. I believe
21 it was Troy that said it was, you know, in a fight or die
22 or something to, to that effect. So, I would argue in that
23 respect there was no great opportunity to view. And
24 further that that might be borne out by some of the issues
25 with respect to Leonard Gaston being identified as the

1 second person that was there that ---

2 THE COURT: Well, obviously a strong argument could be
3 made just to the contrary. Rather that they were
4 face-to-face just like *Neil vs. Biggers* where the lady was
5 sexually assaulted, and there was -- more imminent contact
6 could be made than face-to-face combat or face-to-face fist
7 fighting or face-to-face warding off pistol whipping. So,
8 I mean, I'm pretty close to you face-to-face if you and I
9 are engaged in that. I see your point, but there's the
10 other side of the coin.

11 MR. SUTHERLAND: Yes, sir, and it sounds to me like
12 that -- you know, just from the way that Trent was
13 describing the engagement that he was -- I mean, I was a
14 wrestler before, and that he's had some wrestling
15 experience or grappling experience. But I, I will move on
16 from that, Your Honor.

17 THE COURT: No, sir, I'm not, I'm not...

18 MR. SUTHERLAND: Yes, sir.

19 THE COURT: I'm happy to have you argue fully whatever
20 you want to put on the record.

21 MR. SUTHERLAND: Yes, sir. With respect to the
22 certainty at the time of the lineup, again there was talk
23 of Leonard Gaston definitely being there, and then picture
24 number 6, Leonard Gaston. That looks like him as far as
25 the person that was being there, and when, in fact he

1 wasn't there. So, I would argue to the court that the
2 lineup was suggestive, and that under the identification
3 factors, that whatever -- the suggestive lineup has taint
4 -- would taint any in-court identification.

5 THE COURT: Well, are you're saying it's suggestive in
6 any other respect other than position number 6? Are you
7 saying that the defendant in this particular case looks
8 entirely different than everybody else, or is it just the
9 number 6 position that you're arguing?

10 MR. SUTHERLAND: The argument is, the argument is
11 specifically with respect to the number 6 identification,
12 but also that -- I mean, also he does look nothing like
13 Leonard Gaston. But, frankly, I believe they were talking
14 about Demetrice James when they were pointing him out. So,
15 it is, it is which respect to suggestibility of using the
16 same position for every, every lineup.

17 THE COURT: Thank you.

18 MR. SUTHERLAND: Yes, sir.

19 THE COURT: Ms. Campbell.

20 MS. CAMPBELL: May it please the court?

21 THE COURT: Ms. Campbell.

22 MS. CAMPBELL: Your Honor, when you look at the
23 lineups and with both of young men when they were shown the
24 lineups, it's not that they picked someone in every single
25 lineup.

1 Trenton Scott was shown two lineups on January the
2 26th. He identified Vincent Nelson; he did not identify
3 the lineup that included Mr. Gaston, Leonard, Leonard,
4 whatever his name is, Gaston. He was then shown lineups on
5 January 29th. He was able to identify Demetrice James. He
6 not able to identify Deshawn McClary. In addition to that,
7 then on February 1st he was shown the lineup of Maurice
8 Roberts, who he able to what identify. So ---

9 THE COURT: Well, what do you say about the fact that
10 notwithstanding they were all in the number 6 position or
11 number 6 place on the lineup?

12 MS. CAMPBELL: Then under his theory, they should pick
13 number 6 every time they're shown a lineup.

14 THE COURT: Absolutely.

15 MS. CAMPBELL: And they did not do that. There were
16 lineups where they did not identify anyone.

17 THE COURT: I'm going to come back to you, sir.

18 MS. CAMPBELL: Under his theory and, Your Honor, in
19 addition to that, the testimony from each of these young
20 men, I believe one of them was asked how sure are you,
21 based on what you saw that night, and he was a hundred
22 percent sure. And the other young man said in rather not
23 acceptable language that he identified the defendant, and
24 it was all based on what they saw that night.

25 You've already pointed out, Judge, they were paying

1 attention to what was going on. They were fighting for
2 their lives face-to-face, and both young men indicated how
3 close they got to them. What the lighting was like, all
4 the factors that were brought out as far as their ability
5 to do an identification.

6 And the testimony was as far as when he said that --
7 one of them said it looks like Leonard is mentioned on that
8 lineup. You remember from Sergeant Faust when he, when he
9 asked him is that one of the men that was there, he said
10 categorically no. That that looks like Leonard, but it's
11 not the person that was there. And then later he's able to
12 identify the defendant additionally, Your Honor. And all
13 the testimony from these young men is that they're basing
14 their identification on what they saw that night. And I
15 think taken as a whole, the identification is proper.

16 MR. SUTHERLAND: And just briefly, sir, with respect
17 to the Deshawn McClary lineup, there is no indication that
18 these two witness encountered Deshawn McClary, at least
19 according to the state's theory and according to the
20 evidence that I've been able to view. He was outside the
21 entire time, sir.

22 THE COURT: Well, the US Supreme Court decision *Neil*
23 *vs. Biggers*, *Biggers vs. Neil* requires that I make a
24 pretrial determination from the totality of the
25 circumstances that the ID, photo ID was reliable. And I

1 find from actual review of the photo lineups that they are
2 all physically compatible, comparable individuals on the
3 lineup. I found nothing to show that they were
4 unnecessarily suggestive. I find that both of the
5 witnesses who ID'd, ID'd the defendant had ample
6 opportunity for -- opportunity to view the defendant during
7 the time of the confrontation. Obviously, the defendant
8 had their attention; they were involved in a fight for
9 their life. Unfortunately, a young man lost that fight.
10 The length of the time between the actual confrontation at
11 the house and the ID was relatively short, not anywhere
12 near as long as the one in *Neil vs. Biggers*, which is six
13 or eight months.

14 So, I find from listening to the testimony, reviewing
15 the photo lineups, and from everything that I found, that
16 the ID was reliable. I find the fact that the number 6
17 position was identified on more than one occasion, there's
18 no evidence in the record to show that the actual
19 positioning of the ultimate person ID'd in any way caused
20 any suggestion to the person making the ID that that was
21 the person, in fact, to be identified. So, I will allow
22 the photo IDs.

23 All right, anything else for the pretrial before we --
24 I guess the jury is supposed to be here in the jury room,
25 in here about 10:00, I think, my understanding. Anything

1 by the state?

2 MS. CAMPBELL: No, sir.

3 THE COURT: All right, I've got the witness list,
4 ma'am. Any particular voir dire you wish to be asked?

5 MS. CAMPBELL: We do have it, Your Honor.

6 MS. SIMPSON: And I gave defense counsel copies of it.

7 THE COURT: All right. Thank you, Ms. Simpson.

8 MS. SIMPSON: You're welcome.

9 THE COURT: Mr. Sutherland, anything for the record
10 before we proceed?

11 MR. SUTHERLAND: Just briefly, Your Honor. I would
12 just ask that the numbers underneath the, the photo
13 pictures on the photo lineup just be redacted prior to
14 their introduction to the jury. And they give the
15 appearance that it's a mugshot to have, you know, number
16 0067, whatever numbers they have under there. If they
17 could just redact those underneath, I think that would cure
18 the potential ---

19 Are they already redacted? Is that what you're --
20 okay, just take the numbers out, out ---

21 THE COURT: Hold on. Address it to me.

22 MR. SUTHERLAND: Oh. Yes, sir. Yes, sir.

23 THE COURT: Show me. Hand me the photo lineup. Tell
24 me what you're talking about.

25 MR. SUTHERLAND: Yes, sir.

1 THE COURT: Please.

2 MR. SUTHERLAND: Okay, and, Your Honor this is a no
3 pick, but with respect to those numbers underneath, it's my
4 view that they give the appearance of a mugshot to the
5 lineup rather than just a photo, and I'd just ask for those
6 to be redacted prior to introduction.

7 THE COURT: Ms. Campbell.

8 MS. CAMPBELL: Your Honor, I think that can be cured
9 if we just have the officer testify that they assign random
10 numbers so that they can used be for identification
11 purposes.

12 THE COURT: That's not a mugshot. That's -- what is
13 it? What does the number represent? Random selection?

14 MR. SUTHERLAND: I think it's an inmate number.

15 THE COURT: Or is it an inmate number or what?

16 MR. SUTHERLAND: It's offender.

17 MS. CAMPBELL: It's an offender number in the data
18 base, but of course we wouldn't refer to that, but we could
19 just say random numbers are assigned.

20 MR. SUTHERLAND: But that's not true.

21 THE COURT: Well, wait a minute. I don't ---

22 MR. SUTHERLAND: Yes, sir. Yes, sir. Yes.

23 THE COURT: What do you mean it's not true?

24 MR. SUTHERLAND: Well, oh, random, as far as random --
25 these, I mean, those are offender IDs. They're inmate

1 numbers, the sort of things that are associated with people
2 being in jail from, you know, Bugs Bunny cartoons
3 throughout their -- throughout life. I mean, it's ordinary
4 for people to see numbers and to associate that with a
5 mugshot. I mean, that, that would be my view. It'd be
6 simple just to take some Wite-Out across and to -- and then
7 put it to the jury.

8 THE COURT: Ms. Campbell.

9 MS. CAMPBELL: Your Honor, I don't know what theory he
10 thinks numbers are associated with mugshots but, I mean ---

11 THE COURT: Well, I assume when you ask -- when you,
12 when you get to lay -- when you start to lay the foundation
13 for the ID, you will ask the officer how he compiled the
14 six names, six pictures on there. Do you? Don't you? Do
15 you?

16 MS. CAMPBELL: Usually I make sure they do not mention
17 that these are -- they do not use the word mugshot. They
18 not use they have any prior record, and they just say they
19 get them from a database generally to make sure that no
20 rights are infringed upon.

21 THE COURT: Well, how difficult would it be to simply
22 Wite-Out the numbers underneath each photo out of an
23 abundance of caution?

24 MS. CAMPBELL: The only problem is is that on many of
25 these sheets, they identify them with the number.

1 THE COURT: Okay, Mr. Sutherland, you have any case
2 law to support your theory?

3 MR. SUTHERLAND: I do believe -- I do have *State vs.*
4 *Traylor*.

5 THE COURT: Let me look at it.

6 MR. SUTHERLAND: Yes, sir. I was actually using it
7 for the ID factors, but I believe it does address that
8 issue, sir, as far as mugshots being introduced.

9 THE COURT: Well, these aren't mugshots, I don't
10 think.

11 MR. SUTHERLAND: The testimony, sir, was ---

12 THE COURT: Isn't a mugshot where you got the number
13 hanging around you neck? I mean, I hadn't practiced law in
14 ten years.

15 MR. SUTHERLAND: Well, the testimony was that --
16 because I asked Investigator Boland are you going to the
17 jail website and compile these lineups from the booking
18 photos of, of individuals. I don't, I don't -- I didn't
19 use the word booking photos, but just you go on the jail
20 website to put these together was the question, so...

21 THE COURT: All right, out of an abundance of caution,
22 I'm going to allow you to -- ask you to please, ma'am; I
23 don't think that's a real difficult task -- Wite-Out,
24 redact, scratch out, Magic Marker out, whatever.

25 MS. CAMPBELL: The numbers?

1 THE COURT: Yes, ma'am.

2 MS. CAMPBELL: As far as this, just white that out,
3 too? Because it refers to the numbers so that we're
4 specific about which one.

5 (A PAUSE.)

6 THE COURT: All right, I'm going to reverse my ruling.
7 How about that? I mean, the number is an integral part of
8 a photo lineup because it says I picked out number 603073.
9 You'll have an opportunity to cross-examine them as long as
10 you want to on what that number means, however you want to
11 argue it.

12 MR. SUTHERLAND: Yes, sir.

13 THE COURT: I find ---

14 MR. SUTHERLAND: Thank you.

15 THE COURT: --- it's not suggestive of anything other
16 than a means to ID, ID the photograph on the photo lineup,
17 lineup.

18 All right, anything else?

19 MR. SUTHERLAND: Just briefly, I'd just move to have
20 my client unshackled in front of the jury whenever the
21 jury's present, the leg shackles.

22 And also with respect to voir dire, just has any
23 member of the jury been a victim of violent crime or have
24 any family members been a victim of crime, which is
25 generally part, part of the general charge, but just to

1 specifically make sure that's in there.

2 THE COURT: Well, I don't charge when I voir dire. I
3 ask questions.

4 MR. SUTHERLAND: Oh, yes, sir. Yes, sir. Sorry.

5 THE COURT: Very well. Anything else?

6 MR. SUTHERLAND: No, sir.

7 THE COURT: All right, let me know as soon as -- as
8 soon as they assemble downstairs and are ready to come up
9 here, I'm ready to go.

10 Five and ten strikes. Is that correct?

11 MS. CAMPBELL: Yes, sir.

12 MR. SUTHERLAND: Yes, sir.

13 THE COURT: And what my plans are, so everyone knows,
14 we will draw the jury, start the trial immediately
15 thereafter. We'll go to 12:30 today. I have a very
16 interesting ---

17 (A PAUSE.)

18 THE COURT: 12:45, and then we will start back around
19 2 or 2:15 and go at least until 5. Then we'll see how the
20 jury is doing and everybody is happy.

21 All right, we'll stand at ease until the jury -- and
22 don't delay, tarry with that jury. Get them up here ASAP.

23 (OFF THE RECORD.)

24 (SWABS MARKED AS STATE'S EXHIBIT NUMBER 14 FOR
25 IDENTIFICATION.)

1 (PROJECTILES MARKED AS STATE'S EXHIBIT NUMBER 15 FOR
2 IDENTIFICATION.)

3 (LATENT CARDS MARKED AS STATE'S EXHIBIT NUMBER 16 FOR
4 IDENTIFICATION.)

5 (CIGARETTE BUTTS MARKED AS STATE'S EXHIBIT NUMBER 17
6 FOR IDENTIFICATION.)

7 (FRAGMENT MARKED AS STATE'S EXHIBIT NUMBER 18 FOR
8 IDENTIFICATION.)

9 (.45 CALIBER CASING MARKED AS STATE'S EXHIBIT NUMBER
10 19 FOR IDENTIFICATION.)

11 (SWABS MARKED AS STATE'S EXHIBIT NUMBER 20 FOR
12 IDENTIFICATION.)

13 (BEER CAN MARKED AS STATE'S EXHIBIT NUMBER 21 FOR
14 IDENTIFICATION.)

15 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 22 FOR
16 IDENTIFICATION.)

17 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 23 FOR
18 IDENTIFICATION.)

19 (SWAB MARKED AS STATE'S EXHIBIT NUMBER 24 FOR
20 IDENTIFICATION.)

21 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 25 FOR
22 IDENTIFICATION.)

23 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 26 FOR
24 IDENTIFICATION.)

25 (\$0.63 MARKED AS STATE'S EXHIBIT NUMBER 27 FOR

1 IDENTIFICATION.)

2 (HAIR MARKED AS STATE'S EXHIBIT NUMBER 28 FOR
3 IDENTIFICATION.)

4 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 29 FOR
5 IDENTIFICATION.)

6 (HAIR MARKED AS STATE'S EXHIBIT NUMBER 30 FOR
7 IDENTIFICATION.)

8 (GSR KIT OF VICTIM MARKED AS STATE'S EXHIBIT NUMBER 31
9 FOR IDENTIFICATION.)

10 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 32 FOR
11 IDENTIFICATION.)

12 (POST-MORTEM PRINT MARKED AS STATE'S EXHIBIT NUMBER 33
13 FOR IDENTIFICATION.)

14 (GSR KIT MARKED AS STATE'S EXHIBIT NUMBER 34 FOR
15 IDENTIFICATION.)

16 (BUCCAL SWAB MARKED AS STATE'S EXHIBIT NUMBER 35 FOR
17 IDENTIFICATION.)

18 (CLOTHES MARKED AS STATE'S EXHIBIT NUMBER 36 FOR
19 IDENTIFICATION.)

20 (CLOTHES MARKED AS STATE'S EXHIBIT NUMBER 37 FOR
21 IDENTIFICATION.)

22 (CELL PHONE MARKED AS STATE'S EXHIBIT NUMBER 38 FOR
23 IDENTIFICATION.)

24 (GLOVES MARKED AS STATE'S EXHIBIT NUMBER 39 FOR
25 IDENTIFICATION.)

1 (GLOVE MARKED AS STATE'S EXHIBIT NUMBER 40 FOR
2 IDENTIFICATION.)

3 (GLOVE MARKED AS STATE'S EXHIBIT NUMBER 41 FOR
4 IDENTIFICATION.)

5 (GLOVE MARKED AS STATE'S EXHIBIT NUMBER 42 FOR
6 IDENTIFICATION.)

7 (PHOTO LINEUP MARKED AS STATE'S EXHIBIT NUMBER 43 FOR
8 IDENTIFICATION.)

9 (BLOW UP OF ARIEL MAP MARKED AS STATE'S EXHIBIT NUMBER
10 44 FOR IDENTIFICATION.)

11 (BLOW UP OF ARIEL MAP MARKED AS STATE'S EXHIBIT NUMBER
12 45 FOR IDENTIFICATION.)

13 (THE JURY PANEL ENTERS.)

14 *JURY VOIR DIRE*

15 THE COURT: Good morning, ladies and gentlemen.
16 Welcome to this week's term of general sessions or criminal
17 court here in Richland County. My name is Jack Early. I
18 am the resident judge of the second circuit, which is
19 Bamberg, Barnwell, and Aiken counties. Chief Justice Toal
20 has assigned me to hold court here in Richland this week
21 for a general sessions or a criminal term of court. We
22 worked all day yesterday getting ready for today. In fact,
23 worked till about 6:00 last night doing all the pretrial
24 motions so that we would not make you sit and wait today.

25 So, here's where we are. In just a few minutes, we

1 will select a jury in the first case. The solicitor will
2 call the case here in just a second. I will need twelve
3 jurors and two alternates. Those of you who are not drawn
4 will be -- those of you who are not selected will go back
5 downstairs to the jury assembly room where you will receive
6 instructions. I suspect that instruction will be to return
7 home, business, wherever you want to go, and call back
8 after 6. I'm not certain of that, but I know we do not
9 have another case scheduled until the conclusion of this
10 trial.

11 I anticipate taking today, tomorrow, and perhaps into
12 Thursday. I do not anticipate it lasting into next week,
13 so we will certainly finish it this week.

14 Now I'm going to let the solicitor call the case.
15 Once they call the case, then I will have to ask you
16 certain questions dealing with this specific case, and then
17 once that is done, we will be in a position to select a
18 jury. So, please, we'll now let the solicitor call the
19 case, and then I'll ask you some questions about this
20 particular case.

21 Madame Solicitor.

22 MS. CAMPBELL: May it please the court?

23 THE COURT: Yes, ma'am.

24 MS. CAMPBELL: The state calls the *State vs. Maurice*
25 *Roberts*, indictment numbers 2013-GS-40-1449, 1458, 1460,

1 1452, and 1481. Your Honor, he is charged with murder,
2 burglary in the first degree, attempted murder two counts,
3 and attempted armed robbery.

4 THE COURT: Thank you.

5 Mr. Sutherland, are y'all ready to proceed?

6 MR. SUTHERLAND: Yes, sir. We're ready to proceed.

7 THE COURT: All right, ladies and gentlemen, let me
8 remind you of the fact that Mr. Roberts's case has been
9 called. He has been indicted, as a solicitor said, on five
10 indictments: one indictment for murder, two indictments for
11 attempted murder, an indictment for attempted armed
12 robbery, and an indictment for burglary in the first
13 degree.

14 Please bear in mind the fact that the defendant has
15 been indicted, that is not evidence in the case. That is
16 simply the formal document which brings this case into the
17 courtroom. The defendant has pled not guilty to each of
18 the five indictments, and a plea of not guilty obviously
19 puts the burden on the State of South Carolina to prove to
20 you his guilt beyond a reasonable doubt as to each
21 indictment. So please, please do not infer anything from
22 the fact that he's been indicted. He's pled, as I said,
23 not guilty to these indictments.

24 In order to move forward, I need to ask you certain
25 questions concerning this particular case. If any of these

1 questions apply to you, please stand, once again identify
2 yourself, and then respond to the question.

3 Do I have any member of the jury panel who is related
4 by blood or marriage, or do any of you now or have you in
5 the past had a close personal or social relationship with
6 the defendant, Mr. Maurice A. Roberts?

7 Mr. Roberts, would you please stand and face the jury
8 panel? Thank you. You may be seated.

9 The alleged victims in the case are Brandon Jones. He
10 is the deceased. Trenton Scott. Is Mr. Scott in the
11 courtroom? If you would please stand? He's back here to
12 your right. Thank you, Mr. Scott. Josh Williams, Mr.
13 Williams, please. Thank you. Chandler Davis, he's the
14 owner, alleged owner of the house. Thank you. Now, any
15 member of the jury panel related by blood or marriage, do
16 you now or have you in the past had a close personal or
17 social relationship with the defendant or any of the
18 alleged victims? If so, please stand.

19 Yes, ma'am, your name and number, please.

20 JUROR: Valeria Pride, number 203. His wife used to
21 do my hair.

22 THE COURT: Who? Who is he?

23 JUROR: Chandler Davis.

24 THE COURT: Okay. The fact that the owner of the
25 house, the alleged owner of the house that was allegedly

1 burglarized, his wife ---

2 JUROR: Yes.

3 THE COURT: --- did your hair?

4 JUROR: Yes. She used to do my hair.

5 THE COURT: Okay. The fact that you have had that
6 relationship with her, would that in any way keep you from
7 being able to listen to the testimony and make a decision
8 on this case based solely on what you hear in the courtroom
9 and not in connection with any business relationship you
10 had with one of the victim's wives?

11 JUROR: No.

12 THE COURT: You would be able to do that, right?

13 JUROR: Yes.

14 THE COURT: Thank you very much. You may be seated.

15 Now, do not get scared. I am going to read a list of
16 potential witnesses, and often I make the lawyers err on
17 the side of caution. Everybody that may testify, tell me
18 who they are because I have to qualify the jury. Doesn't
19 mean that they're all going to testify, okay? So, listen
20 carefully and I will ask you the same question, questions.

21 Potential witnesses are as follows. Cari -- and if
22 you're in the courtroom, please stand. Cari Pearson, Ms.
23 Pearson. Thank you. Jwaun Duckett, Vanessa Roberts,
24 Demetrice James, DeShawn McClary, Vincent Nelson, Jr., Dr.
25 Amy Durso, D-u-r-s-o, the custodian of the records at

1 Cleartalk Wireless and Alvin S. Glenn Detention Center,
2 Sergeant Waters at the detention center, Captain Washva,
3 W-a-s-h-v-a, Moye at the detention center, custodian of 911
4 records, Officer Christopher Eunice.

5 That's the Columbia Police Department, CPD?

6 MS. CAMPBELL: Yes, sir.

7 THE COURT: Dr. Joseph Myslenski, M-y-s-l-e-n-s-k-I,
8 physician at the Palmetto Health Center, Palmetto Health
9 Richland; Mike Devonish, also with Palmetto Health
10 Richland; David Burns with the Richland County Coroner's
11 Office; Christine Benton with the county coroner's office;
12 M. Devonish with the county coroner's office. Cinammon
13 Wright, she's an EMS worker; Mary Ellen Swan -- Swain,
14 S-w-a-i-n; William Cobia, Richland County Sheriff's
15 Department; Randy James, Richland County Sheriff's
16 Department; Deputy Keith Wrigley, Richland County Sheriff's
17 Department; Reginald Grant, Richland County Sheriff's
18 Department; James Abraham.

19 Mr. Grant, is that you?

20 MR. GRANT: Yes, sir.

21 THE COURT: He's back there in the back. Thank you.
22 You may be seated. James Abraham, Richland County
23 Sheriff's Department.

24 Ladies and gentlemen, all the rest of these will be
25 Richland County Sheriff's Department until I designate

1 otherwise. Investigator Joseph Bass, Investigator Hal
2 Boland.

3 Mr. Boland, thank you.

4 Sergeant Scott Faust, Investigator F.L. Tanner, Major
5 Stan Smith.

6 Thank you.

7 Sergeant Kevin Isenhoward, Captain Scott McDonald,
8 Investigator Kevin Hinson, Sergeant Chris Lindler, Chief
9 David Wilson, Shawn Schroeder, Kristen Polis, Michael
10 Beeler, Sergeant Stan Richards. Timothy Lee.

11 Mr. Richards is in the back of the courtroom. Thank
12 you, sir.

13 F. Rainsford, Yvonne Woods, Terri Gleason.

14 JUROR: Your Honor, is that Franklin Rainsford?

15 THE COURT: I don't know.

16 Is that Franklin Rainsford?

17 MS. WALKER: Yes, Your Honor, it is.

18 THE COURT: It is, ma'am. Just stand at the very end,
19 and we'll go over them all.

20 JUROR: Okay.

21 THE COURT: Thank you.

22 Yvonne Woods, she's back over here, ladies and
23 gentlemen, back behind you. Terri Gleason, John Barron,
24 Bernadette Atencio, A-t-e-n-c-i-o, Trish Odom, Diane Bodie,
25 Ashleigh Dixon, Christine Barrickman, Melanie Dixon,

1 Melanie Galinski, Dayle Blackmon, Shanna Sorrels,
2 S-o-r-r-e-l-s. She's with SLED, and last but not least
3 Doris Yarbrough with SLED.

4 Hold on a second. Mr. Sutherland, you have any, sir?
5 You have any witnesses?

6 MR. SUTHERLAND: Sure. I had turned in my witness
7 list. That would be Investigator...

8 THE COURT: Who did you turn it in to?

9 MR. SUTHERLAND: I turned it in to the court reporter.

10 THE COURT: Hand me another one.

11 (A PAUSE.)

12 THE COURT: Jay Phillips, Chris Lorick, Reginald
13 Grant, William Kirkland, Keree Golden. Any members of the
14 jury panel related by blood or marriage, or are you now --
15 do you now or have you in the past had a close personal or
16 social relationship with any of the witnesses? If so,
17 please stand. Please remain standing.

18 Ma'am on the front row with the pretty scarf, your
19 name.

20 JUROR: Thank you. I am number 228, and I need to
21 approach, Your Honor.

22 THE COURT: You may. If you'll just come right here.
23 While you are approaching, ma'am in the blue, baby blue
24 jacket.

25 JUROR: 133.

1 THE COURT: Yes, ma'am.

2 JUROR: Beth Anee Johnson. Franklin Rainsford worked
3 for me for several years.

4 THE COURT: Okay.

5 JUROR: And we knew each other socially at the time a
6 couple years ago.

7 THE COURT: What type of work was that?

8 JUROR: He was an intern. I'm a biologist, and he was
9 an intern for me at Fort Jackson.

10 THE COURT: Okay, and the fact that he worked with you
11 out at Fort Jackson in some type of biology internship,
12 would that in any way preclude or keep you from being a
13 fair and impartial juror, being able to try this case
14 solely on what you hear in the courtroom?

15 JUROR: I honestly don't know.

16 THE COURT: Well, I honestly have to know.

17 JUROR: It would probably make me biased in his favor.

18 THE COURT: What is her name?

19 MR. SUTHERLAND: Beth Anee Johnson.

20 JUROR: Beth Anee Johnson.

21 THE COURT: All right, disqualify her for this case.
22 Not for the rest of the week.

23 CLERK OF COURT: Yes.

24 THE COURT: Thank you.

25 Yes, sir, in the -- is that purple?

1 JUROR: Yes, sir. James Livingston, 303. Mary Ellen
2 Swain, I've gone through school with her all my life.

3 THE COURT: Ma'am, sit. Stay with us. Stay with us.

4 JUROR: Okay.

5 THE COURT: I'm sorry. Go ahead. You've gone through
6 school with her?

7 JUROR: Mary Ellen Swain, we went through school
8 together all our lives, and she's a member of my church.

9 THE COURT: Okay, and the fact that one of the
10 potential witnesses is a former school classmate and y'all
11 attend the same church, would that in any way -- and, you
12 know, I come from a small town and when we do the jury in
13 our town, everybody knows everybody, and everybody goes to
14 church with everybody, and everybody -- not everybody. You
15 know what I mean. It's hard to live in a community and not
16 know some of the potential witnesses. That's certainly not
17 unusual. The test is whether or not you can decide this
18 case based on the testimony you hear in this courtroom and
19 not be influenced by any outside friendship.

20 JUROR: I would not be influenced.

21 THE COURT: Thank you. You may be seated.

22 Y'all bear with me one second, please.

23 (THE FOLLOWING CONFERENCE TAKES PLACE AT THE BENCH IN
24 THE PRESENCE OF COUNSEL.)

25 JUROR: I'm an attorney in Joe McCullough's office,

1 and we represented several sheriff's department employees
2 for traffic violations, and one of the people listed is
3 someone that we worked on in traffic violations.

4 THE COURT: Well, would you be able to be a fair and
5 impartial juror, or you want to -- so, you can't? I think
6 you could, don't you?

7 JUROR: I believe I could be fair and answer yes.

8 THE COURT: You just wanted to ---

9 JUROR: And it's mainly Joe McCullough working on the
10 case.

11 THE COURT: I understand.

12 JUROR: But it's only the two of us.

13 THE COURT: I understand. I understand.

14 JUROR: I'm bringing it to the court's attention.

15 THE COURT: I understand.

16 Any problem?

17 MR. SUTHERLAND: No, sir.

18 (A PAUSE.)

19 (END OF CONFERENCE AT THE BENCH.)

20 THE COURT: Ladies and gentlemen, in the trial of this
21 case, the State of South Carolina will be represented by
22 Ms. Kathryn Luck Campbell. Ms. Campbell. Meghan Walker,
23 Ms. Walker, and Ms. Nicole Simpson. Ms. Simpson. Thank
24 you. The defendant is being defended by Tivis Sutherland,
25 Mr. Sutherland.

1 Question. Any member of the jury panel now or in the
2 past have had legal services performed for you by any of
3 the lawyers? If so, please stand. Any member of the jury
4 panel now or in the past have been related by blood or
5 marriage, or do you now or have you in the past had a close
6 personal or social relationship with any of the lawyers?
7 If so, please stand.

8 (NO ONE STANDS.)

9 THE COURT: Do you I have any member of the jury panel
10 who is a member of or a contributor to any group which has
11 as its primary concern the promotion of law enforcement or
12 victim's rights? These groups would include but not be
13 limited to things such as MADD, Mothers Against Drunk
14 Drivers; SADD, Students Against Drunk Drivers; CAVE,
15 Citizens Against Violent Crime. Anyone either contribute
16 to that, or are you a member of any of those, if so, please
17 stand.

18 (NO ONE STANDS.)

19 THE COURT: Any member of the jury panel, you or your
20 family, have ever been the victim of a violent crime such
21 as murder or burglary or criminal sexual conduct?

22 All right, ma'am, I've already excused you, so you may
23 be seated.

24 Yes, ma'am, your name?

25 JUROR: I'm Sheri Hood, 119.

1 THE COURT: Do you want to talk to me up here, or
2 would you rather ---

3 JUROR: No, it doesn't matter. I was mugged -- it's
4 been many years ago -- in DC, assaulted, thrown down.

5 THE COURT: And the fact that you had to experience
6 that situation, would that in any way keep you from being
7 fair and impartial in the trial of the case?

8 JUROR: I don't think so, but one other incident, my
9 sister was crossing the street just this last spring. She
10 was in an armed -- stopped and they pointed a gun at her
11 head in the garage and ---

12 THE COURT: Well, I need to know for sure whether or
13 not that would affect your ability to be impartial. We all
14 have unpleasant experiences in life.

15 JUROR: Right. I don't, I don't think so.

16 THE COURT: Thank you. You may stay with me.

17 Yes, sir, your name, please.

18 JUROR: Gerald Lancaster, 147. May I approach the
19 bench?

20 THE COURT: You certainly may.

21 (THE FOLLOWING CONFERENCE TAKES PLACE AT THE BENCH IN
22 THE PRESENCE OF COUNSEL.)

23 THE COURT: Good morning.

24 JUROR: Good morning. How are you doing?

25 THE COURT: Fine, sir. How are you?

1 JUROR: Fine.

2 THE COURT: What's your situation?

3 JUROR: I had a situation two years ago.

4 THE COURT: Speak a but louder. You had a little
5 situation two years ago. What happened?

6 JUROR: Right, and ---

7 THE COURT: What was the situation?

8 JUROR: A girl accused me molesting.

9 THE COURT: A girl accused you of some type of ---

10 JUROR: Right.

11 THE COURT: --- sexual assault?

12 JUROR: And I had some bad experiences with the
13 solicitor's office.

14 THE COURT: Okay, what's your name?

15 JUROR: Gerald Lancaster, Sr.

16 THE COURT: What number?

17 JUROR: 147.

18 THE COURT: All right, I'll excuse 147.

19 Just sit tight with us.

20 JUROR: Okay.

21 THE COURT: Thank you.

22 (END OF CONFERENCE AT THE BENCH.)

23 THE COURT: Excuse him for the trial of this case,
24 obviously not for the balance of the week.

25 Mr. Sutherland, do you have any voir dire?

1 MR. SUTHERLAND: No, sir. I believe Your Honor has
2 covered everything.

3 THE COURT: Ladies and gentlemen, let me sort of
4 discuss generally what your role is. In the trial of the
5 lawsuit, whether it be a civil case or a criminal case, and
6 notwithstanding how serious the charges may be -- and
7 obviously in this case, the charge is about as serious as
8 you can get. He's charged with murder and two counts of
9 attempted murder, burglary in the first degree, and
10 attempted armed robbery. Very, very serious charges. But
11 in the trial of these cases, we have two judges in the
12 trial.

13 Now, the law makes me one of those judges. I'm the
14 judge of the law in the case. My role is to tell you what
15 the law is; I explain to you what the law is, and you have
16 to follow my instructions as to what the law is. My other
17 role is to rule on the admissibility of evidence. I have
18 to make sure the lawyers play within the rules of evidence,
19 ask their questions within the rules of evidence, and
20 follow the criminal rules of procedure. And that's where
21 the other judge comes into play in the courtroom, and that
22 is the judge of the facts.

23 The judge of the facts is the most important judge
24 that we have, much, much more important than my role as the
25 judge of the law. And the judge of the facts are twelve

1 citizens from the community, twelve of you who will be
2 selected to sit on the jury panel and judge the
3 believability or the credibility of the witnesses who
4 testify in the case. You become the judges of the facts.

5 Now, if this case is like the thousands of cases that
6 I've tried as a lawyer and/or as a judge, I'd almost
7 willing to bet a hundred percent there will be different
8 versions of the facts, several different versions of the
9 facts. One person may say it's A; one person may say it's
10 M; one person may say it's Z. They may say it's daytime.
11 One may say it's nighttime. You see what I'm saying?
12 You're going to get different versions of the facts.

13 Your job as the judge of the facts is to listen,
14 determine who's telling the truth, and determine what the
15 true facts are. You judge what the true facts are. You're
16 the judges of the facts. And once you have judged what
17 those true facts are and determine what those true facts
18 are, and you apply those facts to law as I give it to, and
19 then you will be in a position to render a verdict in the
20 case.

21 So, you are the seekers or the finders of the facts;
22 you're the judges of the facts. You have the most
23 important job in the criminal system or in the judicial
24 system or in the court system.

25 Now having explained that, here is my question. Do I

1 have any member of this jury panel for any reason
2 whatsoever -- whether it be a political reason, a religious
3 reason, a personal reason, any kind of reason -- that you
4 are unable to perform that civic duty of sitting in that
5 jury box, listening to the witnesses who testify from the
6 witness stand, and determine what testimony is the truth,
7 and taking those true facts and applying that to the law
8 and rendering a verdict? Can anybody not do that? I need
9 to know now.

10 (NO ONE STANDS.)

11 THE COURT: Do I have any member of the jury panel who
12 has any reason, knows any reason whatsoever why he or she
13 should not serve as a juror in this case, with particular
14 emphasis being placed on your ability to be fair both to
15 the state and to the defendant? I need to know that.

16 (NO ONE STANDS.)

17 THE COURT: Ladies and gentlemen, the facts as alleged
18 in the indictments -- it is alleged. These are not facts
19 in the case; they have to be proven to you beyond a
20 reasonable doubt. But it is alleged that on or about
21 January 25th of last year, 2013, that at the address of

22 [REDACTED].

23 That's here in Columbia?

24 MS. SIMPSON: Correct, Your Honor.

25 THE COURT: Whereabouts in Columbia? What section?

1 MS. SIMPSON: Off Broad River Road.

2 THE COURT: Out off of Broad River Road, [REDACTED]
3 [REDACTED], that at the home of Mr. Chandler Davis,
4 it is alleged that Mr. Roberts, the defendant, burglarized
5 that home, broke into that home with intent to commit a
6 crime. That while he was attempting to allegedly rob or
7 take from one Trenton Scott at that same address, and while
8 armed allegedly with a deadly weapon, that he at that time
9 attempted to kill one Joshua Williams and attempted to kill
10 one Trenton Scott, and did, by means of a gunshot wound,
11 did shoot one Brandon Jones, who died as a result of that
12 shooting. So, this case involves alleged allegations that
13 took place January 25th of 2013 at 41 -- strike that, at
14 [REDACTED] here in Columbia involving the
15 alleged burglarization of a home, attempted armed robbery,
16 alleged shooting of two people, and the alleged killing of
17 a third person.

18 Question. Anybody know anything about this case?
19 Have you read about it, seen anything about it on the TV,
20 Internet? Anybody discuss it with you? Have you formed
21 any opinions about it? Know anything at all about the
22 case? If so, please stand.

23 (NO ONE STANDS.)

24 THE COURT: Any additional questions by the state?

25 MS. WALKER: None for the state, Your Honor.

1 THE COURT: By the defendant?

2 MR. SUTHERLAND: None from the defense, sir.

3 THE COURT: Thank you.

4 All right, ladies and gentlemen, the way we select a
5 jury in a criminal case as opposed to a civil legal -- if
6 we were trying an automobile wreck case or a legal
7 malpractice or a medical malpractice, in that civil case
8 the clerk would give me a list of twenty names randomly
9 selected, and I would give it to the lawyers. The lawyers,
10 one side would strike four, and the other side would strike
11 four. So, twenty less eight, we'd have twelve.

12 In a criminal case, the clerk has selected randomly
13 from this panel. Your name will be called randomly. As
14 your name is called, please, whichever way is easiest for
15 you to come out, come right down here and stand between the
16 tables where the lawyers are seated. And the state has
17 five strikes, the defendant has ten, and they can strike
18 you for most any reason or no reason at all within certain
19 bounds that the lawyers know what they're doing with or how
20 they deal with. So, don't get your feelings hurt if you're
21 struck, but we will go through that process until we have
22 twelve jurors and two alternates.

23 So, as your name is called, please come down and stand
24 right here. If you've got a pocketbook or personal
25 belongings with you, bring those in case you are selected

1 so you don't have to go back.

2 State ready to proceed? Defendant ready to proceed?

3 MR. SUTHERLAND: Yes, sir.

4 JUROR: Your Honor.

5 THE COURT: Yes, ma'am.

6 JUROR: May I approach?

7 THE COURT: You may.

8 (THE FOLLOWING CONFERENCE TAKES PLACE AT THE BENCH IN
9 THE PRESENCE OF COUNSEL.)

10 JUROR: I'm a former court reporter. So, I guess just
11 listening to you talk, my sister's was an armed robbery
12 home invasion.

13 THE COURT: What's your name?

14 JUROR: Sheri Hood, 119.

15 THE COURT: 119.

16 JUROR: And it was ---

17 THE COURT: All right, excuse 119, please.

18 I understand.

19 JUROR: I'm sorry.

20 THE COURT: Thank you for telling us.

21 JUROR: I thought I could be ---

22 THE COURT: I understand. Just stay with us, okay?

23 JUROR: I will.

24 THE COURT: Thank you.

25 (END OF CONFERENCE AT THE BENCH.)

1 THE COURT: Okay, as your -- do you call name or
2 number?

3 CLERK OF COURT: The number, Your Honor.

4 THE COURT: As your number is called -- they do it
5 differently in different counties -- familiarize yourself
6 with your number and if your number is called, please come
7 down. Stand right here, and we'll move through this
8 process. We'll be ready to go in just a few minutes.

9 *JURY SELECTION*

10 CLERK OF COURT: Number 205. What says the state?

11 MS. CAMPBELL: Please present the juror.

12 CLERK OF COURT: What says the defense?

13 MR. SUTHERLAND: Please excuse the juror.

14 CLERK OF COURT: Have a seat in the back of the
15 courtroom, please.

16 Number 272. What says the state?

17 MS. CAMPBELL: Please excuse the juror.

18 CLERK OF COURT: Have a seat in the back of the
19 courtroom, please.

20 Number 300. What says the state?

21 MS. CAMPBELL: Please present the juror.

22 CLERK OF COURT: Says the defense?

23 MR. SUTHERLAND: Please seat the juror.

24 CLERK OF COURT: Have a seat in the jury box, please.

25 Number 33. What says the state?

1 MS. CAMPBELL: Please present the juror.

2 CLERK OF COURT: Says the defense?

3 MR. SUTHERLAND: Please swear the juror.

4 CLERK OF COURT: Have a seat in the jury box, please.

5 Number 155. What says the state?

6 MS. CAMPBELL: Please present the juror.

7 CLERK OF COURT: Says the defense?

8 MR. SUTHERLAND: Please swear the juror.

9 CLERK OF COURT: Have a seat in the jury box, please.

10 Number 38. What says the state?

11 MS. CAMPBELL: Please present the juror.

12 CLERK OF COURT: Says the defense?

13 MR. SUTHERLAND: Have a seat in the jury box.

14 Number 132. What says the state?

15 MS. CAMPBELL: Please present the juror.

16 CLERK OF COURT: What says the defense?

17 MR. SUTHERLAND: Please swear the juror.

18 CLERK OF COURT: Have a seat in the jury box.

19 Number 204.

20 THE COURT: Please have a seat, sir. Thank you.

21 CLERK OF COURT: What says the state?

22 MS. CAMPBELL: Please excuse the juror.

23 CLERK OF COURT: Have a seat in the back of the
24 courtroom.

25 Number 92. What says the state?

1 MS. CAMPBELL: Please present the juror.

2 CLERK OF COURT: Says the defense?

3 MR. SUTHERLAND: Please swear the juror.

4 CLERK OF COURT: Have a seat in the jury box.

5 Number 114. What says the state?

6 MS. CAMPBELL: Please present the juror.

7 CLERK OF COURT: What says the defense?

8 MR. SUTHERLAND: Please swear the juror.

9 CLERK OF COURT: Have a seat in the jury box, please.

10 Number 264. What says the state?

11 MS. CAMPBELL: Please present the juror.

12 CLERK OF COURT: What says the defense?

13 MR. SUTHERLAND: Beg the court's indulgence. Please
14 swear the juror.

15 CLERK OF COURT: Have a seat in the jury box, please.

16 Number 164. What says the state?

17 MS. CAMPBELL: Present the juror.

18 CLERK OF COURT: Says the defense?

19 MR. SUTHERLAND: Please swear the juror.

20 CLERK OF COURT: Have a seat in the jury box, please.

21 Number 203. What says the state?

22 MS. CAMPBELL: Please present the juror.

23 CLERK OF COURT: Says the defense?

24 MR. SUTHERLAND: Please excuse the juror.

25 CLERK OF COURT: Have a seat in the back of the

1 courtroom, please.

2 Number 10. What says the state?

3 MS. CAMPBELL: Please present the juror.

4 CLERK OF COURT: Says the defense?

5 MR. SUTHERLAND: Please present the juror.

6 CLERK OF COURT: Have a seat in the jury box, please.

7 Number 303. What says the state?

8 MS. CAMPBELL: Please present the juror.

9 CLERK OF COURT: Says the defense?

10 MR. SUTHERLAND: Please excuse the juror.

11 CLERK OF COURT: Have a seat in the back of the
12 courtroom.

13 Number 122. What says the state?

14 MS. CAMPBELL: Please present the juror.

15 CLERK OF COURT: What says defense?

16 MR. SUTHERLAND: Please swear the juror.

17 CLERK OF COURT: Have a seat in the jury box, please.

18 Number 170. What says the state?

19 MS. CAMPBELL: Please present the juror.

20 CLERK OF COURT: Says the defense?

21 MR. SUTHERLAND: Please swear the juror.

22 CLERK OF COURT: Have a seat in the jury box, please.

23 THE COURT: Let me have two alternates, two and one.

24 CLERK OF COURT: Number 88. What says the state?

25 MS. CAMPBELL: Please present the juror.

1 CLERK OF COURT: Says the defense?

2 MR. SUTHERLAND: Please swear the juror.

3 CLERK OF COURT: Have a seat in the jury box, please.

4 Number 89. What says the state?

5 MS. CAMPBELL: Please present the juror.

6 CLERK OF COURT: Says the defense?

7 MR. SUTHERLAND: Please excuse the juror.

8 CLERK OF COURT: Have a seat in the back of the
9 courtroom, please.

10 Number 201. What says the state?

11 MS. CAMPBELL: Please present the juror.

12 CLERK OF COURT: Says the defense?

13 MR. SUTHERLAND: Swear the juror.

14 CLERK OF COURT: Have a seat in the jury box.

15 THE COURT: Any motions by the state or defendant in
16 connection with the selection of the jury? Just yes or no.

17 MR. SUTHERLAND: No, sir.

18 MS. CAMPBELL: No, sir.

19 THE COURT: Thank you.

20 All right, ladies and gentlemen, those of you who were
21 not drawn, I'm going to excuse you now to go back down to
22 the jury assembly room, send Madame Clerk down just very
23 quickly, and they will give you instructions on -- for the
24 balance of the week. Thank you for coming. Enjoyed
25 meeting you.

1 Everybody else remain seated, please.

2 (THE JURY PANEL EXITS.)

3 THE COURT: Ladies and gentlemen of the jury panel,
4 it's ten till 11. Let's take about a ten-minute, real
5 quick bathroom break, stretch your legs. The bailiff will
6 show you where your jury room is. We will come right back
7 in about ten minutes, start the trial of the case. We will
8 go until about 12:30. We will break unto about 2 or 2:15.
9 Let me see how my -- I've got an hour hearing at lunch
10 time. I don't want y'all sitting and waiting on me. So,
11 step back and we'll have you right back out and hopefully
12 start in about ten minutes.

13 Everyone remain seated, please.

14 (THE JURY EXITS AT 10:49 AM.)

15 THE COURT: Anything from the state before we bring
16 the jury back in and have them sworn in? Anything we need
17 to do?

18 MS. CAMPBELL: No, sir.

19 MR. SUTHERLAND: No, sir.

20 THE COURT: All right, we'll stand at ease for no
21 longer than ten minutes, and we'll get started right here
22 in just a few minutes. Thank you.

23 (OFF THE RECORD.)

24 (PHOTOGRAPHS MARKED INDIVIDUALLY AS STATE'S EXHIBIT
25 NUMBERS 46, 47, 48, 49, 50, 51, 52, 53 FOR IDENTIFICATION.)

1 THE COURT: Thank you. All right, we're getting
2 ready to start this trial of this case. We have a lot of
3 family on both sides. I expect for everyone to act like
4 you've acted yesterday and today. Your behavior has been
5 exemplary except for that one outburst. I will not
6 tolerate any emotional outbreaks or untoward behavior.

7 My rules are this. While we're conducting court,
8 there will be no moving around. When we finish witnesses
9 or if we break, you'll be able to leave for the bathroom,
10 et cetera. So, please, I ask that you behave yourself.

11 Anything for the record before we start?

12 MS. CAMPBELL: No, sir.

13 MR. SUTHERLAND: No, sir.

14 THE COURT: Is everything okay with your request?

15 MR. SUTHERLAND: The deputies have actually said that
16 they're not allowed to take it off of their own accord. I
17 mean, I ---

18 THE COURT: Well, he's, he's underneath the table.
19 Nobody can see them.

20 MR. SUTHERLAND: Yes, sir.

21 THE COURT: If he wants to testify, then we'll remove
22 them.

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: At that time.

25 MR. SUTHERLAND: Yes, sir. Thank you.

1 THE COURT: Thank you.

2 (THE JURY ENTERS AT 11:10 AM.)

3 THE COURT: Ladies and gentlemen of the jury panel,
4 the first thing we have to do to start the trial of the
5 case is to have you sworn in for this particular trial.
6 So, if you would please stand and raise your right hand,
7 and the clerk will administer the oath.

8 (WHEREUPON, THE JURY IS SWORN.)

9 THE COURT: Ladies and gentlemen of the jury panel,
10 let me once again remind you that the fact that Mr. Roberts
11 has been indicted by the Richland County Grand Jury for the
12 offenses of murder, two indictments for attempted murder,
13 attempted armed robbery, and burglary in the first degree,
14 the fact that he has been indicted and charged in these
15 matters, that that is not evidence in the case. You're not
16 to infer anything from the fact that he's been indicted.
17 He has pled not guilty to each of these charges, and that
18 plea of not guilty gives him the presumption of evidence,
19 and the State of South Carolina has the burden of proving
20 to you beyond a reasonable doubt each element of each
21 indictment.

22 So, the indictments are simply the formal document by
23 way this case comes into the courtroom, and do not infer
24 anything from the fact that he has been indicted.

25 As I told you earlier, you and I have two separate

1 jobs to perform. My job is I'm the judge of the law, so
2 please accept the law as I give it to you. You have taken
3 an oath to do that. If you have some preconceived idea
4 about what the law is or what it should be that does not
5 agree with what I say, please disregard that belief and
6 accept the law as I give it to you.

7 Your job as the judges of the facts, as I said, is the
8 most important job in the courtroom, and that is basically
9 that you will be asked to judge the believability or
10 credibility of the witnesses who testify in the case. You
11 all have dealt with husbands and wives, children, parents,
12 employees, employers, et cetera, et cetera. You know how
13 to judge when somebody's telling the truth. Use that
14 common good sense in carrying out your duties here today
15 listening to the witnesses who testify in determining what
16 the truth is in this case.

17 Here's the way the case will go. Because the State of
18 South Carolina has the burden of proof, they present their
19 case first. They will call their witness first and
20 introduce their relevant exhibits. At the conclusion of
21 the state's case, the defendant, if he chooses, has the
22 right to present a defense. And then after that is done,
23 the state has the right to reply to any testimony the
24 defendant may have put up. So, you have sort of three
25 sections of the trial would be the state presenting their

1 case, the defendant, if he chooses to present his case, and
2 any reply that we may have.

3 Before all of that happens, both sides will have an
4 opportunity to make an opening statement. The state will
5 go first, followed by the defendant. Let's bear in mind
6 that the opening statement is not evidence in the case. It
7 is simply what -- the lawyers will give you a road map as
8 to what they intend to prove, what the issues are, what you
9 are to look out for, but it's not evidence in the case.

10 They'll give the opening statements, testimony, and
11 then after that the lawyers will present their final
12 arguments. Once the final arguments have been made, then I
13 will instruct you on the law for various offenses, five
14 indictments for various offenses, and the general
15 propositions of law such as reasonable doubt, the
16 presumption of innocence, those sorts of things.

17 I try to do my best to run an efficient courtroom. I
18 try to start on time and not take long, long breaks, but I
19 break, make sure everybody's okay. Try to stay on our
20 schedule. Try not to make you sit and wait.

21 The fact that I try to run an efficient courtroom --
22 sometimes we call witness after witness after witness, but
23 I'm not trying to run a race in here. So, if at any time,
24 any time you become uncomfortable -- you need a bathroom
25 break, you're too hot, too cold, you need to stretch, just

1 get tired of listening to me, whatever -- please raise your
2 hand. We'll make sure any personal needs are met. So,
3 don't get uncomfortable; raise your hand, and I'll make
4 sure everyone is taken care of.

5 When we take our first break for lunch today, when we
6 come back, I would ask that you please select a foreperson.
7 That is a person out of the twelve members of the jury, not
8 the alternate, that will serve as a spokesperson for the
9 jury. They will head up the deliberations and sign the
10 verdict forms at the conclusion of the case.

11 I will ask that you do not start any discussions about
12 the case when we take breaks. Do not start, do not start
13 any deliberations. Talk about anything you want to back in
14 the jury room, but do not talk about the case until all the
15 evidence has been concluded in the case, final arguments,
16 and I've instructed you on the law.

17 I will ask that when we take breaks, do not -- and
18 tonight particularly -- don't go home and do any research,
19 legal research, Internet research, or whatever kind of
20 research you want to do. These cases are to be tried based
21 solely on what the state and the defendants put up in the
22 courtroom, and that, that alone. So, please don't do any
23 independent research on your own. Do not discuss the case
24 with anyone or let anybody discuss it with you, a pretty
25 simple rule.

1 So, having said that, we're going to now move into the
2 trial of the case. The state will start by making opening
3 statements, followed by the defendant, and then the state
4 will start calling their witnesses.

5 Any objections to my opening remarks by the state?

6 MS. SIMPSON: None from the state, Your Honor.

7 THE COURT: No, sir.

8 THE COURT: Thank you.

9 Ladies.

10 MS. SIMPSON: Thank you. May it please the court?

11 THE COURT: Yes, ma'am.

12 MS. SIMPSON: What is the value of human life,
13 especially the lives of our youth? Well, the unfortunate,
14 sad reality is that these days, human life, which was once
15 deemed priceless and still should be, has little to no
16 value for many. And for the defendants in this case,
17 Vincent Nelson, Demetrice James, Deshawn McClary, and
18 especially Maurice Roberts, the defendant who sits before
19 you today, the life of the victim in this case, Brandon
20 Jones, had no value whatsoever. His life was worth
21 nothing, absolutely nothing.

22 And make no mistake about it. As you hear the
23 evidence in this case, it will become clear that Brandon
24 Jones did not have to die as he lay on the driveway
25 unarmed, pistol whipped, beaten, injured as this defendant

1 stood over him and brutally shot and murdered him. It
2 didn't have to happen.

3 Now on January 25th of 2013, the defendant, along with
4 the co-defendants in this case, had a plan, and their
5 actions in executing that plan forever changed the lives of
6 not one, not two, but three people. First, Brandon Jones.
7 His life changed in the most eternal way. Ended far too
8 soon at the young age of twenty-two, leaving his sister
9 without a brother and his mother and father without a son,
10 and an emptiness that only comes with the loss of a child.

11 And you're going to hear how Brandon was shot five
12 times: one to the upper back, one to the left back, once to
13 the arm, once to the leg, and an entrance and exit wound
14 straight through his neck. And it would be those gunshot
15 wounds that exited through his chest that would prove to be
16 fatal, those wounds inflicted at the hands of Maurice
17 Roberts.

18 But as if that wasn't enough, his death wasn't
19 immediate. He suffered and when EMS arrived, he lay on the
20 ground bleeding out, moaning, conscious, and would later
21 die during surgery.

22 The second life forever changed, the victim Joshua
23 Williams. He was pistol whipped about the head and
24 suffered a haematoma on his forehead just above his eye,
25 which would cause him to go in and out of consciousness.

1 He also suffered from a gunshot wound to the abdomen, but
2 luckily for him those wounds weren't fatal. But the
3 emotional, mental pain that he will suffer from losing and
4 hearing and being with his best friend, his closest friend
5 Brandon Jones as he was murdered, he will carry that with
6 him forever.

7 The third life forever changed, that of Trenton Scott,
8 fondly referred to by friends and family as Trey. This
9 incident actually occurred at his home where he lived with
10 his brother and his mother and his stepfather. And when
11 this defendant rushed in through the door, he encountered
12 Trenton, gun out, pointed at his head. Trenton, Trey, in
13 survival mode tried to fight back as the defendant pistol
14 whipped him as well, knocking him to the ground. They
15 struggled and it continues. At some point, the gun comes
16 loose but then comes in Maurice's good friend Demetrice
17 James rushing through the door. More fighting, struggling.

18 Trey's brother comes out, whom you'll hear from, Troy
19 Scott because he hears the commotion and sees the fight,
20 the altercation going on with his brother. And their goal,
21 their thought going through their minds: our mother and
22 father's upstairs. We need to protect them and protect
23 ourselves. We need to get them out of this house now.
24 Before doing so, the gun goes off and Trenton is shot in
25 the arm, but they are able to get them outside and lock the

1 door at this point, not knowing exactly where Joshua and
2 Brandon are.

3 Now Trenton, his life forever changed because the
4 place that he once deemed safe, that sense of security has
5 been stolen from him, and all of these victims unarmed,
6 unsuspecting.

7 And to make matters worse for those who survived, they
8 will live with the knowledge that one of the defendants,
9 co-defendants in this case, was a person they trusted, a
10 friend, someone who had been brought into the Scott
11 brothers' home who they fed and clothed, gave him shelter
12 when he needed it. Ms. Davis and her family considered him
13 part of their family, tried to help him get back on his
14 feet. It would be Vincent Nelson who set them up, who
15 betrayed them. And certainly Brandon Jones didn't deserve
16 to die this way.

17 So, what happened on January 25th of 2013? Well, this
18 incident happened at the home of Ms. Davis and her husband,
19 where she lived with her two sons, as I stated earlier, at
20 [REDACTED], but it was more than just a home.
21 She actually operated a salon out of there, and her boys,
22 they had some recording equipment, a studio and a sports
23 room. It was a place where they hung out, came together to
24 make music. And Ms. Davis, she often brought kids in from
25 the street when they needed help. It was supposed to be a

1 safe place, a safe place for those kids like Vincent
2 Nelson.

3 And this January 25th, Brandon Jones was visiting,
4 along with his friend Joshua Williams, and this is going to
5 be like any other Friday, any other weekend. They were
6 just going to hang out, listen to music, make music, enjoy
7 each other's time.

8 But the defendant, along with his co-defendants, had
9 other plans for that day because you'll learn that prior to
10 January 25th, they'd been talking about getting their own
11 studio, having their own equipment. But rather than get a
12 job or work for it or buy it, they decided that there was
13 someone they could just take it from.

14 Specifically, Vincent said I know just the place.
15 It's a really nice house, and they have some good equipment
16 in there. And I submit -- and he terms it an easy lick, an
17 easy robbery because he knew the family. He knew they
18 wouldn't be armed. He knew they wouldn't suspect anything.
19 Just an easy lick, and so the plan is set. Vincent Nelson,
20 along with Demetrice James, Deshawn McClary, and Maurice
21 Roberts, would go to that house that evening and rob them
22 of recording equipment.

23 We're not talking about a drug deal gone bad or drugs
24 or money. Studio equipment, that's why Brandon lost his
25 life.

1 So, Vincent, knowing they trusted him, went to the
2 door. He hadn't been around in a little while, a month or
3 so, but they trusted him, and so Mr. Davis let him inside.
4 Now, the Scott brothers were a little bit surprised, but
5 again thought nothing of it. However, looking back, his
6 behavior was kind of strange because he was pacing back and
7 forth, seemed a little nervous, agitated, and he had a cell
8 phone.

9 And this will become important throughout this case
10 because Vincent never had a phone or rarely had a phone.
11 And on this day, he had Maurice's phone, and he had that
12 phone so that he could let them know when the time was
13 right, let them know what was happening. And you'll have
14 the text messages: There are four inside; I got two
15 outside; come on. You'll have those before you.

16 And so Vincent talks to Brandon and convinces him,
17 hey, I want a cigarette. He's kind of harassing him. I
18 want a cigarette. Let's go outside. Let's go outside.
19 So, Vincent, along with Brandon Jones and Joshua Williams,
20 they go outside. And I submit that's the signal for
21 Deshawn, Demetrice, and Maurice, who have been waiting just
22 around the corner, to come down the driveway, and they did.

23 Joshua, immediately hit upside the head with the gun,
24 falls. Rolls down the driveway, again slipping in and out
25 of consciousness. Deshawn McClary ordered him to stay on

1 the ground and stood guard with his knife while Maurice
2 went directly to Brandon, demanded that he get on the
3 ground, gun in hand, and pistol whipped him about the head.
4 Brandon fell, crying.

5 Maurice: Who's in the house? How many people are in
6 the house? And he rushes in, and at this point he
7 encounters Trenton or Trey Scott, gun out, pointed. Pistol
8 whips him. Brings him to the ground. The struggle over
9 the gun ensues, and then Demetrice James comes in. And the
10 gun, there will be testimony, was passed back and forth,
11 but a shot is fired, striking Trenton. And as I said, they
12 were able to get them out the door to the driveway.

13 Now I pause here for a moment because at this point,
14 that recording equipment, that studio equipment that they
15 came for, their access to it was over. The attempted
16 robbery had failed, and at this point Maurice Roberts had a
17 choice because Brandon Jones lay on the ground unarmed. He
18 didn't have to kill him. He could have just walked away,
19 ran away, fled, but he didn't.

20 You'll hear testimony of someone saying get him, get
21 him. And Maurice does as he stands over him and shoots
22 that .45 caliber pistol as Brandon lay covering his head on
23 the ground begging, pleading for his life. Please don't
24 kill me. Please don't kill me.

25 And then all the defendants flee, and you're going to

1 hear about that because they go to Maurice's house. And in
2 the course of doing so, they end up discarding some latex
3 gloves and some clothing that they had been wearing in a
4 building at Hammond Village Apartments right where Maurice
5 stayed. And then they went into -- they all met up at
6 Maurice's house. First order of business: let's start
7 cleaning up, changing clothes. Maurice even goes so far as
8 to get some bleach and goes upstairs.

9 Now, at this point Maurice is still seen with the gun.
10 However, that gun was never recovered, and you'll learn
11 that he subsequently told a co-defendant don't worry about
12 the pistol. I ain't worried about that shit, man. He got
13 rid of that gun.

14 And remorse, remorse? No. They're grilling the next
15 day, hanging out as Brandon Jones's life is gone.

16 You're going to hear about the course of the
17 investigation and what led investigators to the
18 co-defendant Vincent Nelson, as well as Demetrice James,
19 Deshawn McClary, and the shooter in this case, Maurice
20 Roberts. And they talked to all these defendants, and each
21 one of them gave statements confessing to their crimes and
22 implicating the others, somewhat mitigating their own roles
23 at times.

24 And you may even hear from some of them in this case.
25 And as a result of their actions, Maurice, Vincent,

1 Demetrice, and Deshawn are all charged under what we call
2 the theory the hand of one is the hand of all for the
3 murder, for the death of Brandon Jones, two counts of
4 attempted murder, one count of attempted armed robbery, and
5 one count of burglary in the first degree. And I'll get
6 back to that theory, and we'll talk more about that in a
7 moment because on trial before you now is Maurice Roberts,
8 and the co-defendants will have their day in court.

9 Good morning, members of the jury. My name is Nicole
10 Simpson and I, along with co-counsel Luck Campbell and
11 Meghan Walker, together we represent the State of South
12 Carolina, the citizens of Richland County, and the victims
13 in this case. And as solicitors, it is our job is
14 prosecute all crimes that occur here in Richland County.
15 And as I said, as a result of his actions, along with his
16 co-defendants, the defendant, Maurice Roberts, is facing
17 several charges, charges which you will ultimately decide
18 and determine his guilt.

19 But first, because this is my one and only opportunity
20 to address you directly, I want to thank you for your time,
21 your patience, and your service in that this case. And I'm
22 going to reiterate and reemphasize what Judge Manning told
23 you in the jury qualifications: that jury service is
24 perhaps the greatest service that a man or woman can render
25 his or her country during times of peace. Well, that

1 couldn't be more true than it is here today. And I'm sure
2 that when you got your summons in the mail, you had a
3 million other things that you'd rather be doing, things
4 that you needed to be doing, but you showed up. You came,
5 and you are serving your duty as citizens.

6 And after careful consideration and extensive
7 questioning, you were selected by both the state and the
8 defense to sit as competent, qualified jurors in this case.
9 And this is an important case. It is important to the
10 State of South Carolina. It is important to the defendant,
11 and it is important to victims and their families. And
12 while our system of justice could do without the lawyers,
13 it could do without the judges, it cannot do without you,
14 and so I thank you.

15 Now in every criminal case, the defendant is presumed
16 innocent until proven guilty. And as the state, we bear
17 the burden of proof in this case, just as we do in the
18 prosecution of every criminal case. We wouldn't have it
19 any other way. And what that means is that as the state,
20 we must prove to you beyond a reasonable doubt each element
21 of the crimes for which the defendant has been charged.

22 And I remind you that every criminal defendant who was
23 ever convicted at a jury trial started his trial presumed
24 innocent until he was ultimately found guilty beyond a
25 reasonable doubt. So, while our burden is high, as it

1 should be, it is not insurmountable, and I can tell you
2 that we welcome that burden here today.

3 Now, the defendant has been charged with several
4 crimes, and I'm going to go through them briefly. And then
5 at the end of the case, the judge will instruct you in more
6 detail as to the elements of those offenses.

7 First, he's charged with attempted armed robbery.
8 Now, it's an attempted armed robbery because they didn't
9 actually get what they came for. But attempted armed
10 robbery is defined as the taking or attempted taking and
11 carrying away the personal property of another with the
12 intent to deprive that person of ownership while armed with
13 a deadly weapon or the representation of a deadly weapon.

14 Well, they attempted to take the equipment of the
15 Scott brothers, and Maurice was absolutely armed when he
16 did so. That's attempted armed robbery.

17 He's also charged with burglary in the first degree.
18 Now, burglary in the first degree, a person is guilty of
19 that if he enters the dwelling of another without consent
20 and with the intent to commit a crime therein, and he does
21 so while are armed or becoming armed with a deadly weapon;
22 or that entering or remaining occurs during the nighttime
23 hours.

24 This occurred during the nighttime hours. And Maurice
25 Roberts, when he came in, gun in hand, rushing through,

1 pointed at Trenton Scott, he was entering without consent.
2 And his intent: to commit an armed robbery.

3 He's also charged with three other crimes, and I'm
4 kind of going to talk about them together because two
5 counts of attempted murder, one for the attempt on the life
6 Joshua Williams. Second account -- second count for the
7 attempt on the life of Trenton Trey Scott.

8 Now, murder is perhaps one of our most serious
9 offenses in South Carolina, and yet it has probably one of
10 the shortest definition. A person is guilty of murder if
11 he kills another with malice aforethought, either expressed
12 or inferred. Now, attempted murder is the attempted
13 killing of another with malice aforethought, either
14 expressed or inferred. Now, those terms will become
15 important, and you will be instructed on them again at the
16 end of this case, but I want to talk to you a little bit
17 about them now.

18 As far as malice goes, you can have expressed malice
19 or inferred. It's not too different types of malice. Just
20 the way it's presented. Expressed malice is I'm going to
21 kill you, and that person does. However, our laws
22 recognize that malice must often be inferred, and it is
23 sometimes defined as hatred, ill will, or hostility towards
24 another person. It's the intentional doing of a wrongful
25 act without just cause or excuse, and with the intent to

1 inflict an injury under circumstances that the law will
2 infer an evil intent. Malice may also be inferred from
3 conduct showing a total disregard for human life.

4 One of the things I want to focus on as far as malice
5 goes is that if a person intentionally kills another during
6 the commission of a felony, malice may be inferred. The
7 commission of a felony, the armed robbery, the burglary,
8 you may infer malice from the killing from those, from the
9 attempt to commit those felonies. You may infer malice for
10 the killing and attempted murder of the victims in this
11 case.

12 Now I'll talk to you of forethought. Now, forethought
13 means they didn't have to go there; it doesn't require any
14 appreciable amount of time. Aforethought just means at the
15 time the fatal blow was struck or the attempt to strike the
16 fatal blow, there was malice in that person's heart, okay?
17 So, while they planned to go there to rob, the law does not
18 require that they planned to go there to kill. But if
19 someone is shot under circumstances while they are there,
20 that can be malice aforethought.

21 And then finally the hand of one is the hand of all.
22 You've probably heard this term, but what that essentially
23 means is that when two or more people acting together in
24 the commission of the crime, of a crime, the act of one is
25 the act of all.

1 So, while Maurice Roberts may have shot Brandon Jones,
2 his co-defendants are equally responsible because they went
3 there to commit that robbery. They went there to
4 burglarize that home. Vincent Nelson is equally as
5 responsible. Demetrice Jones is equally responsible.
6 Deshawn McClary, equally responsible. And for the shots
7 that wounded Joshua Williamson and Trenton Scott, Maurice
8 is responsible. The hand of one is the hand of all.

9 Now, I said that we must prove these elements to you
10 beyond a reasonable doubt. So, what exactly is proof
11 beyond a reasonable doubt? Well, proof beyond a reasonable
12 doubt is proof that leaves you firmly convinced of the
13 defendant's guilt. Now, there are very few things that we
14 know in this world with absolute certainty, and the law
15 does not require the state to produce proof that overcomes
16 all doubt or every possible doubt, but only that doubt
17 which is reasonable.

18 Now, the roles in this courtroom are very defined. As
19 the state, we serve as ministers of justice; it is our job
20 to bring forth to you the evidence deemed admissible to
21 prove our case. Defense counsel's job is to ensure his
22 client's right to a fair trial and represent him to the
23 best of his ability. And as the Honorable Judge Early told
24 you, it is his job to instruct you on the law of the case,
25 and he will instruct you on the law as you are to apply it

1 to the facts of the case. And if ever there is a
2 discrepancy between what the attorneys in this case say and
3 what His Honor says, you are to follow his instructions and
4 his rulings to you.

5 Now with that said, no one is going to get up here and
6 question that you have the most important role in this case
7 because each of you here today is wearing a black robe.
8 And individually and collectively, you must decide and only
9 you can decide if the defendant, Maurice Roberts, is guilty
10 of these crimes.

11 So, how will you do that? Well, you must base your
12 verdict of the evidence presented to you. Now, some of
13 that evidence is going to come in the form of physical
14 evidence such as photographs, or items collected from the
15 scene, or the area where the gloves were found, audio
16 recordings, things of that nature that you can see, that
17 you can touch or hear.

18 But most of that evidence is going to come from right
19 here on this witness stand, and you're going to hear from a
20 number of witnesses, including the responding officer, the
21 surviving victims in this case, the investigators who
22 investigated this case and took statements, identified the
23 co-defendants and the people responsible. You're going to
24 hear from the crime scene investigators who actually
25 processed the scene, collected the evidence. You're going

1 to hear from some expert witnesses who actually analyzed
2 the evidence, such as the forensic pathologist who
3 conducted the autopsy, or the DNA analyst, as well as the
4 ballistics expert. You're going to hear some testimony
5 regarding the cell phone records. You're going to hear
6 testimony from some eyewitnesses or from some people who
7 have information about this case. And you may even hear
8 from some of the co-defendants in this case who, as I said,
9 will also have their day in court.

10 Now with these witnesses, it is up to you to judge
11 their ability. And in doing so, you can believe something
12 the witness says, you can believe all of what a witness
13 says, or you don't have to believe anything that a witness
14 says. That determination is for each of you and each of
15 you alone, but we do ask that you consider several things
16 when assessing a person's credibility.

17 Ask yourselves. What was that person's demeanor on
18 the witness stand? Was that witness hesitant or forthright
19 when testifying? Did that witness have any reason to be
20 biased or prejudiced in this case? And importantly, is the
21 testimony of that witness corroborated by other testimony
22 in the case?

23 Now, there are two very important witnesses not
24 testifying here today, and that's common sense and human
25 nature. And I am going to ask that you use your common

1 sense when you decide this case and what you know about
2 human nature. And when you do, I believe your verdict will
3 become clear.

4 Now, the law is a pledge that citizens will do justice
5 to one another, and the precepts of the law are these: to
6 live honorably, to injure no other man, and to render each
7 man his due. And truth is the mother of justice, and it is
8 your job, your duty here today to find the truth and to
9 seek justice. And at the end of this case, my co-counsel
10 will come before you, and she will ask you find the
11 defendant guilty for murder for brutally killing Brandon
12 Jones, guilty of attempted murder in the actions against
13 Joshua Williams, guilty for attempted murder as to Trenton
14 Scott, guilty of attempted armed robbery, and guilty of
15 burglary first degree. Hold him accountable for his
16 actions and the actions of those he conspired with. Thank
17 you.

18 MR. SUTHERLAND: May it please the court, sir?

19 THE COURT: You okay?

20 MR. SUTHERLAND: Ladies and gentlemen, we met in for
21 of an awkward fashion earlier during jury selection, but my
22 name is Tivis. I'm going to go ahead and introduce myself
23 up front. Last name's Sutherland.

24 I can tell you that I am privileged to represent
25 Maurice Roberts, and it is my honor to represent him for

1 you, ladies and gentlemen, on the facts and before this
2 honorable court on the law. I think that's been aptly
3 explained by my colleague. The court has instructed
4 everybody with respect to that, but also with respect to
5 what lawyers come before you and say, particularly at this
6 stage of the proceedings when not a single person has taken
7 the stand yet is not evidence.

8 The evidentiary value of what you heard from my
9 colleague, Ms. Simpson, and what you will hear from me is
10 at this point zero. The evidence comes from witness
11 testimony, live, eyewitness testimony here on the stand.
12 You will have exhibits with you back there in the end.

13 She made mention of tapes, whatever. They'll choose
14 what they put in. I mean, I don't have too much of a say
15 in that, but that in and of itself has to be introduced
16 through eyewitness testimony. So, everything -- as the
17 judges of the facts in this case, everything that you
18 ladies and gentlemen need to know is going to come from
19 right here. It's not going to come from right here or, or
20 from the mouths of a government lawyer.

21 What I can tell you -- and I won't spend a great
22 amount of time rehashing or sort of trying to answer back
23 to anything that was just said -- is that I will agree with
24 the government lawyer where I can. And where I do agree is
25 Deshawn McClary, his nickname is a 600. Demetrice James,

1 his nickname is Metro or Young, and Vincent Nelson, who
2 I'll put this out to the side. His nickname is Junior.

3 What I will suggest to you and what you will
4 ultimately decide is that you -- if you want to attach
5 responsibility for what happened at that place, at that
6 time, and the tragedy and the horrible loss that unfolded,
7 this would be your best bet. This would be your best bet
8 of a place to start.

9 Maybe not -- curiously, as she spoke about these
10 people, I'm wondering. In talking about co-defendants,
11 ladies and gentlemen, you might have looked over to see
12 that there's only this little fellow over here and me, his
13 lawyer, sitting here. Where are, are these guys at?

14 You know, we hear that Vincent Nelson, you know,
15 worked his way into the people's trust and he betrayed
16 them, and he set all that up. Well, where's, where's he
17 at?

18 Demetrice James, I don't know that I actually heard
19 this, but I do know that you are going to hear this. She
20 made some reference to a gun being passed back and forth.
21 I don't know that she said that their witnesses are going
22 to get up here and say that he discharged a firearm, that
23 he shot somebody. I don't know that she said that. I know
24 that she that my guy shot somebody, but I don't know that
25 she said that, and I think -- I'm, I'm relatively certain

1 you are going to hear that, that he shot somebody. And I
2 guess the passing back and forth reference to the gun is so
3 that in the flight or whatever it is from this place, I
4 guess in order for him to have done what they say he did
5 two seconds later outside at some point during this flight,
6 they must have passed it back and forth so that, that he
7 could do whatever they're saying he did.

8 And the only reason that I'm sort of making these
9 points here is again, you're going to hear it up here. But
10 the idea that the government comes into a courtroom and
11 tells a story like that and, and claims, among other
12 things, that they are here as representatives of the
13 people. What the, what the government does in criminal
14 cases is it prosecutes American citizens. It tries to take
15 people, to deprive people of their liberty. That's what
16 the government does in a criminal courtroom. That's what
17 the constitution of the United States is about. It's
18 written to protect individual citizens, Bill of Rights in
19 particular. I know the first three articles define the
20 government, but the Bill of Rights is written to protect
21 individuals like this young man over here when the
22 government comes in here with these horrible accusations,
23 and these legions of government agents from police officers
24 to investigators. They got experts on everything from
25 anthropology to zoology.

1 Let's, let's go ahead and get the DNA expert up here,
2 and let's see. Let's see what that evidence is. Let's see
3 who, who it points to or who it points away from. I wonder
4 if it's going to point to somebody that's not even here. I
5 wonder if it's going to point away from somebody who is
6 here.

7 So, I don't want to take a lot more time with a lot
8 more talk. We actually have to get down to the business of
9 the evidence and trying this case but, ladies and
10 gentlemen, I just caution you. At this stage -- after
11 we've heard this evidence, then naturally we can talk about
12 it because y'all sit there and you heard it. And rather
13 than, you know, trying to decide something from what she
14 says or what I say when you haven't heard the evidence --
15 at the end, you're going to have heard it. So, if I'm
16 saying something to you, ladies and gentlemen, at that
17 point, you'd say to yourself no, or you could say to
18 yourself yes indeed. That's exactly what I heard.

19 Ultimately, each witness, individual piece of
20 evidence, all of you individually and collectively are
21 going to decide the significance of it and what it means.
22 Y'all are, y'all are going to make the determination,
23 factual determination in, in this case, and that is the
24 American way. I do appreciate your service.

25 Briefly, I do agree with the government lawyer when

R. GRANT - DIRECT EXAMINATION BY MS. WALKER

223

1 referring back to what Judge Manning said about Winston
2 Churchill's talk about jury duty being the highest duty to
3 one's country that you can perform during peace time. As
4 an army veteran, I can tell you I agree with that one
5 hundred percent.

6 But I don't know that we're going to agree on much
7 from this point forward. I do respect the government
8 lawyers, but we just disagree. Thank you kindly.

9 Sir.

10 THE COURT: You may call your first witness.

11 MS. WALKER: Thank you, Your Honor. The state calls
12 Deputy Reginald Grant.

13 REGINALD GRANT, BEING DULY SWORN,
14 TESTIFIES AS FOLLOWS:

15 CLERK OF COURT: Have a seat in the witness stand,
16 please. State your name for the record.

17 WITNESS: Reginald Grant.

18 DIRECT EXAMINATION BY MS. WALKER:

19 Q. Sir, where you currently employed?

20 A. With the Richland County Sheriff's Department.

21 Q. And what do you do at the sheriff's department?

22 A. Right now I'm on traffic safety unit.

23 Q. I want to take your attention -- how long have you
24 been with the sheriff's department?

25 A. I've been with the sheriff's department here now four

1 years.

2 Q. So back in January of 2013, you were employed with the
3 sheriff's department?

4 A. Correct.

5 Q. And what were you doing there?

6 A. January 23rd -- January 25th, I'm sorry, of 2013, I
7 was currently assigned to the Broad River Road area as a
8 line unit on the road working patrol.

9 Q. And is that a particular region of Richland County?

10 A. Yes, designated region 4.

11 Q. You said you were with the line unit. Can you
12 describe what, what deputies with the line unit do?

13 A. Basically what we do far as line units on the road,
14 basically we're in charge of just protecting the public and
15 the property and just mainly answering calls concerning as
16 far as domestics or assaults or anything of that nature.

17 Q. On January 25th, did you respond to [REDACTED]

18 [REDACTED]?

19 A. Yes, I did.

20 Q. And is that here in Richland County?

21 A. Yes, it is in Richland County off of, off of River
22 Drive, off of McRae Street, that area.

23 Q. Do you remember what time you responded?

24 A. It was about 11:00 that night.

25 Q. And why were you responding to that location?

R. GRANT - DIRECT EXAMINATION BY MS. WALKER

225

1 A. About 11:00, approximately 11:00 that night, we
2 received a call from dispatch, myself and my supervisor,
3 that there was a shooting, a shooting incident at that
4 location. At that time, I was on -- I think I was leaving
5 our region, which is off of Fairview Road en route to that
6 location.

7 I actually passed the location because when it first
8 came out, it came out as [REDACTED]. So, by
9 the time I got back to the incident location, which was
10 [REDACTED], the dispatch gave the correct address. Already had
11 my supervisor there, along with other line -- specialized
12 units on the scene.

13 Q. And when you're responding to a situation like that,
14 are you getting information in a very quick manner?

15 A. Yes.

16 Q. And is it sometimes that information is, is correct
17 and sometime's it's not correct?

18 A. Correct.

19 Q. And in this situation, you were given an incorrect
20 address and then the correct address?

21 A. Correct.

22 Q. When you arrived it [REDACTED], what, if
23 anything, did you observe?

24 A. When I finally arrived on scene, I observed my
25 corporal, my supervisor; he was actually attending to the

1 victim. As I walked up the drive, the victim was bleeding,
2 both his upper body and lower body, basically trying to
3 gasp for air. At that time, due to the fact that we were
4 waiting in EMS and my supervisor was attending to him, I
5 started a crime scene log.

6 What I did was I went to the trunk of my patrol car,
7 grabbed the crime scene tape, and basically secured the
8 scene until the investigation -- investigators in crime
9 scene got there.

10 Q. Was that was within your training, what you're trained
11 to do when you respond to a situation such as this one?

12 A. Correct. We'd already gotten the units basically on
13 perimeter in the area, but one unit then basically secured
14 the scene. Basically that was my job from that time,
15 securing the scene.

16 Q. Now, I want to show you what's previously been marked
17 as State's Exhibits 44 and 45 and ask you if you recognize
18 these. Don't tell me what they are. Just ask you if you
19 recognize these.

20 A. Yes, I do.

21 Q. And do they fairly and accurately depict what you saw
22 that night?

23 A. Yes.

24 MR. SUTHERLAND: No objection.

25 THE COURT: 44 and 45?

R. GRANT - DIRECT EXAMINATION BY MS. WALKER

227

1 MS. WALKER: Yes, Your Honor.

2 THE COURT: Thank you. Without objection.

3 (BLOWUP OF ARIAL MAP MARKED INTO EVIDENCE AS STATE'S
4 EXHIBIT NUMBER 44.)

5 (BLOWUP OF ARIAL MAP MARKED INTO EVIDENCE AS STATE'S
6 EXHIBIT NUMBER 45.)

7 MS. WALKER: Your Honor, may the witness step down?

8 THE COURT: He may.

9 BY MS. WALKER:

10 Q. Would you step off the stand, please? If you'll stand
11 this way with your voice pointed back towards the court
12 reporter.

13 THE COURT: Can all my jurors see it? If you cannot
14 see it, raise your hand, please.

15 BY MS. WALKER:

16 Q. Can you tell me what this is that we're looking at?

17 A. Basically this is Williamsburg Drive. Here is McRae
18 Street coming down here. That's where the incident
19 location took place, which is [REDACTED],
20 located in Richland County. Here is the -- where the
21 incident location took place. When I arrived, I actually
22 parked right here in that driveway, and that's where the
23 subject was lying with Corporal Fisher. His other friends
24 were there also on the side of the house right here.

25 Q. Thank you, sir. You may step back up.

1 And at some point in time, did other investigators and
2 deputies with Richland County Sheriff's Department come and
3 actually relieve you of your duties?

4 A. Yes. Once, once, once Mr. Jones was transported to
5 the hospital, Corporal Fisher, he went to the hospital with
6 the subject. And due to the fact that we were on scene for
7 an extended number of time, I got relieved by Deputy
8 Wrigley and the scene was relinquished to him, and also
9 crime scene investigators.

10 Q. And did that conclude your involvement with this case?

11 A. Yes, ma'am, other than witnesses coming up and telling
12 me things that were happening, that took place while I was
13 securing the crime scene, yes.

14 Q. And did you share that information with other law
15 enforcement officers?

16 A. Yes. I passed that information on.

17 Q. Thank you, sir.

18 MS. WALKER: I have no further questions at this time.

19 THE COURT: Cross, if any.

20 MR. SUTHERLAND: May it please the court, sir?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION BY MR. SUTHERLAND:

23 Q. Sir, how are?

24 A. How are you?

25 Q. I'm doing well, doing well.

R. GRANT - CROSS-EXAMINATION BY MR. SUTHERLAND

229

1 How, how long do you think you were there? Probably
2 about forty-five minutes or so? Does that sound about
3 right or...

4 A. No, sir. I was there almost three to four hours.

5 Q. Okay, three to four hours. So, when it says that --
6 the time out, did you ever leave to come back, or is just
7 the crime scene log may be incorrect?

8 A. Probably, I mean, probably incorrect, but I never left
9 the scene until I left around 4 or something like that.

10 Q. Okay, and that's perfectly fine. Just asking about
11 the crime scene log.

12 What was interesting to me was that you said some
13 individuals came up and told you what, what happened.
14 Witnesses told you what they saw?

15 A. They -- she was very hysterical when she told me what
16 happened. I mainly couldn't deal with her because I had to
17 secure the scene, and so I referred her to one of the
18 investigators that were on scene, yes.

19 Q. Okay, and the, the -- did you relay the version of the
20 facts that you got from her? I know I can't ask you what
21 you said. Did you relay that to the investigators?

22 A. I didn't. I just, I just informed the investigator,
23 hey, you got, you got a witness that was here during the,
24 during the altercation, and you may need to speak with her.

25 Q. Okay. Did the investigator review a copy of your

1 report that you ultimately wrote?

2 A. I have no idea if he did or not.

3 Q. Okay. Thank you.

4 MR. SUTHERLAND: No further questions, Your Honor.

5 THE COURT: Redirect, if any?

6 MS. WALKER: None, Your Honor.

7 THE COURT: Thank you. You may step down.

8 (THE WITNESS EXITS THE STAND.)

9 THE COURT: Next witness, please.

10 MS. WALKER: Your Honor, the state calls Joshua
11 Williams.

12 THE COURT: Joshua Williams.

13 JOSHUA WILLIAMS, BEING DULY SWORN,

14 TESTIFIES AS FOLLOWS:

15 BAILIFF: State your name.

16 CLERK OF COURT: State your name.

17 WITNESS: Joshua Williams.

18 CLERK OF COURT: Thank you.

19 DIRECT EXAMINATION BY MS. WALKER:

20 Q. You go by Josh?

21 A. I go by Josh.

22 Q. Josh, how old are you?

23 A. I'm twenty-two years old.

24 MS. WALKER: Can everybody hear?

25 Q. And where do you live?

J. WILLIAMS - DIRECT EXAMINATION BY MS. WALKER

231

1 A. I live in [REDACTED]. That's off Farrow Road,
2 but most of the time I'm Mr. Davis's ---

3 THE COURT: Slow down a little bit for me, please.

4 WITNESS: My apology.

5 BY MS. WALKER:

6 A. I'm mostly over at the Williamsburg address with the
7 Davis family.

8 Q. Okay. What is it that you do for a living?

9 A. I work at USC, the Russell House, and I'm also going
10 back to school.

11 Q. Do you, do you know Trent and Troy Scott?

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

13 Q. How do you know them?

14 A. I met them when I was sixteen years old. Me and Troy,
15 we was out and about. We seen each other. He told me he
16 did music. I told him I wanted to do music, and he brought
17 me over. I met Ms. Davis and Mr. Davis. They invited me
18 in they home ---

19 Q. Who are Mr. and Ms. Davis?

20 A. They're, like, I call them Mom and Pop, but they are
21 Troy and Trent's father and mother.

22 Q. And how long -- about how long before this incident
23 did you know them?

24 A. Well, it's going on about eight years.

25 Q. Did you know Brandon Jones?

1 A. I knew Brandon for about a year, almost a year and a
2 half.

3 Q. And how did you meet Brandon?

4 A. I met him through Troy Scott. Me and Brandon, we was
5 real close, you know. That was my best friend. If he was
6 going over there, he'd notify me, hey, I'm going to do a
7 song. You coming through? Yeah. What time you get off
8 work? 5:30.

9 THE COURT: Slow down. Slow down.

10 Q. Slow down.

11 A. My apology.

12 Q. I know you're nervous. Slow down. She's got to have
13 to try to take down everything you're saying, okay?

14 A. Okay. Back to what I was saying. He would notify me
15 if he was going over there. He would always call me. He
16 would ask me for a opinion on anything, and as well as he
17 would relay something to me if he see that I'm doing
18 something wrong, he would, you know, correct me. So, I
19 considered -- he -- like I said, we was real close. That
20 was my best friend.

21 Q. And back on January 25th of 2013, were you with the
22 Scott brothers and Brandon that night?

23 A. Yes, ma'am, I was.

24 Q. What were y'all doing?

25 A. Just a typical night. We were -- me and Troy was

J. WILLIAMS - DIRECT EXAMINATION BY MS. WALKER

233

1 playing, you know, the game and Vincent Nelson, Jr., came
2 over and when he came over ---

3 Q. Hold on. I'm going to slow you down.

4 A. I gotcha.

5 Q. Who all was at the house before Vincent Nelson, Jr.,
6 got there?

7 A. It was myself, Troy Scott, Trenton Scott, Cari
8 Pearson, Mr. Chandler Davis, and Ms. Davis, as well as
9 Brandon Jones.

10 Q. And what were y'all -- what part of the house were
11 y'all?

12 A. We were downstairs in basement where the area is.

13 Q. Were, were Mr. and Ms. Davis in the basement as well?

14 A. No. Mr. and Ms. Davis were upstairs preparing for the
15 night.

16 Q. And what were you and the Scott brothers and Brandon
17 and Cari doing in the basement?

18 A. Well, Troy and I and Trent and Brandon and Cari, we
19 normally all -- everybody sits in the studio, and we listen
20 to music, or everybody will wait till a person gets done
21 recording. But this particular day, Brandon was in there
22 recording, and I, I was playing the game with Troy Scott,
23 and Trenton was in there as well as Cari was in the other
24 room.

25 Q. Like playing video games?

1 A. Yes, ma'am.

2 Q. At some point in time, did Vincent Nelson come into
3 the home?

4 A. He came in about around 10:00, and that's usual
5 because one thing I know about the Davis family, if you do
6 not call and notify that you step into they home after the
7 time of 10:00, you will not get an answer.

8 Q. So, were you surprised to see Vincent Nelson that
9 night?

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

11 Q. Did you know him at that point in time by a different
12 name?

13 A. Yes. I know him as many names. The Junior name, just
14 knowing that. He went by Calli G, Calli Junior. He also
15 went by J School.

16 Q. J School?

17 A. Yes, ma'am.

18 Q. And when you saw Vincent Nelson, Jr., that night, what
19 was he doing?

20 A. When he came in the house, I was the first one that
21 greeted him, and I turned around and he just had this blank
22 stare, like he was lifeless. And I was, like, yo, what's
23 up? He's, like, what's up, and I was, like, wait a minute.
24 How you get in ---

25 THE COURT: Hold up. Hold up.

J. WILLIAMS - DIRECT EXAMINATION BY MS. WALKER

235

1 Q. You got to, you got to slow down. I know you're
2 relaying a conversation, but slow it down so that they can
3 understand you and so that she can record everything you're
4 saying, okay?

5 A. Yes, ma'am.

6 Q. All right. So, you greeted him. You said hello.

7 A. Yes, ma'am.

8 Q. Then what happened?

9 A. He, like, I say, he was looking lifeless. Like, he
10 just had a blank stare. And I was, like, yo, how you get
11 in the house? He said, oh, Pop let me in. I was, like,
12 cool.

13 THE COURT: Slow down.

14 Q. Slow down. He said Pop let him in?

15 A. Yeah. He was, like, Pop.

16 Q. Who's Pop?

17 A. Mr. Davis.

18 Q. And at that point in time, you're saying his demeanor
19 was odd to you?

20 A. Yeah, it was real odd.

21 Q. Okay, and after you had a conversation with him, did
22 you see where he went next?

23 A. He walked off. He kept pacing back and forth because
24 where the studio area is, I was standing in the door. And
25 when he walked off, he kept pacing back and forth and I

1 was, like, you all right? He said yeah, I'm cool, and then
2 I kept hearing a phone going off and he was, like, yo, I'm
3 inside. I'm good. I'm good.

4 Q. Did you know before that night Vincent Nelson, Jr., to
5 have a cell phone?

6 A. He normally had cell phones, but it was odd because it
7 rarely, like, happened. Like rarely.

8 Q. He rarely had a cell phone?

9 A. Yeah, rarely.

10 Q. And so did that stick out to you?

11 A. Yes, it did.

12 Q. And he's on the phone talking to someone else?

13 A. Yes, the whole period of time.

14 Q. Okay, and after you see that, after you see him pacing
15 and doing those things, what did Vincent Nelson, Jr., do?

16 A. He walked off into Ms. Davis's beautician shop, and he
17 was just talking. Yeah, yeah, I'm in here. I'm in here
18 and ---

19 THE COURT: Slow down.

20 WITNESS: My apology.

21 A. Ms. Cari, you know, then notified Troy. She kept
22 saying Troy, come here, come here, and I kept seeing
23 Vincent walk back and forth. And in my mind, I'm saying, I
24 mean, what's going on?

25 Q. You were confused at that point?

J. WILLIAMS - DIRECT EXAMINATION BY MS. WALKER

237

1 A. Yes.

2 Q. Okay. Did you ever see Vincent interact with Brandon?

3 A. Yes, he did. That, that's when I start interacting
4 because, like I said, it was odd. Like, his demeanor was.

5 Q. What, if anything, was Vincent saying to Brandon?

6 A. Vincent came in. He's, like, yo, man, let me get a
7 cigarette, man. Let me get a cigarette.

8 THE COURT: Slow down. Slow down.

9 A. And ---

10 MR. SUTHERLAND: If I may? Getting into a lot of
11 hearsay.

12 THE COURT: Well, you have to object, sir.

13 MR. SUTHERLAND: Yes, sir. Absolutely. Absolutely.

14 THE COURT: Sustained.

15 BY MS. WALKER:

16 Q. Did Brandon ever give Vincent a cigarette?

17 A. Yes. When I asked for one, he did.

18 Q. So then you, too, asked for a cigarette?

19 A. Yeah.

20 Q. Where -- were y'all allowed to smoke in the Davis
21 home?

22 A. Yeah. I could smoke outside, but me, I smoke up on
23 the hill. I don't like to smoke around Ms., Ms. Davis's
24 home. Out of respect, I went to the top of the hill, let
25 the ash out on the street.

1 Q. So, who went outside with you when you went to go
2 smoke?

3 A. Brandon came with me. Brandon was actually -- me and
4 Brandon were actually the last two to do go outside.
5 Vincent came outside first.

6 Q. Okay. Vincent went outside, and then the two of you
7 followed him outside?

8 A. Yes, ma'am.

9 Q. And you said you usually went to the top of the hill?

10 MS. WALKER: Your Honor, may the witness step down?

11 THE COURT: Yes, ma'am.

12 BY MS. WALKER:

13 Q. Josh, if you'll come stand right here and keep
14 speaking out loudly and slowly so that the court reporter
15 can hear what you say, okay? Right here. Face this way.

16 You were, you were at the top of the hill?

17 A. Yes, ma'am.

18 Q. Where exactly were you?

19 A. Right here in this area. Right here. See ---

20 THE COURT: Hold on, hold on. You got to speak up.

21 THE COURT: Speak up a little bit louder.

22 WITNESS: Excuse me.

23 BY MS. WALKER:

24 A. Right here in between this area where I was smoking.

25 Q. You were here?

J. WILLIAMS - DIRECT EXAMINATION BY MS. WALKER

239

1 A. Yeah.

2 Q. Okay.

3 A. Like, right in this area.

4 Q. Where were Brandon and J School?

5 A. In this dark area right here. Brandon was right here
6 by the -- there was a weight bench right here, and Vincent
7 was right here where the door was.

8 Q. Okay, and as it all -- you can go back on the witness
9 stand. Thank you, sir.

10 A. You're welcome.

11 Q. What happens next?

12 A. Well, I see three individuals walk past. In the
13 formation they was walking, it was one individual that kept
14 walking past, and he was giggling and he kept staring me
15 down. And one I thing I don't -- I don't like the
16 intimidation factor. So, I said what's up? He nodded his
17 head and he walked off. And then two other individuals
18 came following behind him in a interval, like, thirty
19 seconds. Excuse me, thirty seconds.

20 Q. You need some water?

21 A. Yeah.

22 (A PAUSE.)

23 A. Thank you.

24 Q. You're welcome. And these three individuals are
25 walking back and forth in front of you?

1 A. Yes, ma'am.

2 Q. What happens after they keep walking back and forth in
3 front of you?

4 A. Okay, when I got done with my cigarette, I proceeded
5 down to the hill, and that's when I heard Brandon and
6 Vincent down there talking.

7 So, once I did, I turned around and I see the three
8 individuals walking again, but this time I saw one
9 individual coming. He nodded his head at me, and he was
10 giggling again, and then he kept walking, and that's when
11 he immediately made a U-turn and he came at me with the gun
12 out. And I looked at him, and I stared him down. He was,
13 like, get down on the ground if you want live.

14 So, I put my hands up and I slowly go down, just
15 looking at him. In my mind was, like, you really want to
16 do this? And the moment I did that, pistol whipped. I'm
17 rolling down the hill, and I was in that darkened area.

18 Q. You get hit. Where did you get hit with the pistol?

19 A. Right there, this area, all in this area right here.

20 Q. And once you get hit with the pistol, did you say you
21 rolled down the hill kind of?

22 A. Kind of rolled down and tumbled.

23 Q. And did you see where that individual went after he
24 hit you with the pistol?

25 A. He immediately proceeded to Brandon Jones. He was,

1 like, he's, like -- Brandon was, like, no, man. Don't
2 shoot me. Don't shoot me. Don't shoot me. He's, like,
3 get down if you want to live, and Brandon kept saying no,
4 don't shoot me. Don't shoot me. And I'm just, like,
5 leaning over with my arms over -- you know, trying to play,
6 you know, trying to play dead, like.

7 Q. At that point in time, can you see things clearly, or
8 are you little woozie? How's that?

9 A. All right, this eye right here could see but this eye
10 was stung. So, that's why I went like this, right? And I
11 just see it, and Brandon was, like, please don't shoot me.
12 Don't shoot me. He was, like, he was, like, man, don't
13 shoot me. Don't shoot me. He's, like, well, I'm not.
14 Just, just be quiet. And Brandon's, like, please don't
15 shoot me, and I'm just sitting up there, like...

16 Q. Okay. After Brandon begging not to be shot, could you
17 see where that individual went?

18 A. Well, he just kept standing over Brandon. He's, like,
19 he's, like, where the keys at? Where the keys at to the
20 car? Brandon was, like, man, I don't know. I don't know.
21 And then once he did that, the individual proceeded over to
22 Vincent Nelson, Jr., and Vincent Nelson, Jr., like ---

23 THE COURT: Slow down. Slow down.

24 Q. Slow down. I know you're, I know you're nervous.
25 Just slow down so that everybody can understand you, okay?

1 A. I know.

2 Q. And you got to say yes or no so that she can
3 understand you, too, okay?

4 A. Okay.

5 Q. He, the man with the gun, proceeded towards J School?

6 A. Yeah. J School, like, he's, like, where the keys at?
7 He's, like, it's two in the house. It's two in the house.
8 And that's when two, the two individuals I spoke of, right,
9 they proceeded down the hill and the gun -- the gunman went
10 in the house, and that's when I heard scuffling and I heard
11 glass breaking. And that's when immediate -- like, two to
12 three minutes they came back outside, and that's when
13 everything got real and ---

14 Q. Okay, hold on one second. At that point in time while
15 this stuff was going inside, what are you doing?

16 A. I still lying on the ground trying to, you know,
17 maneuver and get -- regain my composure. And like I said,
18 the two individuals was still outside, and they patted me
19 down. It was, like, yo, what you got? What you got? I
20 was, like, I done got nothing. And then two people just
21 beating on me. One was beating on my head, and one was
22 beating on my side. And then one of them, when they
23 couldn't find anything, they yell damn. You one broke-ass
24 nigga.

25 Q. And at that point, could you -- did you -- could you

1 tell where Brandon was?

2 A. Brandon was still over there. Like, he just there,
3 like, laying there, like, he -- and he just kept saying
4 please don't shoot me. Don't shoot me. Don't shoot me.

5 And after the scuffling, the door, I heard the closing
6 of the door, like, boom. And then we was just -- back
7 outside and then Vincent yells out, he's, like, let's go,
8 let's go, let's go.

9 Q. And when you say Vincent yells that out, how many
10 times have you been around Vincent before?

11 A. I been around Vincent, know him, like, it was off and
12 on, but I'd seen him around.

13 Q. Could you recognize his voice when you heard it?

14 A. Yes, ma'am.

15 Q. And he yells out let's go, let's go?

16 A. He said let's go, let's go. And then all I'm hearing
17 is, like, 600, 600 don't do it. Pow, pow, pow, pow, pow,
18 pow, pow, and it's, like, shots repetitively just going
19 off. And then I felt a jolt of pain, and that's when I
20 didn't hear Brandon no more, and then everybody ran. All I
21 saw, eight pair of shoes run up the hill, and Vincent
22 Nelson, Jr., was with them.

23 And the moment -- I was in the moment. I regained my
24 composure and I got up, and I didn't see Brandon nowhere
25 because once you get down that hill at a certain time of

1 night, it gets dark, but you can still see what's going on.
2 And I was looking over, and I ran past Mr. Davis's truck to
3 go on the site to see if the door was open from the bottom
4 door. It was locked.

5 Q. You were trying to get back in the house?

6 A. Yeah. I was trying to get ---

7 Q. You were trying to get to safety?

8 A. Exactly.

9 Q. And that door was locked?

10 A. That door was locked. So, the first thing that came
11 to my mind, that Ms. Davis has a beautician shop in there,
12 and -- but she'd have to go through the storage area. So,
13 what I did was hold my side whereas I kind of had to, you
14 know, walk with a limp.

15 Q. Why were you holding your side?

16 A. Because it was, like, a bullet abrasion on the side
17 and I was bleeding. I have ---

18 Q. You'd been shot?

19 A. Yes, ma'am, and was holding the shirt, and that's when
20 I heard someone inside the house, like, coming towards the
21 sports room. And I was trying to shoulder block my way in
22 through the beautician door, and I was screaming, like,
23 somebody let me in, let me in, let me in. And when I
24 shoulder blocked myself in, I was greeted with Mr. Davis
25 and Mr. Davis said where's Brandon. I was, like, I don't

1 know. I was, like, I ---

2 THE COURT: Slow down.

3 A. --- don't know.

4 THE COURT: Slow down.

5 Q. You didn't know where Brandon was at that point in
6 time?

7 A. Yes, ma'am.

8 Q. And did you -- did police officers come to y'all that
9 night?

10 A. When I went outside, there were so many officers out
11 there. I went -- I was the one that went back outside
12 because Ms. Davis, she was trying to calm me down because,
13 like, I had blood running from here. Then I was holding my
14 side, and then I was looking at my shirt and I was, like,
15 man, I can't believe this happened to me.

16 Q. Did you go to the hospital that night?

17 A. Yes, I did.

18 Q. And did you eventually make contact with law
19 enforcement officers?

20 A. Yes, I did. Mr., Mr. Boland, he came.

21 Q. Investigator Boland?

22 A. Yes, sir. He came in and presented himself, and at
23 the time I was in, I was in a state. Like, I really didn't
24 want to be bothered, but Mr. Boland, he presented himself
25 well. And he said, he said listen. I'm Investigator

1 Boland and I'm ---

2 Q. Did you give a statement to him?

3 A. Yes, ma'am.

4 Q. Okay.

5 MS. WALKER: Beg the court's indulgence, Your Honor.

6 Q. With your position on the, on the hill that night, did
7 you get a good look at the faces of the individuals that
8 rushed the house?

9 A. Ma'am, I know for a fact the gunman, he had, like, a
10 medium brown complexion, and he had, like, a...

11 Q. Did you get a good look at his face?

12 A. Yes, ma'am. He had a medium brown complexion.

13 Q. And did you see Brandon get in any way assaulted by
14 the gunman?

15 A. Yes. They were scuffling. Yes, ma'am. That's what
16 I'm saying. After the scuffle, Brandon was laying on the
17 ground. He kept screaming don't shoot me. Don't shoot me.

18 Q. When Brandon was yelling don't shoot me, don't shoot
19 me, did you actually see Brandon get shot?

20 A. I heard the shots go off, and they just sent a jolt of
21 pain in me because when it went off, it was just, it was
22 just too much for me.

23 Q. Thank you, sir.

24 MS. WALKER: I don't have anything else.

25 MR. SUTHERLAND: Please the court, sir?

J. WILLIAMS - CROSS-EXAMINATION BY MR. SUTHERLAND

247

1 CROSS-EXAMINATION BY MR. SUTHERLAND:

2 Q. Is a Joshua or Josh?

3 A. Josh.

4 Q. Josh, I'm Tivis.

5 A. How are you doing, sir?

6 Q. I'm doing well. This won't take too long. I just
7 want to ask you a little bit about what you just testified
8 about, and a little bit about Vincent Nelson.

9 Did you testify you had known him for a year or two?

10 A. I'd know him about a year.

11 Q. J School, about a year?

12 A. Yes, sir.

13 Q. And was, was he often over at Williamsburg?

14 A. In the beginning, he was, he was heavily over there
15 often. Like I said, Ms. Davis, she welcomes you in the
16 home. We young individuals, she treat all, you know, is
17 the same: like we all her boys. It just that he
18 disappeared for, like, two or three months and then just,
19 like, that night he just, you know, he popped up.

20 Q. Okay. So, he all of a sudden popped up. You've
21 testified about his demeanor. That he just looked like he
22 was gone. Is that, that...

23 A. No. He was, like, in a state. Like, he was just,
24 like, standing there. Like, he was, like, he was lifeless,
25 like, in a I-don't-care state.

1 Q. I gotcha. I gotcha, and just a last thing. You had
2 testified that, that you heard 600, don't do it, don't do
3 it?

4 A. Yes, I did.

5 Q. Okay, thank you, sir.

6 MR. SUTHERLAND: No further questions, Your Honor.

7 THE COURT: Redirect?

8 MS. WALKER: Nothing from the state, Your Honor.

9 THE COURT: Thank you. You may step down.

10 (THE WITNESS EXITS THE STAND.)

11 THE COURT: You got a short witness, Ms. Walker?

12 MS. WALKER: I beg the court's indulgence, sir.

13 (A PAUSE.)

14 MS. SIMPSON: State calls Chandler Davis.

15 THE COURT: Mr. Davis, Chandler Davis, please.

16 CHANDLER DAVIS, BEING DULY SWORN,

17 TESTIFIES AS FOLLOWS:

18 CLERK OF COURT: Have a seat in the witness stand,
19 please. State your name for the record.

20 WITNESS: Chandler Davis.

21 DIRECT EXAMINATION BY MS. SIMPSON:

22 Q. Mr. Davis, how old you?

23 A. I'm fifty-four.

24 Q. And where do you live?

25 A. [REDACTED], Columbia, South Carolina.

C. DAVIS - DIRECT EXAMINATION BY MS. SIMPSON

249

1 Q. Okay, and speak up just a little bit so everybody can
2 hear.

3 A. [REDACTED], [REDACTED] -- [REDACTED]. South Carolina.

4 Q. Okay, and are you married?

5 A. Yes, ma'am, I am.

6 Q. Who are you married to?

7 A. Gwendolyn Sugar David.

8 Q. And she goes by Ms. Sugar?

9 A. Sugar, yes, ma'am.

10 Q. And do you have any children?

11 A. Yes, ma'am.

12 Q. Trenton and Troy Scott, who we're heard referred,
13 referred to, are those actually your stepsons?

14 A. Those are my stepsons, but they are my children.

15 Q. They're your children. You raised them. Tell me a
16 little bit about the house at Williamsburg Drive and your
17 family dynamic.

18 A. Okay. Well, my house, we try to treat everybody like
19 family. Try to be good, you know, to everybody in life.
20 We love kids, you know, like ---

21 Q. Slow down just a little.

22 A. We try to treat everybody the same around there. We
23 love kids. We don't like to see homeless kids and stuff.
24 You know, try to guide them the right way and stuff like
25 that and help. If we can help you, we will help you, you

1 know, but...

2 Q. And your home, Ms. Sugar, your wife, actually had kind
3 of a salon area that she ran?

4 A. Yes, ma'am.

5 Q. And there was also a recording studio and kind of a
6 sports area for the boys ---

7 A. Yes.

8 Q. --- downstairs?

9 A. Yes, ma'am.

10 Q. And that's kind of where they stayed and hung out?

11 A. Yes, ma'am.

12 Q. Were they into music?

13 A. Yeah, they are into music.

14 Q. And often would they have friends over?

15 A. Yes, they would.

16 Q. And I want to turn your attention to January 25th of
17 2013. Did you know Brandon Jones?

18 A. Yes, I did.

19 Q. How did you know Brandon?

20 A. I met him through the kids. He was like a son to me.
21 Me and him, we got real close.

22 Q. And so he would be around pretty often?

23 A. Yes, he would.

24 Q. And did you also know Joshua Williams?

25 A. I know Joshua. You know, we try, we try to straighten

C. DAVIS - DIRECT EXAMINATION BY MS. SIMPSON

251

1 him out. You know, take him to church and everything,
2 clothing and everything, you know. He would, he would hang
3 around. He disappeared for a few months, and he came back.
4 I think -- he, he came back. He said he'd been in the
5 hospital or something, was...

6 Q. And are we talking about Joshua or Vincent Nelson?

7 A. Oh, I'm sorry. I'm sorry. Yeah, I know -- okay.
8 Yes, I know Josh.

9 Q. Okay, and you also know Vincent Nelson, Jr., J School?

10 A. Yes, I knew him.

11 Q. And was he actually one of the young men your family
12 took in for a period of time?

13 A. Yes.

14 Q. To try and get him off the streets and ---

15 A. Yes.

16 Q. --- and back on track?

17 A. Yes.

18 Q. So, you all trusted him? You knew him?

19 A. Yes, I trusted him.

20 Q. And you said earlier that he hadn't been around for a
21 couple of months?

22 A. Right.

23 Q. He'd kind of disappeared?

24 A. Right.

25 Q. On January 25th, tell us what you remember about when

1 he came to the door.

2 A. It was about, probably around about 10, maybe after
3 10. Close to that, I know. Doorbell rang. I said who's
4 at -- you know, who -- you know, I told my wife who's at my
5 door this time of night? So, I got up. I went to the
6 door. I saw it was him, so I, I let him in. You know, I
7 told him the boys downstairs, you know, just trusting him.

8 Q. And he had actually done some work for y'all, too,
9 around the house?

10 A. You know, a little cleaning up.

11 Q. To help the ---

12 A. Yeah, yeah, a little cleaning up stuff.

13 Q. And you didn't have any reason not to let him in the
14 home?

15 A. No, I had no reason not to let him in. Have no reason
16 not to let him in the home, you know, because that was my
17 son friends supposedly.

18 Q. The downstairs area, can it be kind of closed off as
19 far as from the upstairs area?

20 A. Yes. Yes.

21 Q. So you are separated?

22 A. Yes.

23 Q. And at some point, did you find out about the incident
24 and everything that was happening outside?

25 A. Yes. First I heard glass breaking, and I said what's

C. DAVIS - DIRECT EXAMINATION BY MS. SIMPSON

253

1 my boys down there breaking now, all right? And so I
2 didn't pay, really pay it no attention at the second, you
3 know, too much like that. And all of a sudden, I heard a
4 gunshot, gunshot. Then I heard about three or four more,
5 and -- five minutes, and so I jumped up, you know, get my
6 clothes on and get downstairs.

7 Q. So, this was late. You were actually probably, I
8 guess, in the process of going to bed?

9 A. Yeah. So, I jumped up, right, and tried to get
10 downstairs, you know, get downstairs, get my clothes and
11 get downstairs. At that time, there was a beating on the
12 side door. What that was, that was Josh, Joshua Williams.
13 That -- he, he was -- they hadn't let him inside the door.
14 I, I -- well, when I didn't see Joshua and I didn't see
15 Brandon. So, I ran around looking for all, looking for all
16 the kids, right?

17 Q. Okay. So, let me stop you. So, Joshua is actually --
18 and when you say Joshua, Joshua Williams is actually
19 beating on the side door ---

20 A. Yes.

21 Q. --- trying to get in?

22 A. Uh-huh.

23 Q. And at that point, you're looking for everybody else?

24 A. I was looking for everybody else, too.

25 Q. Because all the shots had gone off?

1 A. Uh-huh. Yeah.

2 Q. And what happened next?

3 A. Okay. So, I got him in my -- and I ran around looking
4 for Joshua and Brandon, right? I got to the door, to my
5 back door and I found Brandon laying down. So, I grabbed
6 him and I tried to grab him, and talking to him, and he was
7 bleeding stuff. He was saying help, help. So, you know,
8 he was bleeding. I got on my phone again to call EMS, you
9 know. And my wife, she's upstairs, you know, you know.
10 She was running around, hollering out, and I told her
11 Brandon down -- Brandon was down here and, you know,
12 everything just...

13 Q. So, everything was happening pretty quickly?

14 A. Yeah.

15 Q. So, you were actually down there with Brandon?

16 A. Yeah.

17 Q. As he was bleeding out, and he was saying help me,
18 help me?

19 A. Yes.

20 Q. But he was conscious?

21 A. Yes.

22 Q. You were just trying to help him get through?

23 A. Yes.

24 Q. And did you know yet about the fact that Trey had been
25 shot?

C. DAVIS - DIRECT EXAMINATION BY MS. SIMPSON

255

1 A. Yeah, I know.

2 Q. And was he being helped, too?

3 A. He was being helped.

4 Q. That's Ms. Sugar?

5 A. Yes.

6 Q. And did you actually wait with Brandon?

7 A. Yes, I did.

8 Q. Until EMS arrived?

9 A. Yes.

10 Q. Now, other than hearing what went on and being with
11 Brandon afterwards, did you actually see any of the
12 shooting or what happened outside?

13 A. I didn't see the shootings, no.

14 Q. But you actually are one of the ones that called 911?

15 A. Yes.

16 MS. SIMPSON: Thank you, Mr. Davis.

17 WITNESS: All right.

18 THE COURT: Any questions?

19 MR. SUTHERLAND: I have no questions of this witness,
20 Your Honor.

21 THE COURT: Thank you. You may step down.

22 (THE WITNESS EXITS THE STAND.)

23 THE COURT: Ladies and gentlemen of the jury, I have a
24 hearing starting in ten minutes on another matter. Let's
25 break until 2:15. That's a little longer than I normally

1 take, but this hearing's about an hour, hour and fifteen
2 minutes that I've got to do. We'll start back at 2:15 and
3 go till about 5 today. Is that an imposition for anyone?
4 Everybody good with that? Anybody need a ride? We okay
5 with that?

6 All right, bailiff will show you back to your jury
7 room, show you how to get out and how to get back in
8 through all the mazes in the Richland County courthouse.

9 Please do not discuss the case or start any type of
10 deliberations or let anyone discuss it with you.

11 When you get back, please select a foreperson for me
12 and let me know who that is. We'll start right after lunch
13 and try to move efficiently until about 5:00.

14 Everyone else please remain seated. Thank you.

15 (THE JURY EXITS AT 12:33 PM.)

16 THE COURT: Anything from the state before we break
17 for lunch?

18 MS. CAMPBELL: Nothing from the state.

19 MR. SUTHERLAND: No, sir.

20 THE COURT: All right, I've got a right lengthy
21 hearing starting in a few minutes. If y'all would leave
22 all your stuff on the table, just push it forward so I can
23 have you -- have a good many lawyers coming in.

24 All right, we'll stand at ease until 2:15. Start back
25 and plan to go until about 5. We'll see how we're running

1 as we get close to 5. The defendant is in custody. Thank
2 you.

3 (OFF THE RECORD.)

4 (PHOTOGRAPHS MARKED INDIVIDUALLY AS STATE'S EXHIBIT
5 NUMBERS 54 THROUGH 196 FOR IDENTIFICATION.)

6 THE COURT: Thank you. Please be seated. Anything
7 for the record before we start?

8 MR. SUTHERLAND: No, sir.

9 (A PAUSE.)

10 THE COURT: Ms. Campbell, I got a message from the
11 jury for the witnesses to please speak up a little bit.

12 MS. CAMPBELL: Thank you.

13 (THE JURY ENTERS AT 2:27 PM.)

14 THE COURT: Mr. Geiger, which one is Mr. Geiger?

15 FOREPERSON: Sir.

16 THE COURT: Congratulations.

17 FOREPERSON: Thank you, sir.

18 THE COURT: You'll now get into politics since you
19 were unanimously elected. Is that correct?

20 FOREPERSON: Yes, sir.

21 THE COURT: Thank you for agreeing to serve. I
22 apologize. We're running just a few minutes behind. That
23 hearing went just a little bit longer than I thought.
24 Anyway, I'm sorry. I apologize.

25 You may call your next witness.

1 MS. CAMPBELL: The state calls Investigator Michael
2 Beeler.

3 THE COURT: Come around, please.

4 MICHAEL BEELER, BEING DULY SWORN,
5 TESTIFIES AS FOLLOWS:

6 CLERK OF COURT: Have a seat on the stand for me,
7 please. State your name for the record.

8 WITNESS: Michael Beeler.

9 DIRECT EXAMINATION BY MS. SIMPSON:

10 Q. Investigator Beeler, where are you employee?

11 A. Richland County Sheriff's Department with the Crime
12 Scene Forensic Unit.

13 Q. And how long have you been with the Richland County
14 Sheriff's Department?

15 A. Fourteen years.

16 Q. And you stated that you're in the Crime Scene Unit?

17 A. Yes, ma'am.

18 Q. How long have you been with the Crime Scene Unit?

19 A. About six years.

20 Q. Six years, and as a member of the Crime Scene Unit,
21 what are some of your duties?

22 A. Primarily response to any kind of crime scene, from
23 occasional car break-ins, a lot of property crimes,
24 burglaries, armed robberies, homicides. Pretty much
25 anything in Richland County.

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

259

1 Q. Okay, and do you work with a number of other crime
2 investigators as well?

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

4 Q. And can you tell the jury just a little bit about your
5 training and background with respect to crime scene
6 investigation?

7 A. Yes, ma'am. I graduated the Criminal Justice Academy
8 in 1997. I attended several crime scene investigation
9 classes, both as part of the department training, in-house
10 training that takes approximately two years. Working on a
11 national certification study right now. Classes in
12 bloodstain pattern analysis, DNA, forensic pathology
13 overview, documentation reporting of fingerprints, crime
14 scene, advanced crime scene photography, footwear and tire
15 track development, advanced bloodstain pattern, crime scene
16 reconstruction, our scan station, homicide questioned death
17 scene, latent print examination, bloodstain pattern
18 analysis, crime scene reconstruction, and also attended a
19 class on fire investigation.

20 Q. Okay, and as a crime scene investigator, do you
21 actually have to take courses throughout your career to
22 stay updated as far as your certifications?

23 A. Yes, ma'am. There's national certifications that we
24 have to continuously study for. There's always more to
25 learn, more skills to develop, and it's, it's really one of

1 those -- one of the fields you never stop learning.

2 Q. And your lab, the Crime Scene Unit, it's actually
3 accredited, correct?

4 A. Yes, ma'am.

5 Q. And as part of your duties back in, I believe, January
6 25th or January of 2013, what capacity were you working in?

7 A. Crime scene investigation. I was the crime scene
8 investigation officer, investigator on call. We have
9 different time periods throughout the day where we respond
10 primarily to calls, and then after those times, we are a
11 secondary unit. And also that's when -- our time to do
12 paperwork and process evidence that we collect on scene.

13 Q. And so in addition to actually being trained in
14 collection and processing, do you also photograph and
15 things of that nature?

16 A. Yes, ma'am. It's part of the typical crime scene. If
17 you consider a typical crime scene, no matter if it's a
18 simple scene or a major scene that takes days and weeks to
19 process, there's basic steps you have to do, from, one,
20 making sure that the scene is secure. It came be as simple
21 as making sure that the paperwork is up to date, that the
22 crime scene log is being maintained. You want to make sure
23 everybody that isn't supposed to be in the scene is removed
24 from the scene so they don't contaminate it.

25 You have to document what you see. You have to

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

261

1 photograph what you see, protect, preserve, collect,
2 process. Rushing right in and going straight for something
3 isn't necessarily the best way to do things. You have to
4 be slow and meticulous, make sure that you don't miss
5 something and make sure nothing is destroyed along the way.

6 Q. And did you actually have occasion to respond to the
7 incident location in this case?

8 A. Yes, ma'am, I did.

9 Q. Can you tell us how and when that occurred?

10 A. I was notified in the evening of the 25th by our desk
11 sergeant of a shooting, shooting incident on Williamsburg
12 Drive. I responded as long -- along with Investigator
13 Woods, who was the secondary unit at that time for crime
14 scene. We responded to Williamsburg Drive.

15 I met with Investigator Woods, and Investigator Boland
16 responded. I made sure that the scene was properly secure,
17 and Deputy Grant was there maintaining security of the
18 scene and the crime scene log.

19 Q. And when we say and you refer to a scene as being
20 secure, what do you mean?

21 A. Typically people think of a crime scene tape as being
22 the end all. This is the crime scene; don't go in there.
23 That's what red lights mean at stop signs. People go
24 through that all the time. So, deputies are on scene to
25 make sure that people don't go, go where they're not

1 supposed to, make sure that people that are walking around
2 are outside of the scene.

3 You want to preserve the scene and make sure that
4 nobody gets in there, kicks anything around. Nothing's
5 removed. Nothing's misplaced. So, to secure a scene is
6 more than just putting up tape. It's, it's actual law
7 enforcement physical presence to make sure that nobody goes
8 in and out of the scene.

9 Q. Okay, and when you responded, you stated that you made
10 contact with several investigators and officers on the
11 scene. Were you apprised of the nature of what kind of
12 crime scene this was?

13 A. At the time it was a shooting incident. After I was
14 there a period of time, I found out that, from Investigator
15 Boland, that the -- one of the victims had passed at the
16 hospital.

17 Q. I'm going to show you what been marked as State's 155
18 and 156.

19 MR. SUTHERLAND: No objection, sir.

20 MS. SIMPSON: I guess, Your Honor, at this time the
21 defense doesn't have an objection. I would offer State's
22 155 and 156 into evidence.

23 THE COURT: Yes, ma'am.

24 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
25 STATE'S EXHIBIT NUMBERS 155, 156.)

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

263

1 BY MS. SIMPSON:

2 Q. And you mentioned crime scene tape. There actually is
3 tape in this, in these pictures as well. Is this what you
4 observed when you arrived?

5 A. Yes, ma'am.

6 Q. As well as officers maintaining the scene?

7 A. Yes, ma'am.

8 Q. After you were apprised, what was one of the first
9 steps, or what was your next step with respect to
10 processing the scene?

11 A. After?

12 Q. Speaking with Investigator Boland and learning about
13 -- and speaking with Investigator Woods.

14 A. Yes, ma'am. After, after the scene was secure and we
15 got some basic information, we started to -- I started to
16 go through the scene looking for items of evidentiary
17 value, things that needed to be secured and protected.

18 In some scenes, if the wind is blowing, you -- if
19 there's light items, they can be blown across the street or
20 whatever. So, we have to put -- part of the securing of
21 the scene.

22 I began to go through, document on paper, take
23 photographs of items in the scene and then as part of that
24 process, then you start putting down markers on items that,
25 that appear to be relevant at the time, and just taking

1 notes and documenting everything you see.

2 Q. So, you actually do kind of an initial walk-through
3 and observe the scene as it is, and at this point, do you
4 necessarily know what will be relevant or irrelevant down
5 the road or what might be important?

6 A. No, ma'am, we do not.

7 Q. So, it's your goal just to document and preserve?

8 A. Correct.

9 Q. The evidence? I'm going to show you what's been
10 marked.

11 (COUNSELORS CONFER.)

12 Q. Investigator Beeler, the location that you arrived at,
13 what type of location was it? Was it an apartment
14 building, a home?

15 A. It was a, two-story residence with a driveway on the
16 side. The upper level was at street level, and then there
17 was a hill that -- the lower-level that contained a small
18 patio and driveway was on.

19 Q. And from the information that you had, did you
20 actually begin your initial processing in the driveway
21 area?

22 A. Yes, ma'am, the outside. Went down the hill. Started
23 looking for items such as bloodstains, possible
24 bloodstains, projectiles, cartridge casings, anything that
25 could be evidentiary -- of evidentiary value.

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

265

1 Q. And have you learned whether or not the deceased
2 victim's body had actually been removed from the scene at
3 this time?

4 A. Yes, ma'am. I was, I was advised that he had been
5 transported. I don't remember who advised that he had been
6 transported, but the victims were not on scene at the time
7 I was there.

8 Q. I'm going to show you what's been marked as State's
9 Exhibits 108 through 122. Do you recognize those?

10 A. Yes, ma'am. These are...

11 THE COURT: What were those numbers again, please?

12 MS. SIMPSON: State's 108 through 122.

13 BY MS. SIMPSON:

14 A. Most of these are, beginning with State's 108, are
15 clothing that appear to have been cut off. Believed to be
16 during EMS treatment. There was EMS purple gloves and
17 packaging of -- from typical medical supplies that they use
18 during the treatment. There was reddish-brown stains on
19 the ground.

20 Q. And do those fairly and accurately depict what you
21 observed when you arrived at the scene?

22 A. Yes, ma'am, they do.

23 MS. SIMPSON: Your Honor, at this time I would offer
24 State's 108 through 122 into evidence.

25 MR. SUTHERLAND: And, Your Honor, I would object to

1 them as being cumulative and prejudicial, sir.

2 THE COURT: Which ones?

3 MR. SUTHERLAND: If, if I may, sir?

4 THE COURT: You may.

5 (A PAUSE.)

6 MR. SUTHERLAND: All but 108, 114, and 115, sir.

7 THE COURT: 108, 114, and 115?

8 MR. SUTHERLAND: Yes, sir, and I object to the
9 remainder.

10 THE COURT: Well, let me see them.

11 MR. SUTHERLAND: Yes, sir.

12 (OFF-THE-RECORD BENCH CONFERENCE.)

13 THE COURT: All right, defense counsel does not object
14 to 115, 114, and 108. He objects to 109, 110, 111, 112,
15 113, 116, 117, 118, 119, 120, 121, and 122 as being?

16 MR. SUTHERLAND: Cumulative and prejudicial, sir.

17 (CELL PHONE RINGS IN THE COURTROOM.)

18 THE COURT: Please turn your phones off.

19 All right, what the state's position as to the
20 exhibits he's objected to as being cumulative and
21 prejudicial?

22 MS. SIMPSON: Your Honor, with respect to ---

23 (CELL PHONE RINGS IN THE COURTROOM.)

24 THE COURT: Hold on a second. Last call. Phones,
25 please.

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

267

1 I don't take them. People have to work too hard for
2 their phones.

3 MS. SIMPSON: Your Honor, as far as them being
4 cumulative, I believe these -- that we have, first of all,
5 narrowed these down significantly from the amount of
6 pictures that was -- that were taken. Ones defense counsel
7 does not object to I don't believe give a complete and
8 accurate picture of the scene at hand.

9 As far as prejudicial, the only thing I can think that
10 defense counsel doesn't like in those photos would be the
11 blood. However, it does not contain the victim's body, and
12 it's consistent with the testimony in evidence in this
13 case. And I believe the probative value of these
14 photographs outweighs any unfair prejudice to the defense.

15 MR. SUTHERLAND: And if I may, sir? I believe that
16 the three I did not object to show the proper perspective
17 and show everything which is in that photograph. They are
18 just close ups on a lot of blood and bodily materials, sir,
19 and it's just plain inflammatory, in my view.

20 THE COURT: All right, I find that this is obviously a
21 crime scene that was inside, outside and it's, to me, an
22 actual depiction of the chaos at the conclusion of the
23 event, and I do not find them to be cumulative. I think
24 they are needed for the entire picture to be shown.

25 As far as prejudicial, there -- I note there are some

1 scenes with blood in them, but as the solicitor said,
2 there's no body or anything. I don't, I don't think
3 they're prejudicial beyond -- prejudicial value does not
4 outweigh the probative value. I will allow it.

5 MR. SUTHERLAND: Yes, sir. Thank you.

6 MS. SIMPSON: Thank you, Your Honor.

7 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBERS 108 THROUGH 122.)

9 BY MS. SIMPSON:

10 Q. And in a moment I want to direct your attention to
11 State's Exhibit 110. What are we seeing here?

12 A. Reddish-brown stains in a, in a concentration.

13 Q. Like a pool?

14 A. Yes, ma'am. It would be consistent.

15 Q. And that is nearby the clothing that was found at the
16 scene as well and I believe depicted in State's 109?

17 A. Yes, ma'am.

18 Q. In the scene out there, besides the clothing being
19 scattered and cut, I want to direct your attention to
20 State's 113. As far as the nature of that crime scene,
21 does it look as though an altercation appeared there?

22 A. I cannot attest to how people live.

23 Q. But there was clearly blood?

24 A. Some, some, some people are messy, but there, there,
25 there is considerable reddish-brown stains consistent with

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

269

1 blood.

2 Q. After photographing these areas, what was your next
3 step?

4 A. After photographing, then we go through and start
5 placing markers to depict certain items in, in the scene
6 from projectiles, cartridge casings, cigarette butts, beer
7 cans.

8 Q. And I'm going to show you what's been marked as
9 State's 75 through 94, and at this point we're still
10 outside in the driveway area, correct?

11 A. Yes. Yes, ma'am.

12 MR. SUTHERLAND: No objection, sir.

13 MS. SIMPSON: Your Honor, at this time I would move
14 State's 74 through 94 in evidence -- or State's 75.

15 THE COURT: No objection. What were the numbers
16 again?

17 MS. SIMPSON: State's 75 through 94 into evidence.

18 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
19 STATE'S EXHIBIT NUMBERS 75 THROUGH 94.)

20 BY MS. SIMPSON:

21 Q. Take a look at these with. Respect to the markers 1
22 through 12, what are you depicting with those markers?

23 A. In this set of pictures, we use number markers to
24 represent items firearm related: projectiles, cartridge
25 casings, and fragments. In the later pictures, we used

1 letter markers to indicate reddish-brown stains.

2 MS. SIMPSON: And, Your Honor, can I actually --
3 permission for the witness to step down?

4 THE COURT: Yes, ma'am.

5 BY MS. SIMPSON:

6 Q. And we'll kind of go through these. In State's 75,
7 you mentioned that the number markers were used for
8 projectiles, and would you say cartridge casings?

9 A. Fired cartridge casings.

10 Q. Explain the difference between a projectile and a
11 cartridge casing.

12 A. Most people call a bullet if, if -- the terms are used
13 interchangeably by laypersons. A projectile is the actual
14 physical bullet that comes out of the cartridge casing.
15 The cartridge, fired cartridge casing is left behind,
16 typically ejected or remaining in the cylinder. The
17 projectile, depending on the bullet makeup, are lead,
18 copper jacketed. Sometimes once they, they strike a
19 surface they will become fragments. Fragments can consist
20 of just lead or the copper jacketing that becomes
21 separated.

22 Q. And in these photographs, you actually document some
23 faraway pictures which note, I guess, the directionality
24 and the proximity of the cartridge casings and the
25 projectiles to one another, correct?

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

271

1 A. Not directionality. We are just showing their
2 relation to other items in the scene. I take overall
3 midrange and close-up photos.

4 Q. And by close ups, such as State's Exhibit 77?

5 A. Yes, ma'am.

6 Q. And that looks as though it's a fragment, I believe?

7 A. I need to look at my notes, ma'am.

8 (A PAUSE.)

9 A. Number 1 appeared to be a cartridge, appeared to be a
10 whole cartridge. My apologies. It appeared to be a whole
11 projectile.

12 Q. Okay, and then in State's Exhibit 79?

13 A. That would be a fired cartridge casing.

14 Q. And is this the close-up depiction?

15 A. Yes, ma'am.

16 Q. And then in State's 80, what do we have?

17 A. Another fired cartridge casing.

18 Q. So, a separate casing?

19 A. Yes, ma'am.

20 Q. And all these are marking separate cartridge cases as
21 well as projectiles?

22 A. Yes, ma'am.

23 Q. And then in State's 82, we have ---

24 A. A close up of a fired cartridge casing.

25 Q. And all of these, again, are outside in the driveway

1 area. In State's 83 we actually see a vehicle located.
2 Were the projectiles and cartridge casings near that
3 vehicle?

4 A. Yes, ma'am.

5 Q. And in State's Exhibit 84, what do we see?

6 A. A close up of a fired cartridge casing.

7 Q. Yet another, a separate and distinct cartridge casing?

8 A. Yes, ma'am.

9 Q. And the same thing for State's 85?

10 A. Yes, ma'am.

11 Q. Marker number 6, and then I believe in State's 87,
12 what do we have here?

13 A. The close up of a projectile.

14 Q. Also located outside?

15 A. Yes, ma'am.

16 Q. And then State's Exhibit 90, marker number 8?

17 A. Yes, ma'am. Close, close up appeared to be a, a
18 projectile.

19 Q. And you marked these projectiles. Are they later
20 collected?

21 A. Yes, ma'am, they are by Investigator Woods.

22 Q. So in this case, another crime scene investigator
23 actually collected the evidence after it was marked?

24 A. Correct.

25 Q. So, in State's Exhibit 91, we have both marker 9

1 and 10?

2 A. Number 9 is a close up of a projectile, and number 10
3 is a close up of a fired cartridge casing.

4 Q. And then yet another cartridge casing, I believe, in
5 State's Exhibit 93?

6 A. Correct.

7 Q. And finally in State's Exhibit 94, marker 12?

8 A. Yes, ma'am. Appears to be fragments of a possible
9 projectile.

10 Q. So, outside of this scene -- and you can have a seat
11 -- there were a number of cartridge cases found?

12 A. Yes, ma'am.

13 Q. And located. You say that next you also used letters
14 to mark something else at the scene. Can you describe that
15 for me, markers A and B?

16 A. Yes, ma'am. A and B are reddish-brown stains.

17 Q. I show you what's been marked as State's Exhibits 54
18 through 61. Do you recognize those?

19 A. Yes, ma'am.

20 Q. And do they fairly and accurately depict the scene as
21 you marked them?

22 A. Yes, ma'am.

23 (COUNSELORS CONFER.)

24 MR. SUTHERLAND: Without objection except with respect
25 to 61, which you've already ruled on about the cumulative

1 and the prejudicial nature. It's the same perspective.

2 THE COURT: I haven't ruled on 61.

3 MR. SUTHERLAND: With the, with the earlier ones, the
4 earlier photos.

5 MS. SIMPSON: And, Your Honor, with respect to this
6 photograph, it is the one photograph, I believe, showing
7 marker D.

8 THE COURT: Same ruling on 61.

9 MR. SUTHERLAND: Thank you.

10 MS. SIMPSON: Thank you, Your Honor.

11 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
12 STATE'S EXHIBIT NUMBERS 54 THROUGH 61.)

13 BY MS. SIMPSON:

14 Q. And again, each marker identifies a separate area of
15 reddish-brown stains, correct?

16 A. It would, it would represent a collection. There's
17 multiple stains in that pattern. So, it would denote a
18 specific area.

19 Q. And these are noted in markers -- by markers A through
20 D, I believe. And in State's Exhibit 58, the reddish-brown
21 stain, is that located near the doorway to the home?

22 A. Yes, ma'am. That's the, the front porch area near the
23 locked door that would lead to the -- into the interior of
24 the downstairs area.

25 Q. So, this is down at the bottom of the driveway and the

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

275

1 door that would lead to, I guess, the downstairs of the
2 home?

3 A. Yes, ma'am.

4 Q. Correct, and then in State's Exhibit 61, again we're
5 marking the reddish-brown stains near where the victim's
6 clothing was found?

7 A. Correct, ma'am.

8 Q. Also near the doorway and on the porch area?

9 A. Yes, ma'am.

10 Q. Once you photographed and documented the driveway and
11 outside area of the location, what did you do next?

12 A. Investigator Woods obtained consent to search for the,
13 for the residence. There was a cell phone outside that was
14 turned over to Investigator Boland as belonging to one of
15 the family members.

16 Q. Okay, and let me back up just a second. You actually
17 also located a beer can as well?

18 A. Yes, ma'am.

19 Q. I'm going to show you State's Exhibit 68 through 70.
20 Do you recognize those?

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

22 Q. And do they fairly and accurately depict the can that
23 you observed?

24 A. Yes, ma'am.

25 (COUNSELORS CONFER.)

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

276

1 MR. SUTHERLAND: No objection, Your Honor.

2 MS. SIMPSON: Your Honor, at this time the state would
3 offer State's 68 through 70 in evidence.

4 THE COURT: Give me those numbers again.

5 MS. SIMPSON: State's Exhibits 68 through 70.

6 THE COURT: Thank you.

7 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBERS 68, 69, 70.)

9 BY MS. SIMPSON:

10 Q. You actually marked this as Q. What type of beer can
11 is noted in that picture?

12 A. That is an Icehouse beer can.

13 Q. And that can was later collected by Investigator
14 Woods, correct?

15 A. Correct, ma'am.

16 Q. So, moving back to the home, Investigator Woods
17 actually obtained a consent to search. Once that was
18 obtained, where did you go first?

19 A. We went in the front door and noted reddish-brown
20 stains upstairs, which is that ground level I spoke of
21 earlier, and the living room. And then we went downstairs
22 to -- there was, like, a hair salon area and then there was
23 a room with a TV and other items to the door that led
24 outside.

25 Q. Okay, and I'm going to give you just some general

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

277

1 scene pictures of the front entrance. Showing you State's
2 149 through 152, as well as the State's 131 through 137.
3 Do you recognize those?

4 A. Yes, ma'am.

5 Q. And do they fairly and accurately depict what you
6 observed?

7 A. Yes, ma'am. The, the, the one with the tape over the
8 front was as, as we secured it, after we were done. But
9 the other ones were during our initial response.

10 Q. Okay. So, State's 149 is at the end of your
11 processing for the day?

12 A. For this for this, for this incident at, at the night.
13 131 through 137, upstairs, ground level.

14 MS. SIMPSON: And, Your Honor, at this time the state
15 would offer State's 145 through 152 into evidence.

16 MR. SUTHERLAND: No objection on those, Your Honor.

17 MS. SIMPSON: As well as State's 131 to 137 into
18 evidence.

19 MR. SUTHERLAND: And no objection on those, Your
20 Honor.

21 MS. SIMPSON: 149 through 152, and then 131 through
22 137.

23 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 149, 150, 151, 152.)

25 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

1 STATE'S EXHIBIT NUMBERS 131, 132, 133, 134, 135, 136, 137.)

2 BY MS. SIMPSON:

3 Q. And so the upstairs portion, and we're looking at the
4 outside and the front entryway in State's 150 and 151,
5 correct?

6 A. The first one that you're holding up is the interior
7 portion with the front door open. So, that's actually
8 inside the residence, the foyer area.

9 Q. Okay, and then State's 151 is the outside?

10 A. Outside, ma'am.

11 Q. And that's at the top of the driveway, correct?

12 A. It's, it's in front of the house showing the relation
13 from the front of the house toward the stairs that would
14 lead to the driveway downstairs.

15 Q. Okay and State's 152, is that the entryway as well?

16 A. Just, just the front porch.

17 Q. The front porch?

18 A. Exterior.

19 Q. And then moving to the upstairs of the home, as far as
20 what you noted, you stated there were only a few
21 bloodstains that you noted upstairs, correct?

22 A. Reddish-brown stains on the -- you'd have to get me as
23 an expert witness to go further than that. Stains on the
24 upstairs, mainly in the living room area.

25 Q. I'm actually going to show you State's 132. What area

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

279

1 of the home is that?

2 A. This would be between the door in the dining room that
3 led down the stairs to the lower level of the apartment,
4 across the living room toward the front door foyer area.

5 Q. Okay, and then in State's 131, that's the doorway.
6 Which doorway is that?

7 A. From the dining room area to the steps that would lead
8 downstairs.

9 Q. And all of these rooms and areas are in the upstairs
10 of the home ---

11 A. Yes, ma'am.

12 Q. --- correct? I'm also going to show you State's 135.
13 Is that one of the upstairs bedrooms?

14 A. Yes, ma'am.

15 Q. As well, and then 136, it seems to be kind of an open
16 area with the kitchen and the dining area?

17 A. Yes, ma'am. This is the dining area where the --
18 where from the photograph perspective, the door leading
19 downstairs would have been behind me across the dining room
20 to the kitchen area.

21 Q. And so you photographed that area generally?

22 A. Yes, ma'am.

23 Q. In then you stated that there was actually a stairway
24 that led downstairs, correct?

25 A. Correct, ma'am.

1 Q. I'm going to show you State's Exhibits 147 and 148.
2 Do you recognize these?

3 A. Yes, ma'am.

4 Q. And do they fairly and accurately depict what you
5 observed?

6 A. Yes, ma'am. 147 is at the top of the stairs toward
7 the dining room, and then 148 would be the bottom of the
8 stairs showing upward.

9 MR. SUTHERLAND: No objection, Your Honor.

10 MS. SIMPSON: Your Honor, state would offer State's
11 147 and 148 into evidence.

12 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBERS 147, 148.)

14 BY MS. SIMPSON:

15 Q. So, this is the stairway leading down to the basement
16 area essentially that ---

17 A. Yes, ma'am.

18 Q. --- we've referred to. And in that hallway, I guess
19 on the stairway, were you eventually able to note some
20 reddish-brown stains in that area as well?

21 A. I don't believe we noted any that evening that I
22 photographed.

23 Q. Going to show you what's been marked as State's 123
24 through 130 and 157 through 161. Do you recognize those?

25 A. Yes, ma'am.

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

281

1 Q. And do they fairly and accurately depict what you
2 observed?

3 A. They do, ma'am.

4 (COUNSELORS CONFER.)

5 MR. SUTHERLAND: No objection to 157 through 161, sir.

6 THE COURT: Thank you.

7 MR. SUTHERLAND: No objection to 123 to 130.

8 MS. SIMPSON: The state would offer those exhibits ---

9 THE COURT: Without objection.

10 MS. SIMPSON: --- into evidence at this time, and
11 those were State's 157 to 161 and 123 to 130.

12 THE COURT: Without objection.

13 MS. SIMPSON: Thank you.

14 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBERS 157, 158, 159, 160, 161.)

16 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
17 STATE'S EXHIBIT NUMBERS 123, 124, 125, 126, 127, 128, 129,
18 130.)

19 BY MS. SIMPSON:

20 Q. The area -- and we're downstairs in the home now --
21 depicted in 157, State's 158, 159, 160, 161, what area of
22 the home is this?

23 A. That was the -- I guess the best way to describe it,
24 gameroom. There was a TV, game consoles, and it shows the
25 relationship of the stairs leading upstairs separate from

1 the lower den.

2 Q. Okay. So, it was clearly an area where all the video
3 gaming equipment and things of that nature ---

4 A. Yes, ma'am.

5 Q. From the gameroom area. And then I'm going to show
6 you State's 161 where we can actually see the stairway as
7 well as the den. What is the other room? Where is that
8 leading to?

9 A. Straight ahead, that would be to the salon area.

10 Q. And the salon area, I believe, we have depicted in
11 State's 123 through 130, and this was actually a fairly big
12 area, correct?

13 A. I don't know the dimensions, but it was a, it was a
14 good-sized room, appeared to be.

15 Q. There were restrooms, correct?

16 A. Yes, ma'am.

17 Q. And actually what looked like a waiting area depicted
18 in State's 124?

19 A. Yes, ma'am.

20 Q. And then in State's 125, again more of the salon area?

21 A. Yes, ma'am.

22 Q. I want to move on to State's 130. What room -- looks
23 like another doorway in the salon area. What room is that
24 leading to?

25 A. That is the, the door -- the room leading from the

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

283

1 door, locked door outside where the stains and most of the
2 incident appeared to have taken place to the -- it was a
3 storage, TV area. And then that door would lead into the
4 salon. So, it was between the outside door and the salon
5 area.

6 Q. Okay. So, we have -- and it looks as though -- I'm
7 going to show you State's 138 through 140. Do you
8 recognize those?

9 A. Yes, ma'am.

10 Q. And do they fairly and accurately depict what you
11 observed?

12 A. They do, ma'am.

13 (COUNSELORS CONFER.)

14 MR. SUTHERLAND: No objection, Your Honor.

15 THE COURT: Without objection.

16 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
17 STATE'S EXHIBIT NUMBERS 138, 139, 140.)

18 BY MS. SIMPSON:

19 Q. And is this the room that we're referring to leading
20 off the salon area ---

21 A. Yes.

22 Q. --- that is painted orange?

23 A. Yes, ma'am. The door that you see in there, the
24 locked door that leads outside.

25 Q. And we actually notice, I believe, in State's 139 and

1 140, what is in the wall and why did you document that?

2 A. That is a nail, and beside it is a piece of metal wall
3 art. We photographed, we photographed that to show
4 possible relation to the metal wall art that was on the
5 floor outside of the door.

6 Q. Okay. So, there was actually metal wall art that
7 looked as though it had come off the wall by the door?

8 A. It, it, it appears, because of the other one, that
9 there was -- there may have been possibly two hanging
10 there, and there was one found outside.

11 Q. So, one was found outside and then nothing hanging on
12 it?

13 A. Correct.

14 Q. Then as far as the downstairs area, I'm also going to
15 show you State's 141 through 146. Do you recognize these
16 as well?

17 A. Yes, ma'am. These are the reddish-orange room.

18 (COUNSELORS CONFER.)

19 MR. SUTHERLAND: No objection, Your Honor.

20 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

21 STATE'S EXHIBIT NUMBERS 141, 142, 143, 144, 145, 146.)

22 BY MS. SIMPSON:

23 Q. Now I want to direct your attention to State's 141.
24 What is depicted in there that was -- that you noted
25 significant about that picture?

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

285

1 A. There's a glass top table that was damaged, broken.

2 Appeared to be some sort of impact to the table.

3 Q. So, some broken glass, and this is in the area of the
4 orange room, I guess?

5 A. Yes, ma'am.

6 Q. Okay.

7 A. Between the door leading outside of the nail, hair
8 salon.

9 Q. Then also want to direct your attention to State's
10 144. Is that more of an overview of the room?

11 A. Yes, ma'am, with the door leading outside from the
12 photographer's perspectives to the broken table to the nail
13 salon.

14 Q. And ---

15 A. Hair salon, hair salon.

16 Q. And I believe it's better depicted in State's 143.
17 What's on the floor there?

18 A. That would be a set of keys.

19 Q. A set of keys, and are there also a number of hangers
20 on the floor?

21 A. May I see the picture again? I'm sorry. Yes, ma'am,
22 and a do-rag on the floor in the foreground.

23 Q. And the hangers in relation to the doorway leading
24 outside are pretty, pretty close to it, almost ---

25 A. The door leading outside?

1 Q. --- directly in front of it?

2 A. May I see the photograph? I'm sorry.

3 Q. Or the front porch or the porch area.

4 A. This was at the -- this would have been the nail --
5 the salon area on this side. And then I believe the other,
6 the other area where the wall art is you can see is --
7 that's the door leading to the outside.

8 Q. Okay.

9 A. So, this would have been taken from ---

10 Q. So, the perspective ---

11 A. --- the door frame of the salon into that
12 orange-reddish room.

13 Q. Okay, but there are a number of hangers ---

14 A. Yes, ma'am.

15 Q. --- on the floor? Then after -- I believe we also
16 have finally another bedroom that's located downstairs.
17 I'm going to show you State's 153 and 154. Do you
18 recognize those?

19 A. Yes, ma'am.

20 Q. And do they fairly and accurately depict the room as
21 you observed it?

22 A. They do.

23 (COUNSELORS CONFER.)

24 MR. SUTHERLAND: No objection, Your Honor.

25 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

287

1 STATE'S EXHIBIT NUMBERS 153, 154.)

2 BY MS. SIMPSON:

3 Q. Okay, and where was this room located with respect to,
4 I guess, the orange room?

5 A. The -- you would have proceeded from the orange room
6 through the salon into the gameroom area, and I believe
7 those are the -- are two rooms right off of the gameroom
8 area.

9 Q. All right. So, all these rooms are kind of
10 interconnected by doorways and kind of lead to the one main
11 area?

12 A. Yes, ma'am.

13 Q. After you photographed generally, did you actually
14 mark some items of possible evidence?

15 A. Yes, ma'am.

16 Q. Can you tell us what you marked?

17 A. In the orange room area or the nail salon?

18 Q. Both.

19 A. Or both. Downstairs in the orange gameroom area, we
20 located a fired cartridge casing on the floor behind the
21 door that would have let outside the locked store door.
22 The broken glass with the table with possible impact on it.
23 There was a projectile located in the nail salon area near
24 a hair drying chair. The nail with the possible wall --
25 where the wall art was possibly hanging. There was a

1 do-rag near the salon door, a set of keys on a lanyard, and
2 hat. The do-rag, hangers you showed earlier, the key,
3 lanyard, and the hat were, were near the couch on the side
4 of the room closest to the nail salon.

5 Q. Okay, and I'll go, since I have it in my hand, State's
6 Exhibit 71 through 74 depicting, I believe, marker R. Do
7 you recognize those?

8 A. Yes, ma'am.

9 Q. And do they fairly and accurately represent what you
10 observed?

11 A. They do, ma'am.

12 (COUNSELORS CONFER.)

13 MR. SUTHERLAND: No objection, Your Honor.

14 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBERS 71, 72, 73, 74.)

16 BY MS. SIMPSON:

17 Q. And this was actually located -- we're in the nail
18 salon in State's ---

19 A. Yes, ma'am.

20 Q. --- 71, correct, and I believe you marked an item
21 related to a close up in State's 73, marker R. What is
22 noted there?

23 A. R, marker R was a projectile.

24 Q. So, projectile that would have been fired from a
25 weapon?

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

289

1 A. Possibly may have, yes.

2 Q. And you also stated, I believe, that you marked
3 several items, including the do-rag, as well as some keys
4 and hangers. I'm going to show you State's Exhibits 62
5 through 67. Do you recognize these?

6 A. Yes, ma'am.

7 (COUNSELORS CONFER.)

8 MR. SUTHERLAND: No objection, Your Honor.

9 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBERS 62, 63, 64, 65, 66, 67.)
11 BY MS. SIMPSON:

12 Q. Okay, in State's 62, the black do-rag depicted here,
13 where is that located with respect to the doorway?

14 A. The doorway to the nail salon, hair salon would have
15 been -- it was right at the door.

16 Q. And is also noted some broken glass in that picture as
17 well?

18 A. Yes, ma'am, from the table.

19 Q. And then in State's 63, again that marker and the
20 do-rag, just kind of a faraway perspective with ---

21 A. From ---

22 Q. --- the hangers strewn about the floor ---

23 A. From ---

24 Q. --- as well?

25 A. From inside of the nail salon through the doorway.

1 Hair salon, nail salon.

2 Q. And then in State's 65 at marker O, what is noted
3 there?

4 A. The key ring and there's also hangers on the ground.

5 Q. And then in State's 67, what do we have there?

6 A. The hat, ma'am, which was near the broken table.

7 Q. Okay. So, near the broken table and the shattered
8 glass and the door on the wall, all these items were found
9 strewn about?

10 A. Yes, ma'am.

11 Q. Correct, and in disarray?

12 A. Appeared to be, yes, ma'am.

13 Q. Now I want to go -- I believe you indicated you also
14 marked something, item number 13.

15 A. What's item number 13, ma'am? I'm sorry.

16 Q. I'm sorry. Did you mark an item number 13 as well, or
17 marker 13?

18 A. Yes, ma'am. That was the fired cartridge casing.

19 Q. I'm going to show you what's been marked as State's
20 192 through 196.

21 (COUNSELORS CONFER.)

22 MR. SUTHERLAND: No objection, Your Honor.

23 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 192, 193, 194, 195, 196.)

25 BY MS. SIMPSON:

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

291

1 Q. In State's 192, what area is that within the room?

2 A. That depicts the area of -- the gray door you see in
3 there would have been the locked door that led outside.
4 There was a small table. And underneath that near a stair
5 stepper of some kind, some kind of exercise equipment,
6 there was a projectile located -- I'm sorry, a fired
7 cartridge casing located.

8 Q. So, this is noted -- I actually show State's 194 and
9 195 kind of a better indication of where that casing was
10 found.

11 A. Correct, ma'am. A close, closer up view of the, of
12 the casing and then a similar photo with the marker in
13 place.

14 Q. And this casing is actually inside the doorway,
15 correct?

16 A. Correct, ma'am. The door, doorway area from the
17 outside.

18 Q. And -- but a projectile was located in the ---

19 A. In the hair ---

20 Q. --- in the hair salon?

21 A. In the nail, in the nail -- the hair salon area.

22 Q. The salon area.

23 A. The salon.

24 Q. And going back just briefly. Upstairs you indicated
25 that you had noted a few reddish-brown stains on the floor

1 which were marked E, F, G, and M, correct?

2 A. Yes, ma'am.

3 Q. I'm going to show you what's been marked as State's
4 198 to 107.

5 A. Fairly and accurately.

6 Q. 98 to 107, and do they -- they do fairly and
7 accurately ---

8 A. Yes, ma'am.

9 Q. --- depict what you observed upstairs?

10 (COUNSELORS CONFER.)

11 MR. SUTHERLAND: No objection, Your Honor.

12 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBERS 98, 99, 100, 101, 102, 103, 104,
14 105, 106, 107.)

15 BY MS. SIMPSON:

16 Q. And during your initial assessment of the scene, and I
17 believe these are marked. I show you State's Exhibit 98.

18 A. Yes, ma'am.

19 Q. What do we see there?

20 A. A reddish-brown stain on the floor between the couch
21 in the living room area and the dining room area.

22 Q. And then moving to State's 102.

23 A. That's would be our marker F, stains near the hallway,
24 leading down the hallway upstairs.

25 Q. And comparable to downstairs, there wasn't nearly as

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

293

1 much blood or reddish-brown stains as there were located in
2 the downstairs in the outside area, correct?

3 A. Yes, ma'am. There was, there was more outside.

4 Q. Going to show you State's Exhibit 105.

5 A. Yes, ma'am.

6 Q. What do we see?

7 A. That is between, between the hall and the bathroom --
8 the hall bathroom.

9 Q. And like I said, on your initial review and assessment
10 of the scene, that's what you observed upstairs, along with
11 what's depicted in State's 107?

12 A. Yes, ma'am. That would be marker, our marker M, with
13 stains from the hallway near the master bedroom upstairs at
14 ground level.

15 Q. So, all these are in the same area?

16 A. Yes, ma'am, upstairs.

17 Q. At some point, were you called away from the crime
18 scene to go to -- for something else?

19 A. Yes, ma'am.

20 Q. Tell us what time you were called away and what you
21 were asked to do.

22 A. I was called to an area down the street at the corner
23 of Williamsburg Drive and McRae Street by one of our K-9
24 officers, who had apparently stopped a vehicle that had
25 suspicious people in the area.

1 Q. Okay, and about what time was that?

2 A. That was about 1:15 that morning, morning of the 26th,
3 evening of the 25th.

4 Q. And what were you called out there to do?

5 A. Collect gunshot residue from the hands of the
6 gentlemen in the car.

7 Q. Is that actually performed in some sort of -- the kit?
8 How is that obtained?

9 A. The kit contains sticky tabs, for lack of a better
10 term, that will -- are used on the skin to collect gunshot
11 residue particles, and then we, we only collect those. We
12 do not test those in-house at the sheriff's department.
13 Those would have been sent to SLED for analysis if
14 necessary.

15 Q. So, your only rule with respect to that traffic stop
16 for that point in time was to collect, I believe, three GSR
17 kits?

18 A. Yes, ma'am.

19 Q. And ---

20 A. I photographed the hands and clothing of the occupants
21 of the vehicle that they had.

22 Q. Okay, and -- but you don't do any of the subsequent
23 testing or analysis, correct?

24 A. No, ma'am. That's all done by South Carolina Law
25 Enforcement Division's lab.

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

295

1 Q. And after you completed the -- collecting the GSR
2 kits, did you actually return back to the scene?

3 A. I did.

4 Q. And who did you meet with or come in contact with at
5 the scene?

6 A. I responded back where Investigator Woods had remained
7 on scene and met with our shift supervisor, supervisor on
8 call, Sergeant Richards, and we gave him a brief rundown of
9 the scene we had.

10 Typically at larger scenes, we will call out a
11 supervisor to come out to check the scene with us, help us
12 process.

13 Q. And so at this point, you -- Sergeant Stan Richards
14 was ---

15 A. Yes, ma'am.

16 Q. --- the supervisor on scene? Investigator Woods had
17 remained on scene while you were actually away?

18 A. Correct, ma'am.

19 Q. And did you all actually mark or did you photograph an
20 additional item?

21 A. Yes, ma'am, we did.

22 Q. I'm going to show you what's been marked as State's 95
23 through 97. Do you recognize those?

24 A. Yes, ma'am.

25 Q. And do they fairly and accurately depict what you

1 observed?

2 A. Yes, ma'am.

3 (COUNSELORS CONFER.)

4 MR. SUTHERLAND: Same objection as earlier with
5 respect to number 96 for being cumulative and, and
6 prejudicial.

7 THE COURT: I couldn't understand that last.

8 MR. SUTHERLAND: For being cumulative and prejudicial.

9 THE COURT: Thank you, sir.

10 MR. SUTHERLAND: You're welcome, sir.

11 THE COURT: All it shows, it's got a marker with, I
12 assume, a piece of evidence and close up of it. I will
13 allow it in: same ruling and same reason, same.

14 MS. SIMPSON: Thank you, Your Honor.

15 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
16 STATE'S EXHIBIT NUMBERS 95, 96, 97.)

17 BY MS. SIMPSON:

18 Q. And I'm going to show you State's 95.

19 A. Yes, ma'am.

20 Q. What is marked at marker 14?

21 A. That was -- that, that, that is a photograph of the
22 same area as before after the collection of the clothes.
23 Investigator Woods collected the clothes package to be
24 dried and later, later checked. And during that process,
25 she located an additional projectile underneath the

M. BEELER - DIRECT EXAMINATION BY MS. SIMPSON

297

1 clothes. Those markers show the relationship of the
2 projectile.

3 Q. So, in State's 96 and 97, that's the projectile that
4 was only seen after the victim's clothing was removed?

5 A. Correct, ma'am.

6 Q. So, it was found actually underneath the clothing?

7 A. Yes, ma'am.

8 Q. And outside of photographing, you didn't do any
9 processing of the evidence in this case, correct?

10 A. No, ma'am. I photographed, documented, and
11 Investigator Woods did the collection.

12 Q. All right, and was that the extent of your involvement
13 in this case?

14 A. Yes, ma'am. There were several cigarette butts that
15 we photographed outside, and then I placed the evidence
16 tape on that one photograph that y'all saw securing the
17 front door to indicate, you know, as well as the deputy
18 staying outside unlocked doors. We typically will put
19 crime scene tape on or evidence tape to show that nobody
20 has come or gone while we're -- while we'd left the scene.

21 Q. Okay. So, this scene was still held for further
22 processing potentially for the next day?

23 A. Absolutely, ma'am.

24 Q. And secure, and that's how it's noticed with the tape?

25 A. Secured, not just with the tape but also the physical

1 presence of a deputy sheriff.

2 MS. SIMPSON: All right. Thank you, Investigator

3 WITNESS: Yes, ma'am.

4 MR. SUTHERLAND: Please the court, sir?

5 CROSS-EXAMINATION BY MR. SUTHERLAND:

6 Q. Investigator, how are you?

7 A. Howdy, sir.

8 Q. I just want to take you to this particular portion of
9 your testimony where you left the scene at 1:15.

10 A. Yes, sir.

11 Q. And you went out and you met with K-9 Officer Abraham?

12 A. Yes, sir.

13 Q. Okay. You had mentioned, what, three gunshot residue
14 kits?

15 A. Yes, sir.

16 Q. And you had photographed hands and clothing. Did you
17 describe the clothing that you photographed?

18 A. I did not note anything of -- I did not notice any
19 bloodstained or any reddish-brown stains on their clothing
20 or anything out of the ordinary. So, I just photographed
21 it, showing relationship to the hands.

22 Q. All right. Any, any, any fatigue or army BDU colors
23 that you recall?

24 THE COURT: I'm sorry, what was the question?

25 Q. Oh, were there any fatigue or army or BDU, battle

M. BEELER - CROSS-EXAMINATION BY MR. SUTHERLAND

299

1 dress uniform colors that you, that you recall?

2 A. There's camouflage. I'm not enough of a sportsman to
3 determine which brand it is.

4 Q. And you did not perform the traffic stop, obviously,
5 so you ---

6 A. No, sir.

7 Q. --- couldn't tell us details, those details of the
8 stop. Okay, and there are three names on your report,
9 Terrence Jacobs, Jonathan Stirling, and Londell Natom
10 [phonetic], it looks like?

11 A. Yes, sir.

12 Q. Okay.

13 A. Not sure of the pronunciation.

14 Q. And you submitted those to SLED for GSR?

15 A. I submitted them to evidence. I believe they were
16 sent to SLED.

17 Q. Okay. Thank you, sir.

18 MR. SUTHERLAND: No further questions, Your Honor.

19 THE COURT: Ma'am, anything on redirect?

20 MS. SIMPSON: No, Your Honor.

21 THE COURT: You may step down.

22 (THE WITNESS EXITS THE STAND.)

23 THE COURT: Ladies and gentlemen of the jury,
24 everybody okay? One more?

25 Next witness, please.

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

300

1 MS. CAMPBELL: May it please the court?

2 THE COURT: Yes, ma'am

3 MS. CAMPBELL: State calls Yvonne Woods.

4 YVONNE WOODS, BEING DULY SWORN,

5 TESTIFIES AS FOLLOWS:

6 CLERK OF COURT: Have a seat in the witness stand,
7 please.

8 WITNESS: Yvonne Woods.

9 DIRECT EXAMINATION BY MS. CAMPBELL:

10 Q. Investigator Woods, where are you employed?

11 A. Richland County Sheriff's Department.

12 Q. What you do there, ma'am?

13 A. Crime scene investigator.

14 Q. As a crime scene investigator, can you tell this jury
15 what your duties include?

16 A. I identify, collect, and preserve all physical
17 evidence.

18 Q. Would you please tell the jury a little bit about your
19 education, your training as a crime scene investigator?

20 A. Yes, ma'am. We have twenty-four months internal
21 training where we're tested for proficiency on what we do,
22 and we have annual proficiency tests.

23 My background is interviewing techniques,
24 interviewing, interrogating techniques, basic blood pattern
25 analysis, crime scene investigation, latent prints

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

301

1 development, documentation, photographing, track evidence,
2 enhancement of footwear, recovery of track evidence,
3 history of introduction of blood pattern, crime scene
4 reconstruction, homicide and questioned death scenes, basic
5 crime scene photographs, and bloodstain pattern analysis,
6 and crime scene reconstruction.

7 Q. And do you know approximately how many crime scenes
8 you've actually responded to or have been involved in?

9 A. A tremendous amount, ma'am.

10 Q. Hundreds at least?

11 A. At least.

12 Q. I want to turn your attention back to January the 25th
13 of last year. Did you have an occasion to respond to the
14 crime scene involved in this case?

15 A. Yes, ma'am. I was the secondary assisting
16 Investigator Beeler.

17 Q. Investigator Beeler is who you were assisting?

18 A. Yes, ma'am.

19 Q. And as secondary, what is your role?

20 A. To help him process the scene in any way I can.

21 Q. When you responded to the scene, was he already there?

22 A. Yes, ma'am.

23 Q. And where there any other officers that you noted
24 there at the scene?

25 A. Yes, ma'am.

1 Q. Who all ---

2 A. Deputy Grant was maintaining the crime scene log and
3 he was ---

4 Q. What about when you got there? Were the victims still
5 there?

6 A. No, ma'am.

7 Q. They had already been transported to the hospital?

8 A. Yes, ma'am.

9 Q. Prior to doing any of the processing that you did in
10 this case, did you get any kind of permission from anyone
11 there at the scene ---

12 A. I received ---

13 Q. --- to do that?

14 A. --- written consent from the homeowner.

15 Q. Is that pretty standard when y'all are processing a
16 crime scene?

17 A. Yes, ma'am, it is.

18 Q. And did the homeowner give you written consent in this
19 case?

20 A. Yes, ma'am, he did.

21 Q. What did you observe that Investigator Beeler had
22 already done when you had gotten there?

23 A. I actually arrived approximately at the same time.

24 Q. I'm sorry, ma'am. What did you observe, then, next?

25 A. He, as he was photographing I stood back, and then we

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

303

1 started marking. I let him go through, and then I went
2 through.

3 Q. And is that kind of proper ---

4 A. Yes, ma'am.

5 Q. --- protocol, and in this case after he had
6 photographed the area, what were your duties?

7 A. To help lay the markers down and collect evidence.

8 Q. And when you say the markers, which markers
9 specifically were you involved in?

10 A. I helped him lay the markers on the outside.

11 Q. And the outside, what were the first things y'all were
12 documenting?

13 A. Fired cartridge casings, projectiles, reddish-brown
14 stain, fragments, clothing.

15 Q. And those photographs have already been testified to,
16 but you just helped put the markers out, and then he was
17 the one actually doing the photographing that day?

18 A. Absolutely.

19 Q. After the photographing had been completed on the
20 outside of the scene, did you collect any evidence at the
21 scene?

22 A. Yes, ma'am, I did.

23 Q. And can you tell the jury what evidence you collected?

24 A. Fired cartridge casings, projectiles, fragments,
25 reddish-brown stains, swabs of reddish-brown stains, and

1 the clothing.

2 Q. And I'm going to show you what's been marked first as
3 State's Exhibit Number 20. Do you recognize this?

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

5 Q. And are those some of the swabs that were taken at the
6 scene that day?

7 A. Yes, ma'am.

8 Q. And were those collected by you?

9 A. Yes, ma'am.

10 Q. And during the time period you had these swabs in your
11 possession, did anyone alter or tamper with them in any
12 way?

13 A. No, ma'am.

14 Q. And were these properly submitted into evidence?

15 A. Yes, ma'am.

16 Q. And when did you actually submit these into evidence?

17 A. The same week. I apologize. Yeah, 1/27/13.

18 Q. 1/27?

19 A. Yes, ma'am.

20 MS. CAMPBELL: Your Honor, at this time we'd offer
21 State's Exhibit 20 into evidence.

22 (COUNSELORS CONFER.)

23 MR. SUTHERLAND: No objection, Your Honor.

24 (SWABS MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
25 20.)

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

305

1 BY MS. CAMPBELL:

2 Q. You also mentioned that you put markers down next to
3 what's known as some cartridge casings?

4 A. Yes, ma'am.

5 Q. As well as some projectiles?

6 A. Yes, ma'am.

7 Q. And when we're talking about cartridge casings versus
8 projectiles, when put together, what do those, what do
9 those at one point make up?

10 A. Bullet.

11 Q. Okay. I'm going to show you State's Exhibit Number 15
12 and ask if you recognize that.

13 A. Yes, ma'am?

14 A. And what is that, ma'am?

15 A. These are the fired cartridge casings, projectiles.

16 Q. And those were collected by you?

17 A. Yes, ma'am.

18 Q. And once you collected them, what, if anything, did
19 you do with them at a later date, and we'll get to that in
20 a moment.

21 A. Processed them.

22 Q. Okay, but these the actual items you collected?

23 A. Yes, ma'am.

24 MS. CAMPBELL: Your Honor, at this time I'd offer
25 State's Exhibit 15.

1 (COUNSELORS CONFER.)

2 MR. SUTHERLAND: No objection to 15, Your Honor. No
3 objection to 14, and no objection to 19, and no objection
4 to 17.

5 MS. CAMPBELL: Thank you, sir.

6 (SWABS MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
7 14.)

8 (PROJECTILES MARKED INTO EVIDENCE AS STATE'S EXHIBIT
9 NUMBER 15.)

10 (CIGARETTE BUTTS MARKED INTO EVIDENCE AS STATE'S
11 EXHIBIT NUMBER 17.)

12 (.45 CALIBER CARTRIDGE CASINGS MARKED INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBER 19.)

14 BY MS. CAMPBELL:

15 Q. So, I'll show you State's Exhibit Number 15.

16 MS. CAMPBELL: Your Honor, those are in evidence.
17 They are in evidence. Thank you.

18 BY MS. CAMPBELL:

19 Q. State's Exhibit Number 15, those were all projectiles
20 and the fragments, as well as shell casings that were found
21 at the scene?

22 A. Correct.

23 Q. State's Exhibit Number 17 contains what?

24 A. Cigarette butts.

25 Q. And were those collected where?

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

307

1 A. Yes, ma'am. Those were collected outside.

2 Q. By you?

3 A. Yes, ma'am.

4 Q. And packaged?

5 A. Yes, ma'am.

6 Q. And those would be later submitted into evidence by
7 you?

8 A. Yes, ma'am.

9 Q. And when we're talking about all the evidence that
10 we're talking about in this case, when you collect evidence
11 and later submit it into evidence, did anyone ever tamper
12 with anything or alter anything in any way?

13 A. No, ma'am, they did not.

14 Q. When we're talking about all this evidence?

15 A. That's correct.

16 Q. And then I want to show you was marked as State's
17 Exhibit Number 19. What is that, ma'am?

18 A. This is not mine.

19 Q. Okay. I'll just do it ID at this point.

20 A. Okay.

21 Q. Once you had collected those items there at the scene,
22 did you also collect certain clothing items?

23 A. Yes, ma'am, I did.

24 Q. What clothing items did you collect from there at the
25 scene?

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

308

1 A. I collected the ball cap, gray gym shorts, a pair of
2 white shorts, red and black boxer briefs, blue jeans with
3 belt, pair of black socks, gray pullover fleece, T-shirt,
4 green cut-up jacket, blue cut-up fleece jacket, a black
5 toboggan.

6 Q. I'm going to show you what's being marked as State's
7 Exhibit number 197.

8 (CLOTHING ITEMS MARKED AS STATE'S EXHIBIT NUMBER 197
9 FOR IDENTIFICATION.)

10 Q. Do you recognize that by the label?

11 A. Yes, ma'am.

12 Q. Is this some of the clothing you found there at the
13 scene?

14 A. Yes, ma'am, I did.

15 Q. And you collected it that day as well?

16 A. Yes, ma'am.

17 Q. And then submitted it into evidence?

18 A. Yes, ma'am.

19 MS. CAMPBELL: Your Honor, at this time we would offer
20 197 into evidence.

21 THE COURT: Any objection?

22 (COUNSELORS CONFER.)

23 MR. SUTHERLAND: No objection, Your Honor.

24 THE COURT: Without objection.

25 (CLOTHING ITEMS MARKED INTO EVIDENCE AS STATE'S

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

309

1 EXHIBIT NUMBER 197.)

2 BY MS. CAMPBELL:

3 Q. And the clothing items I just showed you, what area
4 was that collected in?

5 A. Outside.

6 Q. In the driveway area?

7 A. Yes, ma'am.

8 Q. Additionally outside in the driveway area, I show you
9 State's Exhibit Number 21. Do you recognize that?

10 A. Yes, ma'am.

11 Q. And what is that, ma'am?

12 A. Beer can.

13 Q. Was that also collected by you that day?

14 A. Yes, ma'am.

15 MS. CAMPBELL: Your Honor, at this time we would offer
16 State's Exhibit 21.

17 THE COURT: Any objection?

18 MR. SUTHERLAND: No objection, sir.

19 (BEER CAN MARKED INTO EVIDENCE AS STATE'S EXHIBIT
20 NUMBER 21.)

21 BY MS. CAMPBELL:

22 Q. Once you had collected those that day -- how long were
23 you actually at the crime scene?

24 A. I was there until 0436.

25 Q. So, that would be 4:36 in the morning?

1 A. Yes, ma'am.

2 Q. And that would have actually been the next day, which
3 would be the 26th. Is that correct?

4 A. That's correct.

5 Q. Later that day, did you process any of the items we've
6 been referring to?

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

8 Q. And can you tell the jury what items you processed and
9 how that occurred?

10 A. I processed the fired cartridge casings -- excuse me
11 -- and the Icehouse beer can.

12 Q. And when you processed the fired cartridge casings,
13 tell the jury how you did that.

14 A. We have two ways that we do it. Cyano, which is a
15 compound that is used in the controlled area, and it
16 adheres to any compounds or anything on the evidence
17 itself.

18 Q. And what are you looking for when you're using this
19 cyano?

20 A. I'm looking for prints.

21 Q. And when you say prints, what kind of prints?

22 A. Fingerprints.

23 Q. And this is a certain formula you use that can help
24 illuminate what may be a hidden print?

25 A. It helps, along with the black powder.

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

311

1 Q. And when you processed the cartridge casings from the
2 scene, were you able to get any useable prints that could
3 be later used for comparison?

4 A. No, ma'am.

5 Q. And is that unusual when it involves cartridge cases?

6 A. No, ma'am.

7 Q. Why is that?

8 A. Usually we cannot because the area and the size of it,
9 we cannot get ridge detail on it. Sometimes we have, but
10 this particular time we didn't.

11 Q. And do you do any further processing for DNA involving
12 some of these items?

13 A. I do collect DNA from it after I process it.

14 Q. And is that proper protocol?

15 A. Yes, ma'am.

16 Q. And how do you go about trying to collect any evidence
17 of DNA from, say, a cartridge casing or a projectile?

18 A. I use a sterile swab and sterile water, and I rub the
19 item down.

20 Q. And when you're doing all this processing on these
21 items, are they kept separately?

22 A. Yes, ma'am.

23 Q. And you take precautions to make sure the integrity of
24 the actual evidence is kept intact?

25 A. Yes, ma'am.

1 Q. And did you go through and swab each and every
2 projectile and fired cartridge casing that you had
3 collected in this case?

4 A. Yes, ma'am.

5 Q. And I show you State's Exhibit Number 14. Were those
6 the swabs you actually collected once you got -- where did
7 this processing take place? I meant to say.

8 A. At our forensic lab.

9 Q. At headquarters?

10 A. Yes, ma'am.

11 Q. On Two Notch?

12 A. Yes, ma'am.

13 Q. Thank you. Once you collected the swabs, were those
14 then submitted if any further testing was needed?

15 A. They were submitted to our evidence.

16 Q. And if anyone would do any DNA testing on these items,
17 would that be you or someone else in your ---

18 A. Someone else.

19 Q. Was an additional item, a beer can, that was processed
20 by you that day?

21 A. Yes, ma'am, there was.

22 Q. And what type of processing did you do on that beer
23 can?

24 A. I also placed it in the cyano tank as well and used
25 black powder.

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

313

1 Q. Were you able to lift any possible, usable prints from
2 the beer can that was collected outside at that scene that
3 day?

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

5 Q. And I show you what's been marked as State's Exhibit
6 Number 16. Do you recognize that?

7 A. Yes, ma'am.

8 Q. And what is that, ma'am?

9 A. This is the latent print -- two latent prints cards
10 that I collected from the beer can.

11 Q. And in order to collect them from the beer can, what's
12 the process you have to do in order to lift what may be a
13 latent print from the surface that may be used for
14 comparison later?

15 A. What we do is we use -- your fingertips and your palms
16 have ridge -- ridges on them, friction ridges. And usually
17 when you touch something, the oils adhere to what you touch
18 and usually after I put it through the cyano and the black
19 powder, I can lift it. I can actually see it and lift it.

20 Q. If there is a usable print there?

21 A. That is correct.

22 Q. Are you familiar with the term of smudge?

23 A. Yes, ma'am.

24 Q. What is that?

25 A. That's where they touched it and maybe wiped through

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

314

1 it, and you don't have enough details there.

2 Q. And in addition to that, if something's handled a lot,
3 can it obscure the detail that you need to do it?

4 A. That's correct.

5 Q. But in this case you got, what, two, two possible
6 prints that could be used?

7 A. Yes, ma'am.

8 Q. And in State's Exhibit Number 16, you collected those?

9 A. Yes, ma'am.

10 MS. CAMPBELL: Your Honor, at this time we would offer
11 State's Exhibit 16 into evidence.

12 THE COURT: Any objection?

13 MR. SUTHERLAND: No objection, Your Honor.

14 (COUNSELORS CONFER.)

15 MR. SUTHERLAND: No objection to 16, 18, 26, and 27.

16 MS. CAMPBELL: 28 and 27.

17 MR. SUTHERLAND: 28 and 27.

18 THE COURT: Thank you.

19 MS. CAMPBELL: That would be items number 16, 18, 27,
20 28.

21 (LATENT CARDS MARKED INTO EVIDENCE AS STATE'S EXHIBIT
22 NUMBER 16.)

23 (FRAGMENT MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 18.)

25 (\$0.63 MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

315

1 27.)

2 (HAIR MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
3 28.)

4 BY MS. CAMPBELL:

5 Q. I want to turn your attention to January the 27th.
6 The next day, did you continue to process some of the
7 clothing that you had collected?

8 A. Yes, ma'am, I did.

9 Q. And what all did you do that day?

10 A. I actually laid the clothes out and photographed and
11 searched for possible projectiles or fragments in the
12 clothing.

13 Q. And again you're referring to the clothing that you
14 found at the scene?

15 A. That is correct.

16 Q. Were there any additional items that were collected
17 when you looked through that clothing?

18 A. Yes, ma'am. There was a fragment on the blue fleece
19 jacket. There was hair around the -- on the gray pullover,
20 and \$.63 in the right front pocket of the jeans.

21 Q. I show you what's been marked or what's in evidence as
22 State's Exhibit Number 18. Is that the fragment that you
23 collected from the clothing?

24 A. That is correct.

25 Q. And when we're talking about a fragment, what type of

1 fragment do you mean?

2 A. It's a piece from the cartridge casing, projectile.

3 Q. And also you mentioned there was some money in the
4 pocket?

5 A. Yes, ma'am.

6 Q. And I show you State's Exhibit Number 27.

7 A. Yes, ma'am.

8 Q. And is this is the money that was collected from that
9 clothing?

10 A. Yes, ma'am.

11 Q. And finally State's Exhibit 28.

12 A. The hair from the gray pullover.

13 Q. Once you collected those items, did you then package
14 those, submit them into evidence as well?

15 A. Yes, ma'am, I did.

16 Q. While you were there, did you also photograph the
17 items that we're referring to?

18 A. Yes, ma'am, I did.

19 Q. I'm going to show you State's Exhibit Number 46
20 through 53 and just going to ask first if you recognize
21 those. Don't say what they are.

22 A. Yes, ma'am.

23 Q. And are those the items that you photographed and
24 looked through that day?

25 A. Yes, ma'am.

Y. WOODS - DIRECT EXAMINATION BY MS. CAMPBELL

317

1 MS. CAMPBELL: Your Honor, at this time I would offer
2 State's Exhibits 46 through 53, and he's seen them.

3 You saw these earlier.

4 MR. SUTHERLAND: Yes indeed. No objection.

5 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
6 STATE'S EXHIBIT NUMBERS 46, 47, 48, 49, 50, 51, 52, 53.)

7 BY MS. CAMPBELL:

8 Q. Items number 46 and -- let me ask you this first.
9 When you go -- you've gone to many shooting crime scenes?

10 A. That's correct.

11 Q. And is it usual for EMS to respond and the victim's
12 clothing to be left there at the scene?

13 A. That is correct.

14 Q. That's not unusual?

15 A. That's not unusual.

16 Q. Okay. So, items 46 and 47, what do those show?

17 A. The clothing from the scene.

18 Q. And is this the clothing that you found out on that
19 driveway there?

20 A. Yes, ma'am.

21 Q. And State's Exhibits 48, 49, 50, and 51?

22 A. Shoes that I found at the scene.

23 Q. State's Exhibit Number 52, you mentioned that you
24 found something from a gray pullover?

25 A. Yes. That is the gray pullover that I found hair.

1 Q. And State's Exhibit 53?

2 A. Is the jacket.

3 Q. And that was the extent of your processing of those
4 items as far as what you did?

5 A. Yes, ma'am.

6 Q. Ma'am, when you are processing items at a crime scene,
7 do you try to look for anything that may -- or do you know
8 if it's going to be significant or not?

9 A. I do not.

10 Q. So, you just try to collect the evidence, preserve it?

11 A. Yes, ma'am.

12 Q. And then if further testing has to be done, such as
13 DNA or ballistics or something like that, that would be
14 another department?

15 A. That's correct.

16 Q. And your laboratory here in Richland County, is it
17 accredited?

18 A. Yes, ma'am, it is.

19 Q. Thank you.

20 MS. CAMPBELL: I don't have anything further.

21 THE COURT: Cross?

22 MR. SUTHERLAND: No questions of this witness, Your
23 Honor.

24 THE COURT: Thank you. You may step down.

25 (THE WITNESS EXITS THE STAND.)

1 THE COURT: Mr. Foreman, ladies and gentlemen, let's
2 take our afternoon break. It's 10 till 4. If you would
3 just knock on the door and let the bailiff know when y'all
4 have had a chance to stretch your legs, and we'll start
5 back and we'll go until 5. Is that an imposition?
6 Everybody okay with 5?

7 FOREPERSON: Sure.

8 THE COURT: How about ask your jurors. We're going to
9 start in the morning.

10 (A PAUSE.)

11 THE COURT: We'll probably start about 10 tomorrow.
12 I've got a 9:00 hearing that's going to last about an hour.
13 If you want sausage biscuits or something like that or a
14 little snack in the morning, figure out what y'all want in
15 the morning. I'll make the clerk buy it for us, okay?

16 FOREPERSON: Yes, sir.

17 THE COURT: Don't discuss the case, and don't
18 deliberate. Let us know that when you're ready to start
19 back.

20 FOREPERSON: Yes, sir.

21 (THE JURY EXITS AT 3:50 PM.)

22 THE COURT: Anything for the record by the state
23 before we break?

24 MS. CAMPBELL: No, sir.

25 THE COURT: By the defendant?

1 MR. SUTHERLAND: No, sir.

2 THE COURT: All right, we'll take about a ten,
3 fifteen-minute break, and then we will go to 5.

4 MR. SUTHERLAND: Thank you, sir.

5 (OFF THE RECORD.)

6 THE COURT: Anything from the state before we bring
7 the jury in?

8 MS. CAMPBELL: Just briefly, Your Honor. One witness
9 we might get to this afternoon ---

10 THE COURT: Hold on a second.

11 Please have a seat. Thank you.

12 MS. CAMPBELL: One witness we might get to this
13 afternoon as far as prior record is one of the
14 co-defendants, Demetrice James. I was showing his adult
15 record, and the only thing I'm seeing is looks like
16 pending.

17 THE COURT: Only thing you see is what?

18 MS. CAMPBELL: What is pending, and we'll go over
19 those charges and make sure we have all of those.

20 THE COURT: There's no prior record, then? Just
21 pending charges?

22 MS. CAMPBELL: Just pending charges, Your Honor, but I
23 think he has a right ---

24 MR. SUTHERLAND: He's got a juvenile, juvenile record.

25 (COUNSELORS CONFER.)

1 MS. CAMPBELL: I'll check the juvenile record. It's a
2 couple of witnesses away, but as far as pending charges,
3 it's my understanding that he's got pending a PWID, PWID
4 marijuana, PWID marijuana prox. Then he's got the charges
5 the same as his co-defendant, and then in addition to that
6 he's got criminal sexual conduct in the first degree,
7 kidnapping, and armed robbery.

8 MR. SUTHERLAND: And that's my understanding as well,
9 Your Honor.

10 I would have a question. Are either Demetrice or
11 McClary, are either one of them cooperating each against
12 each other in the CSC, armed robbery case?

13 MS. CAMPBELL: We've never spoken to their lawyers
14 about the CSC. And to make sure that we -- any kind of
15 deals, Mr. James's lawyer is here, Your Honor. I want to
16 make sure I'm perfectly up front about any deals.

17 He's not received any promises of any deals or
18 anything -- of course we'll put it on the record -- any
19 hopes for a deal down the road either of dismissal or
20 reduction or consideration of sentencing and all that. But
21 there have been no promises made.

22 Ms. Walker is in the back of the courtroom, Your
23 Honor, standing up. She is Mr. James's lawyer, and I just
24 wanted to make that's the extent of the ---

25 THE COURT: Is that correct, ma'am?

1 MS. ANASTASIA WALKER: That's correct, Your Honor.

2 THE COURT: Thank you.

3 MS. CAMPBELL: So, not to -- if we get to him today.

4 THE COURT: All right, anything on behalf of defendant
5 other than what we just discussed?

6 MR. SUTHERLAND: Nothing further, sir.

7 THE COURT: 5:00 suit everybody? I don't want to
8 interfere with anyone's plans.

9 MS. CAMPBELL: 5:00 is great.

10 MR. SUTHERLAND: Yes, sir.

11 (A PAUSE.)

12 (THE JURY ENTERS AT 4:08 PM.)

13 THE COURT: You may call your next witness.

14 MS. WALKER: State calls Trenton Scott.

15 THE COURT: Mr. Scott, Trenton Scott, please come
16 around.

17 TRENTON SCOTT, BEING DULY SWORN,
18 TESTIFIES AS FOLLOWS:

19 THE COURT: Mr. Scott, step right up here.

20 (OFF-THE-RECORD BENCH CONFERENCE WITH TRENTON SCOTT
21 AND COUNSEL.)

22 CLERK OF COURT: State your name for the record.

23 WITNESS: Trenton Scott.

24 DIRECT EXAMINATION BY MS. SIMPSON:

25 Q. Mr. Scott, how old are you?

1 A. Twenty-four.

2 Q. Twenty-four, and where do you live?

3 A. [REDACTED].

4 Q. Is that here in Columbia?

5 A. Yes, ma'am.

6 Q. Were you born and raised here?

7 A. Yes, ma'am.

8 Q. Where did you go to high school?

9 A. Columbia High.

10 Q. Columbia High and are you currently working?

11 A. Yes, ma'am.

12 Q. What type of work do you do?

13 A. I am a caregiver for a lawyer and a judge.

14 Q. And a judge. How long have you been doing that?

15 A. I've been doing it for a year.

16 Q. For a year and tell me a little bit about your family
17 and who all lives with you at Williamsburg Drive.

18 A. Well, who all lives with me is Mr. Chandler Davis, my
19 father; my mom, Sugar Davis; and my brother, Troy Scott.

20 Q. Troy Scott, and are you the youngest brother or the
21 oldest brother?

22 A. The youngest.

23 Q. You're the youngest, and how long have y'all been
24 living at Williamsburg Drive?

25 A. About ten years now.

1 Q. Ten years, and as far as things you're interested in,
2 do you like music?

3 A. Yes, ma'am.

4 Q. Things of that nature? Tell the jury a little bit
5 about your house and what, what you have there with respect
6 to the music.

7 A. Well, we have a big Mac laptop computer, a very
8 expensive microphone and speakers and, you know, things of
9 that nature.

10 Q. And do you generally record music with your friends
11 and things of that nature?

12 A. No, I don't.

13 Q. You don't? What do you do?

14 A. Well, I'm basically, like, the A&R. So, I just tell
15 them straight up whether I like it or whether I don't like
16 it.

17 Q. Okay. So, you just kind of judge the other people?

18 THE COURT: What's an A&R? You said you're basically
19 like a what?

20 WITNESS: I'm basically like an A&R.

21 THE COURT: What's an A&R?

22 WITNESS: They basically, they scout. Scout,
23 basically, just scout out talent and such like that.

24 THE COURT: Thank you.

25 BY MS. SIMPSON:

1 Q. And I want to talk to you about how you know some of
2 the people involved in this case. Did you know Brandon
3 Jones?

4 A. Yes.

5 Q. How did you know Brandon?

6 A. Ma'am, I know him for years. He's my cousin.

7 Q. He's your cousin?

8 A. Yes, ma'am.

9 Q. And were y'all pretty close?

10 A. Yes, ma'am.

11 Q. Would he often visit your home?

12 A. Yes. He -- actually, we reunited in the summer of
13 2013.

14 Q. Okay, and Josh Williams, do you know him as well?

15 A. 2012, excuse me. Joshua Williams, yes, I do know
16 Joshua.

17 Q. And how do you know Joshua?

18 A. I've known Joshua for years as well. I met him
19 because of my brother.

20 Q. Okay, your brother, Troy?

21 A. Uh-huh.

22 Q. And so all y'all were pretty close, and I want to go
23 back to 2013 when Brandon was still alive. Did y'all hang
24 out some?

25 A. Yes, we did.

1 Q. What types of things would you do on the weekend?

2 A. Well, he would always come to the house and record
3 music.

4 Q. And that's just kind of what y'all did?

5 A. Yes, ma'am.

6 Q. And your mother, you said Ms. Davis. Ms. Sugar Davis?

7 A. Yes, ma'am.

8 Q. Did she actually have occasion to kind of take some
9 people into her home?

10 A. Yes, ma'am.

11 Q. And tell the jury a little bit about that and what she
12 would do.

13 A. Well, we -- well, she basically took in some of our
14 friends that were very troubled and had a hard time and
15 just basically built them up. And then we'd try to help
16 them out as well, try to slip them some money for doing a
17 little bit of housework and...

18 Q. So they might get clothes or food?

19 A. Right.

20 Q. Have a place to stay ---

21 A. Yes.

22 Q. --- if they needed it?

23 A. Yes, ma'am.

24 Q. Did you know one of the co-defendants in this case,
25 Vincent Nelson?

1 A. Yes, I do.

2 Q. Tell the jury how you knew him or know him.

3 A. Well, I actually met him through a, through a friend
4 of my brother.

5 Q. Okay, and did you know him by a nickname, or did he
6 ever go by a nickname?

7 A. Yes, he did.

8 Q. What was that?

9 A. J School.

10 Q. J School. Did he also go by Junior sometimes? You
11 knew him pretty much as J School?

12 A. Yeah. That was J, J School, that's it.

13 Q. And prior to this incident, had he actually stayed
14 with you all in your home?

15 A. Yes, he has.

16 Q. For a period of time?

17 A. Yes, he has.

18 Q. So, he was one of the people that your mother kind of
19 took under her wing?

20 A. Took under her wing.

21 Q. And was essentially treated like family?

22 A. Correct.

23 Q. Turning your attention to January 25th of 2013, do you
24 recall that day?

25 A. Yes, ma'am.

1 Q. Can you tell the jury how that day started out?

2 A. Well, that day started out just as any other day. I
3 actually purchased a Go Pro camera earlier that day, and,
4 and then Brandon came over a little later that day as well.

5 Q. Okay, and was he with Josh were at that time, or did
6 Joshua come later on?

7 A. Joshua came later on.

8 Q. Okay, and so was this in the afternoon?

9 A. Yes, ma'am.

10 Q. He was there. Who all was at the house that
11 afternoon?

12 A. Well, my father was there, my mom, Joshua, my brother,
13 Troy, Cari.

14 Q. And who is Cari or who was Cari?

15 A. My brother's girlfriend.

16 Q. Your brother's girlfriend.

17 A. At the time.

18 Q. Okay. At the time? Not anymore?

19 A. I don't know. They're out there. I can't really
20 speak.

21 Q. Okay. We'll ask them that question.

22 A. Yeah, ask them that question, right.

23 Q. So, y'all were at the house. What day, if you recall,
24 of the week was this?

25 A. It was a Friday.

1 Q. Friday, and so what did y'all typically do on Fridays
2 and for the weekends?

3 A. Everything we pretty much always do. Just, you know,
4 hung around and be around the house playing video games
5 while they record music.

6 Q. And you kind of assessed their talent?

7 A. Yes, I did that.

8 Q. And the area in the home where your brother and you
9 stayed, what part of the home was that, what part of the
10 house?

11 A. The downstairs.

12 Q. The downstairs area, and the downstairs area, that
13 contained your bedroom as well?

14 A. Correct. Yes, ma'am.

15 Q. And so back, moving back to January 25th while
16 everybody was at the house, what, what else happened?

17 A. Well, well, on this day, my client didn't, didn't want
18 me to come to work.

19 Q. And you said your client.

20 A. Right.

21 Q. What type of work were you doing?

22 A. I was doing caregiving for another woman at the time.

23 Q. Okay.

24 A. By the name of Ms. Dee.

25 Q. Okay. So, she didn't need you to come work that day?

1 A. No.

2 Q. Okay. So, what did you do?

3 A. Well, I just basically lounged around and continued to
4 sit there while Brandon was recording.

5 Q. Okay. So, Brandon had been there for a while
6 recording. You and Josh are there, Troy and Cari?

7 A. Correct.

8 Q. And y'all were in the downstairs area?

9 A. Yes, ma'am.

10 Q. Of the house. At some point, did J School or Vincent
11 Nelson show up?

12 A. Yes, he did.

13 Q. Can you tell the jury what happened when he got to the
14 house, what you remember?

15 A. Well, when he got to the house, this is all -- I just
16 basically turned around, and he was just standing right
17 there. And then Joshua had asked him, you know, how did
18 you get in. He said, well, your stepfather let me in.

19 Q. And you knew him, but had he been there recently?

20 A. No, he hadn't.

21 Q. And do you recall about how long it had been since
22 he'd kind of been around you all and around the house?

23 A. Well, he, he's been gone for at least about two
24 months.

25 Q. Around two months?

1 A. Mm-hmm.

2 Q. And so when he showed up, what happened? Did y'all
3 talk?

4 A. No. I really didn't say too much to him because he
5 was pacing back and forth receiving phone calls repeatedly.

6 Q. And so he was on the phone pacing back and forth?

7 A. Mm-hmm.

8 Q. Not really talking ---

9 A. Yeah.

10 Q. --- to you? Did that strike you as odd at all?

11 A. Very odd.

12 Q. And why is that?

13 A. Because he doesn't normally have a cell phone at all.

14 Q. He doesn't, and did he normally act like that, or was
15 he a little out of character?

16 A. He was very out of character.

17 Q. And what do you remember happening next?

18 A. Well, Vincent Nelson kept on pressuring Brandon to, to
19 come out for a cigarette smoke.

20 Q. Okay, and were you around while he was ---

21 A. Yes.

22 Q. --- asking him for a cigarette?

23 A. Yes, ma'am.

24 Q. And did Brandon eventually, I guess, give him a
25 cigarette?

1 A. Yes.

2 Q. And go outside, and when that happened, what did you
3 do?

4 A. Well, I had -- well, I had my camera spread out over
5 the top of the couch. So, I gather up -- so, I gathered up
6 my camera, put it in the box, and I ran back upstairs, and
7 I put it back into my room. And upstairs in my room, I
8 grabbed a group of hangers so I could -- take downstairs
9 into the sports room, which is the orange room.

10 Q. And so what were you taking them downstairs for?

11 A. Just to get them out of my room, out of the way.

12 Q. Okay, and when you went downstairs to the sports room,
13 what happened next?

14 A. That's when he ranned in on me.

15 Q. When you say he, who are you referring to?

16 A. That's Maurice Roberts.

17 MR. SUTHERLAND: Renew my previous objection, Your
18 Honor.

19 THE COURT: All right.

20 MR. SUTHERLAND: Previous objection with respect to
21 the identification.

22 THE COURT: You are protected.

23 BY MS. SIMPSON:

24 Q. And at the time, did you know who Maurice Roberts was?

25 A. I'd never seen him a day in my life.

1 Q. Okay, and when you ran into him, tell me what
2 happened. What was he doing?

3 A. Well, he, he, he ran straight toward in with the gun
4 pointed straight to my head.

5 Q. Okay. So, he had the gun out?

6 A. Correct.

7 Q. Coming through the door. What doorway was he coming
8 through?

9 A. Through the back door.

10 Q. The back door?

11 A. Yes, ma'am.

12 Q. Where does the back door lead?

13 A. Well, the back door leads straight out into the, into
14 the driveway. That's real steep.

15 Q. Okay. So, when he came in, did he say anything to
16 you?

17 A. No, ma'am.

18 Q. And were the lights on downstairs?

19 A. Yes, ma'am.

20 Q. Do you recall if he had anything covering his face at
21 all?

22 A. No, ma'am.

23 Q. Were you able to get a pretty good look at him?

24 A. Yes, ma'am.

25 Q. So, when the gun was pointed in your face -- and at

1 this point you have the hangers in your hands?

2 A. Yes, ma'am.

3 Q. What did you do, or what did he do? What happened
4 next?

5 A. Well, it all basically happened all in one motion.
6 It's just, like, he ran in. I dropped the hangers. He
7 pistol whipped me and so ---

8 Q. And by pistol whipped you, what do you mean?

9 A. He hit me right upside the head with the gun.

10 Q. With the gun?

11 A. Yes, ma'am.

12 Q. And what happened next?

13 A. And after that I fell, and then I got back up, and
14 then I hit him in his face, and then he fell into the glass
15 table.

16 Q. Okay. So, he actually broke that glass table, this?

17 A. Yes, he did.

18 Q. And at this point, you said everything's happening
19 kind of fast?

20 A. Mm-hmm.

21 Q. In one motion. What do you remember happening after
22 he falls into the table?

23 A. Well, after he falls into the table, the gun's
24 dropped. The gun drops. So, now we all over the floor,
25 you know what I'm saying, scuffling to get to the gun. And

1 that's when Demetrice James comes in, and he ends up
2 getting more leverage to the gun, and he passes it off to
3 him.

4 Q. Okay, and let me back up just a little bit.

5 A. Okay.

6 Q. Demetrice James, you know his name now, but did you
7 know at the time who he was?

8 A. No.

9 Q. So, the second ---

10 A. I had seen him around.

11 Q. You'd seen him around before?

12 A. Twice.

13 Q. Just around the neighborhood?

14 A. Not around my neighborhood. Just at the corner store.

15 Q. So, he rushed in while you and Maurice were ---

16 A. Was scuffling to get the gun.

17 Q. --- scuffling at this point, and at this point, what
18 was going through your head?

19 A. Survival basically.

20 Q. Okay, and what do you remember happening next after
21 Demetrice came in?

22 A. Well, after he -- well, after he passed off the gun to
23 him, I got up off -- I got off the floor, and then I
24 started to fight Demetrice.

25 Q. Okay, and you say he passed off the gun to him. Who

1 passed off the gun?

2 A. Maurice passed off the gun to Demetrice.

3 Q. Okay. So, Maurice was able to get the gun off the
4 floor?

5 A. Yes, ma'am.

6 Q. And give it to Demetrice?

7 A. Yes, ma'am.

8 Q. What do you remember happening next?

9 A. Well, well, I didn't notice, I didn't notice my
10 brother was behind me, and so he came in and he saw us.
11 So, he saw us scuffling, and then that's when Maurice tried
12 to make a further break further into the house, so I -- you
13 see what I'm saying? So, I caught him in the house -- so I
14 caught him in the shop, and then I slammed him to the
15 ground.

16 And so I looked up, and there's Demetrice standing in
17 the doorway of the shop area pointing the gun saying I'm
18 about to shoot. I'm about to shoot. So, I picked Maurice
19 up off the floor, and I held him in a Full Nelson so just
20 in case if he did shoot, he was going to hit him.

21 Q. So at this point, when you say he was coming in
22 towards the door, Maurice was actually rushing in to get
23 inside the house, further inside the house?

24 A. Correct. I don't even know how. I didn't even see
25 him even get that far, but I got him.

1 Q. And you said Demetrice at this point has the gun?

2 A. Correct.

3 Q. And what is he telling you?

4 A. He said he's about to shoot.

5 Q. Okay, and what happened next?

6 A. And, and so while I had him hemmed up in a Full
7 Nelson, I, I threw Maurice into Demetrice, and that's when
8 me and my brother began to barricade the shop door back
9 while -- Demetrice, you know, eventually had his, his hand
10 waving through the crack of the, of the shop door while we
11 was barricading it back.

12 Q. Okay, and you weren't armed at the time?

13 A. No.

14 Q. With a weapon?

15 A. Not at all.

16 Q. You didn't have a gun or a knife?

17 A. Nothing.

18 Q. And your brother didn't?

19 A. No.

20 Q. So, you were just having to fight them off?

21 A. Uh-huh.

22 Q. And once you kind of get them to the shop door and
23 Demetrice is waving the gun, where is Maurice at this
24 point, if you remember? I know everything was happening
25 really fast.

1 A. As in, as in after I threw him into him?

2 Q. Yes.

3 A. Well, he's -- let's see. Well, he basically turned
4 around and said, well, I'll beat that N-word right there.
5 And so then that's when we barricaded the door back.

6 Q. Okay, and so you barricaded the door back?

7 A. Yeah. He was, he was in, he was in front of
8 Demetrice, you know what I'm saying, basically trying to
9 push the door open.

10 Q. Okay, to get back to you all?

11 A. Yeah.

12 Q. To get back ---

13 A. Yes, ma'am.

14 Q. --- into the house, and then what happens next?

15 A. And as we was barricading the door back, you know, he
16 was waving the -- Demetrice, he was waving the gun between
17 the cracks of the door and things of that nature, and even
18 -- the gun went, you know, toward my head a few times,
19 so...

20 Q. Okay, and at some point, did that gun fire?

21 A. No, ma'am.

22 Q. Okay. You don't remember shots going off?

23 A. Not at that moment.

24 Q. Okay. What happened next?

25 A. And so I basically got real tired of barricading the

1 door back. So ---

2 Q. And when we're saying -- let me stop you. When we're
3 saying the shop door, you mean the salon shop door?

4 A. Yes, ma'am.

5 Q. Okay. So, we're not to the outside door leading to
6 the driveway yet?

7 A. No, we're not there.

8 Q. Okay. So, you're barricading that door?

9 A. Yes, ma'am.

10 Q. All right, and you get tired. What happens next?

11 A. Well, what was going through my mind is, well, if we
12 don't get him out the house, then he just might, you know,
13 shoot, you know what I'm saying, shoot through the shop
14 door. And, and so I basically somehow end up punching
15 Demetrice through the cracks of the door where he had the
16 gun waving out. And, you know, and I threw the door open,
17 and it was basically do or die trying.

18 Q. And by do or die trying, you're trying to get them
19 outside?

20 A. Out of the house, yes, ma'am.

21 Q. To the driveway outside?

22 A. Yes, ma'am.

23 Q. And at this point, once y'all kind of pushed through
24 the shop door, what area of the house are you in?

25 A. Now, now we're in, into the sports room because I

1 threw, I threw the door back, and so I ran in and started
2 fighting Deme -- fighting Demetrice again.

3 Q. And the sports room, is that the room that's painted
4 orange?

5 A. Yes, ma'am.

6 Q. Okay. That's the room depicted in State's 145?

7 A. Yes, ma'am.

8 Q. Where the hangers are?

9 A. Mm-hmm.

10 Q. So, y'all are still struggling: you, your brother,
11 Demetrice, and Maurice?

12 A. Correct.

13 Q. Okay, and what happens next once y'all are in the
14 sports room?

15 A. All right.

16 Q. And you've already been pistol whipped in the head by
17 this point, too?

18 A. Right.

19 Q. What happens next?

20 A. All right, and so after I, after I threw the door
21 open and I started to go back in to fight, they were, they
22 were, they were proceeding to run right back out of the
23 door, but ---

24 Q. And when you say out of the door?

25 A. Out of the back door.

1 Q. The back door which leads to where?

2 A. Leads, leads to the driveway.

3 Q. Okay.

4 A. And so what it was that, that I was attempting to do,
5 I tried to grab, I tried to grab Demetrice by his dreads,
6 and I tried to snatch him back and basically give him some
7 more of what he came for. And in the midst of me
8 attempting to do so, he fired off a shot. He blindsided
9 and shot back.

10 Q. Okay, and so at this point, you're shot?

11 A. Yes.

12 Q. Are you ultimately able to get, you and your brother,
13 able to get Demetrice and Maurice outside to the driveway?

14 A. Yes. It's, like, they shot back and they ran out the
15 house.

16 Q. Okay, and once they ran out of the house, what did you
17 do?

18 A. Well, my, well, my body went into -- my body basically
19 went into a whole shock, and my arm, it just started
20 spazzing out. And so I didn't know how severe it was, you
21 know. So, I basically turned around to run, run back
22 upstairs where I met Cari, who was near the stairs. And so
23 we, so we both ran all the way up the stairs. From this
24 point, I'm basically bleeding all the way through the
25 hallway to my parents' room, and we both was banging on the

1 door. And I said somebody take me to the hospital. I've
2 been shot.

3 Q. Okay, and at this point, you're talking to your dad
4 and your mom?

5 A. Yes.

6 Q. And Cari, and after you were shot and you run
7 upstairs, did you actually hear some more shots go off?

8 A. I actually heard more shots when, when my mom was
9 basically trying to console me in the middle of the, of the
10 living room. That that's when I ripped off my gray hoodie
11 and, and I threw it near the couch so I could see where I
12 was shot at. And so right when me and my mom was standing
13 in the middle of the living room, I just heard five shots
14 go off.

15 Q. And when you heard those five shots go off, did you
16 stay upstairs?

17 A. Yes, ma'am, I did.

18 Q. And did someone call 911?

19 A. Yes, ma'am.

20 Q. And back -- I know it's been a while, a year ago.
21 Were you able to give the police -- I guess, let me back
22 up. Did you go to the hospital?

23 A. Yes, ma'am.

24 Q. And were you treated for your injuries?

25 A. Yes, ma'am.

1 Q. And ultimately while you were at the hospital, did you
2 have a chance to speak with the police?

3 A. Yes, ma'am.

4 Q. And were you able to give them a description of the
5 people who you now know to be Demetrice and Maurice?

6 A. Yes, ma'am.

7 Q. Did you actually give them a clothing description?

8 A. Yes, ma'am.

9 Q. Do you remember what it was?

10 A. Of, of which suspect?

11 Q. Let's start with the one with the gun pointed in your
12 face.

13 A. Okay.

14 Q. Do you remember what he was wearing?

15 A. Yes, ma'am.

16 Q. What was he wearing?

17 A. Well, he was in -- he had a black Scully, a blue, a
18 dark-blue jacket with black pants and black shoes.

19 Q. Okay, and the other guy who shot you that you now know
20 to be Demetrice James, were you able to give a description
21 of him as well?

22 A. Yes, ma'am.

23 Q. As well as his height and his built?

24 A. Yes, ma'am.

25 Q. And his hair and things of that nature?

1 A. Yes, ma'am.

2 Q. And as far as Vincent Nelson, do you know where he was
3 while all this was going on? Did you even see him?

4 A. No, ma'am. Inside and outside was two different
5 situations. I do not know what went on outside.

6 Q. Okay, and when the police came and talked to you at
7 the hospital, you told them about what happened?

8 A. Yes, ma'am.

9 Q. Just generally?

10 A. Mm-hmm.

11 Q. And did they show you some photo lineups?

12 A. Yes, ma'am, they did.

13 Q. I'm going to show you what's been marked first as
14 State's Exhibit 11, which has already been marked for ID
15 purposes. Do you recognize this?

16 A. Yes, ma'am.

17 Q. And are these the photos that they showed you?

18 A. Yes, ma'am.

19 Q. And when they showed you these photographs, what did
20 they say to you? Do you remember?

21 A. Not even -- they didn't say. I can't remember what
22 they said to me.

23 Q. Okay. Did they tell you who to pick or that you had
24 to pick somebody?

25 A. No, ma'am.

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

345

1 Q. Did they necessarily tell you how this person
2 participated or how they may be involved?

3 A. No, ma'am, not to my knowledge.

4 Q. Okay, and in State's Exhibit 11, were you actually
5 able to identify someone?

6 A. Yes, ma'am.

7 Q. And who you able to identify?

8 A. Vincent Nelson.

9 Q. Okay, and that's the person you know as J School?

10 A. Yes, ma'am.

11 Q. And did you mark your identification in some way?

12 A. Yes, ma'am.

13 Q. And how did you mark it?

14 A. In my initials and date.

15 Q. Okay, and you knew him from before?

16 A. Yes, ma'am.

17 Q. By name and sight?

18 MS. SIMPSON: Your Honor, at this time the state would
19 offer State's Exhibit 11 into evidence.

20 MR. SUTHERLAND: No objection to 11, Your Honor.

21 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
22 NUMBER 11.)

23 BY MS. SIMPSON:

24 Q. I'm also going to show you what's been premarked as
25 State's Exhibit 10. They also showed you another group of

1 pictures.

2 A. Uh-huh.

3 Q. Do you recognize that?

4 A. Yes, I do recognize that.

5 Q. And you actually weren't able to pick out anybody in
6 this?

7 A. No, ma'am.

8 Q. And again, they didn't tell you you had to pick
9 anybody?

10 A. No, ma'am.

11 Q. And you didn't know anybody?

12 A. No, ma'am.

13 Q. And no one in that lineup was involved ---

14 A. No, ma'am.

15 Q. --- in the shooting, and did you actually tell
16 officers that if you saw the person, you would know who it
17 was?

18 A. Correct.

19 Q. Because you are able to get a good look at him?

20 A. Yes, ma'am.

21 Q. I'm going to show you what's been marked as State's
22 Exhibit 12. This would have been another photo lineup
23 shown to you, I believe on the 29th because you talked to
24 police officers several times?

25 A. Yes, ma'am, I did.

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

347

1 Q. Right, and do you recall them showing you that?

2 A. Yes, ma'am.

3 Q. You recognize this?

4 A. Yes, ma'am.

5 Q. And these are the photos that you were shown?

6 A. Yes, ma'am.

7 MR. SUTHERLAND: No objection, Your Honor.

8 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
9 NUMBER 12.)

10 BY MS. SIMPSON:

11 Q. And when they showed you this group of pictures, did
12 they tell you you had to pick anyone?

13 A. No, ma'am.

14 Q. Did they tell you that this person may be involved in
15 some way?

16 A. No, ma'am.

17 Q. And did you actually pick someone out of this lineup?

18 A. Yes, ma'am, I did.

19 Q. And which -- who did you pick?

20 A. Demetrice James.

21 Q. And at the time, did you know his name?

22 A. No, ma'am, I didn't.

23 Q. And who did you know this person that you picked in, I
24 believe, number 6, to be? Who was the person? How was he
25 involved with you in the crime?

1 A. Well, he, he was basically the one I fought.

2 Q. He was the one you fought?

3 A. Yes, ma'am.

4 Q. And he was the one that actually shot you?

5 A. Yes, ma'am.

6 Q. And there is no doubt in your mind?

7 A. No doubt in my mind.

8 Q. All right, and finally I'm going to show you what's
9 been marked as State's Exhibit 13.

10 MR. SUTHERLAND: Previous objection, Your Honor.

11 THE COURT: All right, same ruling.

12 MR. SUTHERLAND: Yes, sir.

13 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
14 NUMBER 13.)

15 BY MS. SIMPSON:

16 Q. Do you recognize this?

17 A. Yes, ma'am.

18 Q. And I believe on this day another investigator -- this
19 would have been February 1st of 2013 -- showed you the
20 group of pictures noted in State's Exhibit 13. Were you
21 able to recognize anybody out of these pictures?

22 A. Yes, ma'am.

23 Q. And did you identify that person in some way?

24 A. Yes, ma'am.

25 Q. Did the police tell you you had to pick someone?

1 A. No, ma'am.

2 Q. Did they influence you in any way?

3 A. No, ma'am.

4 Q. Did they tell you that the person would definitely be
5 in there?

6 A. No.

7 Q. And who did you pick, or who did you know this person
8 to be?

9 A. Maurice Roberts.

10 Q. Did you know him as Maurice at that time?

11 A. No, ma'am.

12 Q. What did you know him as doing? What was his
13 participation?

14 A. Well.

15 Q. On the night of the incident.

16 A. Well, he was the first one that ran in, and he was the
17 first one to get it.

18 Q. So, you positively identified Maurice Roberts as being
19 the one who came in with the gun?

20 A. Yes, ma'am.

21 Q. Pointed at your head?

22 A. Yes, ma'am.

23 Q. As one of the guys that you fought?

24 A. Yes, ma'am.

25 MS. SIMPSON: And, Your Honor, it's my understanding

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

350

1 that State's Exhibit 13 is in evidence, correct?

2 THE COURT: It is, subject to the objections which I
3 have previously ruled.

4 MS. SIMPSON: As well, just to make sure, State's
5 Exhibit 10 is also into evidence.

6 Your Honor, at this time I would offer State's Exhibit
7 10.

8 (COUNSELORS CONFER.)

9 MR. SUTHERLAND: No objection.

10 THE COURT: Without objection.

11 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 10.)

13 BY MS. SIMPSON:

14 Q. And so the person that you identified, the person that
15 pointed the gun at you as he came into the door and fought
16 with you, do you see him here in the courtroom today?

17 A. Yes, ma'am.

18 Q. And can you please point him out for the jury?

19 A. (THE WITNESS COMPLIES.)

20 Q. And what is he wearing?

21 A. Striped shirt.

22 Q. Striped shirt?

23 A. Yes, ma'am.

24 Q. Sitting next to his lawyer?

25 A. Yes, ma'am.

TRENTON SCOTT - DIRECT EXAMINATION BY MS. SIMPSON

351

1 MS. SIMPSON: Your Honor, let the record reflect that
2 he has identified the defendant, Maurice Roberts.

3 BY MS. SIMPSON:

4 Q. Let me back up. You mentioned the Full Nelson
5 earlier. Do you actually have training in fighting, in
6 wrestling or karate?

7 A. Yeah, in karate, yeah, a little.

8 Q. Karate?

9 A. Full Nelson is just something I just seen on
10 wrestling.

11 Q. All right. So, you weren't training with that. You
12 just knew what a Full Nelson was?

13 A. Yeah.

14 Q. But you, you are trained?

15 A. Correct.

16 Q. You're actually a black belt, correct?

17 A. Yes, ma'am, you know. I may can do it.

18 Q. But the Full Nelson, you were protecting yourself that
19 day?

20 A. Yes, ma'am.

21 Q. And you were protecting yourself from Maurice Roberts,
22 whom you now know to be Maurice Roberts?

23 A. Yes.

24 Q. And Demetrice James?

25 A. Yes, ma'am.

1 MS. SIMPSON: Thank you.

2 MR. SUTHERLAND: Please the court?

3 CROSS-EXAMINATION BY MR. SUTHERLAND:

4 Q. Briefly. Trent, how are you today?

5 A. How are you doing, sir?

6 Q. I'm doing well. Going to go over the same things real
7 quick.

8 A. All right.

9 Q. As, as before. The first day that you were shown
10 lineups, now that was at the hospital?

11 A. Yes, ma'am.

12 Q. I'm a dude, but the first day that you were shown
13 lineups was at the hospital?

14 A. Correct.

15 Q. Okay, and there were two that were shown to you?

16 A. Uh-huh.

17 Q. And you were able to pick out Vincent Nelson?

18 A. Yes, ma'am.

19 Q. But not out of the, the other one?

20 A. No, ma'am -- no, sir. Excuse me.

21 Q. So, you had known Vincent for a year or two?

22 A. Two years.

23 Q. Okay, for two years. So, just out of these two
24 lineups, the person you know for two years was in one and
25 you picked him out?

1 A. Yes, sir.

2 Q. And he was picture number 6. Is that correct?

3 A. That's correct.

4 Q. Okay, and then three days later -- this was on the
5 29th?

6 A. Okay.

7 Q. You were shown the photo lineup that had Demetrice
8 James in it?

9 A. Yes, ma'am -- yes, sir.

10 Q. Were you, were you are also shown a lineup, were you
11 also shown a lineup that had Leonard Gaston in it or no?

12 A. I don't know a Leonard Gaston.

13 Q. Okay. Okay, and you picked Demetrice James out of
14 that lineup on the 29th?

15 A. Correct.

16 Q. Is that correct, and he was also in picture number 6?

17 A. Correct.

18 Q. Okay, and then later on on the 1st of February, you
19 were shown the lineup with Maurice Roberts in it, and you
20 did pick, you picked Maurice Roberts out?

21 A. Yes, I did.

22 Q. And he was picture number 6?

23 A. Correct.

24 Q. Okay, and briefly, a couple more things. I believe
25 you testified that it happened really fast?

TRENTON SCOTT - CROSS-EXAM / S. RICHARDS - DIRECT EXAM 354

1 A. Yes, sir.

2 Q. And basically as soon as you walked in the room with
3 the hangers, it was on?

4 A. It was on.

5 Q. And you also testified that Demetrice James shot you?

6 A. Yes, sir.

7 Q. Thank you.

8 MR. SUTHERLAND: No further questions at this time,
9 Your Honor.

10 MS. SIMPSON: No redirect.

11 THE COURT: You may step down.

12 (THE WITNESS EXITS THE STAND.)

13 THE COURT: Next witness.

14 MS. WALKER: Your Honor, state calls Sergeant Stan
15 Richards.

16 THE COURT: Come around, please.

17 STAN RICHARDS, BEING DULY SWORN,
18 TESTIFIES AS FOLLOWS:

19 CLERK OF COURT: Have a seat in the witness stand,
20 please. State your name for the record.

21 WITNESS: Stan Richards.

22 DIRECT EXAMINATION BY MS. WALKER:

23 Q. Good afternoon, Sergeant Richards.

24 A. Good afternoon.

25 Q. Sir, where you currently employed?

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

355

1 A. Richland County Sheriff's Department, Crime Scene
2 Latent Prints Unit, forensic division.

3 Q. And how long have you been there?

4 A. I've been with Crime Scene Unit about twelve years.

5 Q. And can you tell us a little bit about what -- you're
6 a sergeant with the Crime Scene Unit?

7 A. I am.

8 Q. Can you tell us a little bit about what your duties
9 are as a sergeant of the Crime Scene Unit?

10 A. I am the operations sergeant with the Crime Scene
11 Unit. That means that I pretty much run the day-to-day
12 activities with the unit, which means that when we have
13 requests come in for processing or for us to respond to any
14 type of scene, I make sure that happens. I supervise
15 thirteen CSI crime scene investigators and latent print
16 analysts.

17 Q. And can you tell us about your training and background
18 in crime scene investigation?

19 A. I attended Saint Louis University and majored in
20 criminal justice. Also I'm a graduate of the US Army
21 Command General Staff College in quantitative analysis.

22 Q. Sergeant Richards, she's having, I think, a hard time
23 keeping up. Will you slow down just a little bit?

24 A. I'm sorry. Okay.

25 Q. Sorry to interrupt you. Go ahead, sir.

1 A. I've been with Richland County for -- since 1994, and
2 like I said twelve years as crime -- in crime scene itself.

3 During that time, I attended a lot of courses,
4 multiple courses and classes in most all the disciplines
5 that arise in the forensic or the crime scene disciplines.
6 My discipline, of course, are latent prints and crime scene
7 investigations. Also, I've been to multiple courses in
8 subdisciplines such as bloodstain pattern analysis,
9 trajectory analysis, incident shooting reconstruction, and
10 crime scene reconstruction.

11 Q. And prior to becoming involved in law enforcement,
12 what was it that you did, sir?

13 A. I was twenty years in the military, retired from the
14 military.

15 Q. I want to turn your attention to the early morning
16 hours of January 26th of last year.

17 A. Yes, ma'am.

18 Q. Did you become involved in a scene at [REDACTED]
19 [REDACTED]?

20 A. I did. I received a call about 3:00 in the morning on
21 the 26th from Investigator Beeler. He told me that he was
22 involved or processing a shooting incident, and that he had
23 just been notified that one of the victims was deceased.
24 Per our protocol, the supervisor on call responds to all of
25 death scenes. So, I responded and I arrived at [REDACTED]

1 [REDACTED] about 3:34 in the morning.

2 Q. Upon arriving at the incident location, can you tell
3 us what you observed?

4 A. Well, Investigator Beeler, as well as Investigator
5 Woods, both were already there; they had been there for
6 some time. So, they had already completed most of the
7 processing because, like I said, it started out as a
8 shooting scene with no death.

9 So, they took me around, showed me what they had
10 processed and what they had collected, marked,
11 photographed. So, they had done all the documentation and
12 all the collection once I got there.

13 My role while I was there at that time was to try to
14 gain information from the investigators back at
15 headquarters, and try to determine what else we might need
16 to do in the way of processing and analysis.

17 Q. And did you speak with investigators that were not at
18 the crime scene over the telephone regarding this incident?

19 A. I did.

20 Q. And continued to assist with processing, observing
21 that crime scene?

22 A. Yes. Up to the point where I decided I needed to try
23 and still gain more information in order to decide what
24 processing needs to be done. So, we secured the scene for
25 the morning, and left the crime scene log and the deputy at

1 the scene to keep it secure, and we departed.

2 Q. And is that unusual, when you're dealing with a crime
3 scene of this magnitude, to need to reassess things after
4 speaking with investigators and go back?

5 A. No. We're just like any other investigator. We have
6 to try to determine or get all the information we possibly
7 can to determine what we need to do. If we don't do that,
8 there's a lot of things that could be skipped or unable to
9 collect and preserve or process.

10 Q. And while you and Investigator Woods and Investigator
11 Beeler were away from that crime scene, that crime scene
12 was secured?

13 A. It was.

14 Q. Within the protocol of the Richland County Sheriff's
15 Department?

16 A. It was.

17 Q. And later on the 26th, did you, in fact, meet with
18 investigators to ascertain more information regarding this
19 crime?

20 A. Once I left there, about an hour later or so, about
21 6:20, I went to headquarters and I met with the
22 investigators there. They briefed me on what they knew at
23 that time so I could make an informed decision on what I
24 needed to do at the scene.

25 Q. Okay, and did you return to the scene?

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

359

1 A. I did.

2 Q. And when was that, Sergeant Richards?

3 A. I returned to the scene and arrived there at
4 approximately 7:54 in the morning of the 26th.

5 Q. And what was the purpose of returning to the scene
6 that morning?

7 A. Continue processing.

8 Q. And what, what were the next steps you took in the
9 processing of that scene?

10 A. As I said, the assessment and the documentation was
11 all done. Most of all the questioning that we knew of had
12 been done, but a search, a second search is usually
13 protocol on an incident of this type. So, I met with
14 Investigator Rainsford there, and he and I did a second
15 search of the residence inside and outside. Plus,
16 Investigator Rainsford did some processing.

17 Q. And did you photograph things that were significant to
18 you during that second day?

19 A. I did. The first night, Investigator Beeler had
20 photographed very extensively the inside and outside of the
21 residence, but it was at night.

22 So, the next day in the morning, during the daylight,
23 I photographed some of the stains myself for two reasons.
24 Number one, if for some reason I had to go back and look at
25 the stains very closely for reconstruction purposes, I

1 would need something that I could see very well. And,
2 number two, I had gained some information that maybe
3 someone had went around the back of the house and gained
4 entry through the back door. And I was told about the
5 movements of some of the victims in the house. So, those
6 stains become important to me to do that.

7 Q. Okay, sir, I want to show you what's been marked
8 State's Exhibits 162 and 163 and ask if you recognize
9 those.

10 A. Yes. This is exterior of the door going into the
11 orange room, I guess you're calling it, from the position
12 of the driveway.

13 (COUNSELORS CONFER.)

14 MR. SUTHERLAND: No objections.

15 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
16 STATE'S EXHIBIT NUMBERS 162, 163.)

17 BY MS. WALKER:

18 Q. And this is the door that leads into that orange room?

19 A. Yes, ma'am.

20 Q. And had you received information about this door from
21 your briefing?

22 A. Yes.

23 Q. And this door leads into which room, sir?

24 A. The first room is called the orange room or is there
25 where the glass table was broken.

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

361

1 Q. And leading up to that door, did you take pictures of
2 the driveway?

3 A. Yes, I did.

4 Q. Let me show you what been marked State's Exhibits 164
5 through 168 and ask if you recognize those.

6 A. I do. These are the photographs that I took because I
7 used double letters on all of mine to distinguish what I
8 did that day from what Investigator Beeler took the night
9 before.

10 (COUNSELORS CONFER.)

11 MR. SUTHERLAND: No objection.

12 THE COURT: Without objection.

13 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

14 STATE'S EXHIBIT NUMBERS 164, 165, 166, 167, 168.)

15 BY MS. WALKER:

16 Q. And do these depict the driveway that actually goes
17 down from the street to the home?

18 A. It does.

19 Q. State's Exhibit 164.

20 A. Yes. That depicts the truck, the red Tundra truck
21 that was in the driveway at the bottom next to the house
22 and the stains that were marked by me beside it.

23 Q. And then you took close-up pictures of those stains?

24 A. I did.

25 Q. And that would be AA, AB, and AC?

1 A. Correct.

2 Q. And does that trail lead to that door?

3 A. In the vicinity of the door, yes.

4 Q. In the vicinity of the door. And then do y'all
5 individually take pictures of the markers AA, AB, and AC?

6 A. Along with the stains, yes.

7 Q. Yes, sir. Sir, I want to turn your attention to
8 markers AD through AG and show you what has been marked as
9 State's Exhibits 169 through 174.

10 A. Yes, these are the photographs that I took at the
11 bottom of the driveway between the red Tundra truck and the
12 house, the door entranceway to the orange room.

13 Q. And does this photograph depict the door that we saw a
14 close up of earlier?

15 A. It does.

16 (COUNSELORS CONFER.)

17 MR. SUTHERLAND: Same objection as previously with
18 respect to 174. They're cumulative and prejudicial.

19 THE COURT: All right, 174 has a tag AG, which I find
20 the probative value outweighs the prejudicial effect. I
21 find it not to be cumulative.

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: Respectfully overruled.

24 MR. SUTHERLAND: And without objection as to the rest
25 of them.

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

363

1 THE COURT: Absolutely. Thank you

2 MS. WALKER: Thank you, Your Honor.

3 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
4 STATE'S EXHIBIT NUMBERS 169, 170, 171, 172, 173, 174.)
5 BY MS. WALKER:

6 Q. Did you take a picture of all of the markers leading
7 up to that door?

8 A. Yes, ma'am.

9 Q. And those reddish-brown stains?

10 A. They are.

11 Q. And then again the individual pictures of those
12 markers as well as the stains?

13 A. Yes.

14 Q. And as you were continuing to go through and document
15 and process that scene, I want to turn your attention to
16 the inside of the house. Did you take photographs of the
17 inside of the house as well?

18 A. Same, same thing. I followed the stains throughout
19 the house, trying to determine motion of individuals.

20 Q. I want to show you State's Exhibits 175, sir, through
21 178.

22 A. These depict the markers and the stains I
23 photographed, starting in the salon and down the hallway to
24 the bottom of the steps.

25 Q. Are those are the inside stairs?

1 A. Yes.

2 MS. WALKER: Your Honor, at this time the state seeks
3 to admit exhibits 175 through 178 into evidence.

4 MR. SUTHERLAND: Without objections, sir.

5 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
6 STATE'S EXHIBIT NUMBERS 175, 176, 177, 178.)

7 BY MS. WALKER:

8 Q. You said these are which room, sir, the salon?

9 A. The salon down the, the hallway and to the steps or
10 the stairs.

11 Q. I'm showing you exhibits 175 and 176 now, as well as
12 going up the stairs, 178.

13 A. Yes. All those depict gravitational-type stains.

14 Q. You said what kind of stains?

15 A. Gravitational drops.

16 Q. Gravitational drops. Continuing inside of the house,
17 sir, I want to show you State's Exhibits 179 through 181
18 and ask you if you recognize those.

19 A. Yes. This is the living room upstairs.

20 Q. From the -- upstairs from the stairs we just saw?

21 A. Yes.

22 MS. WALKER: Your Honor, at this time state seeks to
23 admit exhibits 179 through 182 [sic].

24 MR. SUTHERLAND: No objection, sir.

25 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

365

1 STATE'S EXHIBIT NUMBERS 179, 180, 181.)

2 BY MS. WALKER:

3 Q. Are these more gravitational drops?

4 A. Some of them are. Some of them are smears. Some of
5 them are hard drops that had -- were placed on the floor,
6 and then some -- someone came along and smeared over the
7 top of them.

8 Q. And continuing upstairs, sir, I want to show you
9 State's Exhibits 182, 183, 184, and 185.

10 A. 182, 183, 184, and one-eighty -- 184 depict
11 gravitational-type drops that go down the hallway toward to
12 the bathroom in the upstairs. 185 actually starts the
13 depiction of gravitational drops going toward the front
14 door.

15 Q. Towards the front door?

16 A. Yes.

17 Q. Let me show you ---

18 MS. WALKER: Sir, at this point the state seeks to
19 admit exhibits 182, 183, 184, and 185.

20 THE COURT: Any objections?

21 MR. SUTHERLAND: No objection to the photos. No
22 objection, sir.

23 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 182, 183, 184, 185.)

25 BY MS. WALKER:

1 Q. These are the drops you were describing earlier?

2 A. Yes, ma'am.

3 Q. And, sir, you went over your education and background
4 earlier. Have you ever been admitted as an expert in court
5 before?

6 A. Yes, ma'am.

7 Q. An expert in what field?

8 A. Crime scene investigation, bloodstain pattern
9 analysis, shooting incident reconstruction.

10 Q. And how many times have you been admitted as an expert
11 in crime scene investigation?

12 A. To be precise, thirty-two.

13 Q. And what about blood pattern analysis?

14 A. Well, a lot of the blood pattern analysis involved --
15 is involved in crime scene investigation, but as a
16 discipline itself, seven times.

17 MS. WALKER: Your Honor, at this point the state seeks
18 to admit Sergeant Richards is an expert in crime scene
19 investigation and blood pattern analysis.

20 THE COURT: You want to cross-examine him on his
21 credentials?

22 MR. SUTHERLAND: No, sir, and I would have no
23 objection at this time, and I appreciate the qualification.

24 THE COURT: You going to ask him for opinions? What
25 are you going to do?

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

367

1 MS. WALKER: Yes.

2 THE COURT: All right, ladies and gentlemen, I'm going
3 to qualify this witness as an expert in the field that he's
4 testified about, which what that means is this. That
5 normally a witness is not allowed to give opinions.
6 However, where there is a field of -- some scientific field
7 such as the field he's testified about, he will be allowed
8 to give opinion testimony. And I'll charge you on what
9 that means at the conclusion of the case, what weight, if
10 any, you can get that type of testimony.

11 MS. WALKER: And -- I'm sorry, Your Honor. I didn't
12 mean to interrupt.

13 THE COURT: You didn't.

14 MS. WALKER: Okay. Thank you.

15 BY MS. WALKER:

16 Q. State's Exhibit 183, what type of drop did you
17 describe that as?

18 A. Gravitational drop.

19 Q. A gravitational drop. Can you explain to the jury
20 what a gravitational drop is?

21 A. I use the -- I will use the term blood. That means
22 blood drops straight down.

23 Q. And how can you tell that this ---

24 THE COURT: Ms. Walker, let me see you up here,
25 please.

1 (OFF-THE-RECORD BENCH CONFERENCE.)

2 THE COURT: We've got about ten minutes of this
3 witness. It's a little bit after 5. I'd like to finish
4 this witness. That way, we'll miss the traffic maybe. So,
5 we're going to go ahead, if that's okay with everybody.

6 BY MS. WALKER:

7 Q. So, that's a drop straight down?

8 A. Yes. It's on a horizontal, horizontal surface and
9 it's circular in nature.

10 Q. And what about Exhibit 184?

11 A. These are basically the same, coupled with the fact
12 that you have some smearing along the sides and some drying
13 from outside in.

14 Q. And I think you mentioned that there were times when
15 they look like smears. Can I show you State's 181?

16 A. Yes. You can see the patterns on -- some of the
17 pattern on possibly the bottom of a shoe where the blood
18 itself had been stepped into, and then a step was taken
19 away from. And then something has smeared from right to
20 left. That would be actually a swipe because the blood was
21 there before, and there's something smeared over top of
22 that as in a, a wipe.

23 Q. As in with that shoe print that's in there?

24 A. As in a wipe, yes.

25 Q. That's State's Exhibit 181 and lastly, sir, exhibits

S. RICHARDS - DIRECT EXAMINATION BY MS. WALKER

369

1 186 through 188.

2 A. This is between the living room, and I guess that's
3 the kitchen going toward the front door. That's AR and AS.
4 Same type of stain.

5 MS. WALKER: Your Honor, at this time the state seeks
6 to admit exhibits 186 through 188.

7 THE COURT: Any objection?

8 MR. SUTHERLAND: No objection, Your Honor.

9 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBERS 186, 187, 188.)
11 BY MS. WALKER:

12 Q. And you say these are the same type of stains that
13 have been just previously discussed?

14 A. They are.

15 Q. And which room are we in now, sir?

16 A. That is behind the couch in the living -- between the
17 living room and the kitchen area going toward the front
18 door.

19 Q. And after photographing that scene on the 26th, did
20 you then release that crime scene?

21 A. Yes. When we were finished, yes.

22 Q. And in terms of your continued involvement with this
23 investigation, did you have occasion to come in contact
24 with a Vincent Nelson?

25 A. I did.

1 Q. And, sir, what was the purpose of your contact with
2 Mr. Nelson?

3 A. On the -- December 10, 2013, I was requested to
4 respond to 1701 Main here and collect a buccal swab from
5 Mr. Vincent Nelson pursuant to a consent order.

6 Q. Can you tell the jury what a buccal swab is?

7 A. It's a sterile cotton swab. You place it between your
8 cheek and gum, kind of roll it around like a toothbrush,
9 then bring it back out. The saliva -- the skin cells takes
10 DNA. So, it's your DNA. Then it is placed into a carton
11 container and then sealed and sent to our evidence room,
12 which eventually goes to DNA for analysis.

13 Q. I would like to show you State's Exhibit 29 and ask if
14 you recognize that.

15 A. Yes. That's my handwriting from the buccal swabs from
16 Nelson.

17 MS. WALKER: Your Honor, at this point the state seeks
18 to admit exhibit 29 into evidence.

19 MR. SUTHERLAND: No objection, sir.

20 (BUCCAL SWAB MARKED INTO EVIDENCE AS STATE'S EXHIBIT
21 NUMBERS 29.)

22 BY MS. WALKER:

23 Q. And, sir, the photographing of this scene and the
24 taking of that buccal swab, did that conclude your
25 involvement with the investigation in this case?

S. RICHARDS - CROSS-EXAMINATION BY MR. SUTHERLAND

371

1 A. It did.

2 Q. Thank you, sir.

3 MS. WALKER: No further questions.

4 THE COURT: Cross?

5 MR. SUTHERLAND: Please the court?

6 CROSS-EXAMINATION BY MR. SUTHERLAND:

7 Q. Briefly, sir. Your testimony was that you took the
8 buccal swab from Vincent Nelson December 10th of 2013. Is
9 that ---

10 A. Excuse me, please.

11 Q. Oh, certainly. Certainly.

12 (A PAUSE.)

13 A. Can't remember the exact day. December the 10th,
14 2013, correct.

15 Q. So, this, this was about two months ago, two months
16 ago and a couple of weeks?

17 A. December the 10th, 2013.

18 Q. Yes, sir. All right. Thank you.

19 MR. SUTHERLAND: No further questions. Thank you,
20 Your Honor.

21 MS. WALKER: Nothing from the state, Your Honor.

22 THE COURT: Thank you. You may step down.

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Now, Mr. Foreman, ladies and gentlemen of
25 the jury, we're going to break for the evening. Normally

1 we start a little earlier than 10, but I've got the other
2 matter, matters from Charleston in the morning. So, we'll
3 start at 10:00 sharp.

4 If you wish to have your sausage biscuits and coffee,
5 be here earlier. I can't let you come into the courtroom.
6 We'll start at 10 tomorrow. We'll go about until 12:30 or
7 1. We won't take as long a lunch break tomorrow because I
8 don't have anything scheduled tomorrow at lunch.

9 Please do not discuss the case. Don't start any
10 deliberations among yourself. I don't see any press in
11 here, but if they have anything in the newspaper or the
12 news, please do not watch it. We want to decide this case
13 based solely on what we hear in the courtroom, not as --
14 what is reported to the public.

15 Have a wonderful evening. If anybody has any troubles
16 tomorrow, you know, with rides or anything, please call us
17 way ahead of time. I'll send a deputy to come get you.
18 Sorry I can't send anybody else, but have a wonderful
19 evening.

20 Y'all have been great. You've paid close attention,
21 and I appreciate. Can't ask any more of you. Thank you.

22 Everybody else remain seated.

23 (THE JURY EXITS AT 5:08 PM.)

24 THE COURT: All right, at this time I'm going to ask
25 those people who are associated with -- those in the

1 audience with Mr. Maurice Roberts. I think several of you
2 are with his family. Is that correct? I'm going to ask
3 y'all to go ahead and leave the courtroom, please.

4 And this family over here, please remain seated.
5 Please remain seated, ma'am.

6 (A PAUSE.)

7 THE COURT: All right, anything from the state for the
8 record before we break for the evening?

9 MS. WALKER: Nothing from the state, Your Honor.

10 THE COURT: By the defendant?

11 MR. SUTHERLAND: No, sir.

12 THE COURT: May I see y'all in chambers in just a few
13 minutes?

14 MR. SUTHERLAND: Yes, sir.

15 MS. WALKER: Yes, sir.

16 THE COURT: Victim's family, I'm going to ask that you
17 remain seated just for a few seconds. Not to say that
18 anything will happen, but I try to avoid any kind of
19 confrontation. As soon as the security comes back in and
20 they've cleared, we will let y'all leave.

21 I appreciate everyone's conduct today. You've been
22 remarkably well. Thank you.

23 All right, we'll stand at ease.

24 Y'all leave when the police officers tell you to.

25 (WHEREUPON, THE CASE IS AT EASE.)

1 WEDNESDAY, FEBRUARY 26, 2014

2 (COURT RESUMES AT 10:00 AM.)

3 THE COURT: Ms. Campbell, anything for the record
4 before we start?

5 MS. CAMPBELL: Yes, sir, if I could, Your Honor, we
6 met with Mr. Sutherland this morning to make sure that any
7 written material had been turned over. We have gone over
8 all that. All the written material I'm aware of has been
9 turned over at this point. I'm double checking with the
10 lawyers to make sure there's not anything at this, at this
11 -- excuse me, additional, and I think Mr. Sutherland agreed
12 we've turned over -- we just went over it again this
13 morning.

14 Is that correct?

15 MR. SUTHERLAND: Yes, sir, that's correct, Your Honor.

16 THE COURT: Okay.

17 MS. CAMPBELL: In addition to that, Your Honor, we had
18 a discussion in chambers last night about ID issues as far
19 as the photo lineups of co-defendants. We did some
20 research last night. I think I forwarded to you all.

21 THE COURT: I did. I got both cases.

22 MS. CAMPBELL: Both cases. Your Honor, it's my
23 understanding, and I think Mr. Sutherland's in agreement
24 with me, that unless he requests it, it would not be
25 required that we have a hearing in this case. The four co-

1 defendants were friends and knew each other, as well as Mr.
2 Jwaun Duckett knew them as well. I don't think that's in
3 dispute in this case, and I think Mr. Sutherland will agree
4 that it would not be necessary to have a hearing outside
5 the presence of the jury on those issues since they were
6 all friends.

7 THE COURT: Is that correct, sir?

8 MR. SUTHERLAND: That's correct, Your Honor. Judicial
9 economy, it will be a waste of time.

10 THE COURT: Everything okay back there?

11 DEPUTY: Yes, sir.

12 THE COURT: All right. Anything else for the record
13 before we start, Ms. Campbell?

14 MS. CAMPBELL: Nothing that I'm aware of, Your Honor.

15 THE COURT: Sir?

16 MR. SUTHERLAND: Nothing from the defense, sir.

17 MS. CAMPBELL: Your Honor, we could go ahead, and one
18 of our first witnesses, if we could settle the record?
19 I've gone over with Mr. Sutherland, just for the record.
20 We provided a juvenile record as well as an adult record on
21 him.

22 Your Honor, it's my understanding, and I think Mr.
23 Sutherland and I are in agreement, that his 2008 burglary
24 second degree, petty larceny would be admissible to impeach
25 him. This is Mr. Jwaun Duckett, by the way. That in 2010,

1 he's got what looks like a resisting arrest on a police
2 officer and a receiving stolen goods. We concede those.
3 He's got 2011 -- out of an abundance of caution, there's a
4 drug charge of PWID cocaine, I believe. We would allow
5 that and then, finally, Your Honor, 2014, he's currently
6 incarcerated on a purse snatching.

7 MR. SUTHERLAND: Yes, sir.

8 MS. CAMPBELL: I think we've reviewed the records and
9 we can agree on those.

10 THE COURT: Okay. So, there's no question that those,
11 those can be used for impeachment purposes. Is that
12 correct, everybody?

13 MR. SUTHERLAND: Yes, sir.

14 MS. CAMPBELL: Thank you.

15 THE COURT: I don't need to conduct a 403 analysis,
16 more prejudicial than probative, or anything of that
17 nature? Y'all waive all of that?

18 MS. CAMPBELL: As far as any additional, you don't
19 think there's anything additional?

20 MR. SUTHERLAND: Oh, with -- oh, no, sir, these --
21 nothing, nothing in addition to what we've agreed upon,
22 sir.

23 THE COURT: Thank you. Bring the jury in.

24 (THE JURY ENTERS AT 10:11 AM.)

25 THE COURT: Morning, Mr. Foreman, ladies and gentlemen

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

377

1 of the jury. I hope y'all had a pleasant evening and
2 enjoyed your sausage biscuits. We have to thank our clerk.
3 She made a special effort this morning, braved the rain,
4 and got up early and cooked those for you.

5 We're going to get started right back into the trial
6 of the case. We'll go till about 12:00, 12:30, quarter
7 till 1:00, and then we'll sort of see how we'll go. You
8 may call your next witness.

9 MS. SIMPSON: Thank you, Your Honor. May it please
10 the court?

11 THE COURT: Yes, ma'am.

12 MS. CAMPBELL: State calls Cinammon Wright.

13 THE COURT: Ms. Wright, please. Ma'am, if you'd come
14 right up here for me, please. Come right over here,
15 please, ma'am.

16 CINAMMON WRIGHT, BEING DULY SWORN,
17 TESTIFIES AS FOLLOWS:

18 CLERK OF COURT: Have a seat in the witness stand,
19 please. State your name for the record.

20 THE WITNESS: Cinammon Wright.

21 DIRECT EXAMINATION BY MS. SIMPSON:

22 Q. Good morning, Ms. Wright.

23 A. Good morning.

24 Q. Where are you employed?

25 A. Richland County EMS.

1 Q. And what is your position with Richland County EMS?

2 A. I'm a paramedic.

3 Q. And how long have you been a paramedic with Richland
4 County?

5 A. Four years.

6 Q. And as a paramedic, do you receive first responder
7 training and things of that nature?

8 A. Yes.

9 Q. Can you tell the jury a little bit about your training
10 as a first responder and EMT?

11 A. Well, you start off as an EMT. You go to school. You
12 learn basic life care. Then you, you progress and you
13 would go to paramedic school. It's a year. You learn
14 advanced healthcare, ACLS, and just you learn what to do
15 when you respond ---

16 Q. Okay.

17 A. --- to the scene.

18 Q. And we've been having a little trouble in the
19 courtroom here. So, if you can just speak up just a little
20 bit for us. Back on January 25th of 2013, what was your
21 position with EMS?

22 A. A paramedic.

23 Q. A paramedic, and as a paramedic, tell the jury a
24 little bit about what your duties include.

25 A. Advanced life saving care. You -- whatever is

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

379

1 necessary to revive a patient, to sustain their life until
2 they can make it to the hospital where the doctors take
3 over care.

4 Q. And in your capacity as a paramedic, do you respond to
5 a number of emergency calls?

6 A. Yes.

7 Q. And you said the goal is advanced kind of life saving
8 care in order to get the patient to the hospital?

9 A. Correct.

10 Q. And important things would include such as making sure
11 their airway was clear or things of that nature, depending
12 upon the circumstances?

13 A. Absolutely.

14 Q. Did you have occasion to respond to a call on January
15 25th to [REDACTED]?

16 A. Yes.

17 Q. And do you need a copy of your report?

18 A. Please.

19 Q. Because how many calls would you say you've responded
20 to?

21 A. Any -- since then?

22 Q. Yes.

23 A. Thousands. I'm not exactly sure.

24 Q. And you all maintain reports to keep up with
25 information and things of that nature?

1 A. Yes, they do keep those.

2 Q. And on this day, where did you respond and what time
3 were you dispatched?

4 A. I was dispatched at 11:19 to [REDACTED].

5 Q. Okay, and what was the call in response to?

6 A. Gunshot wound.

7 Q. Okay, and when you arrived, were other paramedics with
8 you, or was someone else driving the EMS truck?

9 A. Yes, my partner was with me.

10 Q. Okay, and who is that?

11 A. Corey Starns.

12 Q. Okay, and when you arrived, were you considered -- I
13 guess did you give the primary care to this patient?

14 A. Yes, I did.

15 Q. And when you arrived on scene, what did you observe?

16 A. I -- initially I arrived on scene. I -- the call went
17 out as a gunshot wound for two patients. When I arrived, I
18 was notified by a Richland County Sheriff's Department
19 officer that there was a third patient that was down, and
20 they proceeded to take me to where this patient was.

21 Q. And when you say a third patient was down, what do you
22 mean?

23 A. That there was another patient more critical.

24 Q. Than the other two?

25 A. Yes.

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

381

1 Q. Okay, and was that the patient -- at that time, did
2 you have the identity of the young man?

3 A. No.

4 Q. Okay, and when you arrived, what did you observe,
5 based on your report?

6 A. I'll just read my report. I arrived to find
7 approximately twenty-five-year old male victim of multiple
8 gunshot wounds. One to the left neck, two to the upper
9 back, one to the left buttock, one to the back left thigh,
10 one to the right forearm. Also abrasions and contusion to
11 the forehead and abrasion to left eye.

12 Q. Let me back up just a minute. That's what you
13 observed. Where was he actually located ---

14 A. He was ---

15 Q. --- when you arrived?

16 A. I, I recall there being a very steep driveway and to
17 the left -- I'm not sure if we were under, like, a carport.
18 It was a house, but ---

19 Q. This area was outside ---

20 A. Yes, it was outside.

21 Q. --- where he was located?

22 A. Yes.

23 Q. And was he standing up? Was he laying on the ground?

24 A. He was laying on a -- he was laying on the ground on
25 his right side moaning.

1 Q. And what was that last part? I'm sorry.

2 A. Moaning.

3 Q. Moaning. So, he was actually conscious and making
4 noise at the time that you arrived?

5 A. Yes.

6 Q. Okay, and when you observed him, what did you do?
7 What type of care did you render?

8 A. At that time, the officers let me know that he had
9 been shot. So, we exposed him on scene, cutting off his
10 clothes at this time, looking for any life-threatening
11 issues to deal with right away, and so we had to cut off
12 all his clothes to expose the gunshot wounds so we would
13 know where all the wounds were.

14 Q. And so at that point, that's how you were able, after
15 cutting his clothing, you were able to observe where the
16 wounds were actually located?

17 A. Yes.

18 Q. And once you observed his wounds, I believe you noted
19 a total of five separate gunshot wounds?

20 A. Six, yes.

21 Q. Or one to the left neck, one to the upper back, one to
22 the left buttock, one to the left fly -- thigh, and one to
23 the right forearm, correct?

24 A. Two to the upper back.

25 Q. Oh, two to the upper back. I apologize, and at that

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

383

1 point, what did you do next?

2 A. I applied an occlusive dressing to the wounds. The --
3 to the neck, to the upper back and ---

4 Q. And what's the purpose of a -- of applying---

5 A. Applying that to keep air from -- because we call it a
6 sucking wound. So that the air would not get in and cause
7 him trouble breathing.

8 Q. Okay. So, you were trying to protect his airway as
9 well as to kind of control the bleeding ---

10 A. Yes.

11 Q. --- from the wounds?

12 A. Yes.

13 Q. And once those were applied, what did you do next?

14 A. We placed him in full spinal precaution. We put a
15 C-collar around his neck. That's to protect his spine.
16 Put him on a board to keep him in line, and secured him to
17 the board with our straps and loaded him on to the
18 stretcher and into the ambulance.

19 Q. Okay, and at this point when he's loaded in, he's --
20 his lungs are clear and his airway seems to be okay?

21 A. Yes.

22 Q. Are you providing him with any additional care?

23 A. Yes, providing him with oxygen, establishing IV lines,
24 getting him fluids. That was what he needed, and, of
25 course, emergent transport to the hospital to transfer him

1 to a higher level of care.

2 Q. Okay, and all this is happening quickly?

3 A. Very quickly.

4 Q. You do it quickly, and I believe in your report you
5 note, at one point, that the patient seemed confused?

6 A. Yes.

7 Q. At times almost in shock ---

8 A. Yes, I asked ---

9 Q. --- I guess from the gunshot wounds?

10 A. I asked him his name and his age. He was able to tell
11 me his first name. He was able -- he was trying to tell me
12 his age. He was using his fingers. We're trying to figure
13 out his age, and he just -- he wasn't able to, to tell me.
14 He was mumbling words that didn't exactly make sense.

15 Q. Okay. So while he was conscious, he was still clearly
16 failing -- his condition was failing ---

17 A. Right.

18 Q. --- rapidly?

19 A. Deteriorating, yes.

20 Q. And what hospital was he transported to?

21 A. Palmetto Health Richland Memorial.

22 Q. And when you arrived to the hospital, what did you do
23 at that point?

24 A. I took him to trauma bay two, transferred him from our
25 stretcher to the trauma bed, and gave report to the doctors

C. WRIGHT - DIRECT EXAMINATION BY MS. SIMPSON

385

1 and nurses there. At that time, care was transferred,
2 transferred over.

3 Q. Okay. So, at that point, your care is finished and
4 the hospital takes over ---

5 A. Yes.

6 Q. --- with respect -- but he was still alive and y'all
7 had established ---

8 A. Yes.

9 Q. I guess he was still breathing, fluids had been
10 administered?

11 A. Yes.

12 Q. But he was still in a state of shock from the wounds?

13 A. Yes.

14 MS. SIMPSON: Thank you, Ms. Wright.

15 MR. SUTHERLAND: No questions of this witness.

16 THE COURT: Thank you, Ms. Wright, you may step down.

17 (THE WITNESS EXITS THE STAND.)

18 THE COURT: May she be released from her subpoena
19 please? Any objections?

20 MS. SIMPSON: Yes.

21 MR. SUTHERLAND: No objection.

22 MS. SIMPSON: No objection.

23 THE COURT: Ms. Wright, you're free to go. Thank you
24 for coming.

25 Next witness, please.

M.E. SWAIN - DIRECT EXAMINATION BY MS. WALKER

386

1 MS. WALKER: Your Honor, the state calls Mary Ellen
2 Swain.

3 MARY ELLEN SWAIN, BEING DULY
4 SWORN, TESTIFIES AS FOLLOWS:

5 CLERK OF COURT: Thank you. Have a seat in the
6 witness stand, please. State your name for the record.

7 THE WITNESS: Mary Ellen Swain.

8 DIRECT EXAMINATION BY MS. WALKER:

9 Q. Good morning.

10 A. Good morning.

11 Q. Ma'am, where are you currently employed?

12 A. Richland County Emergency Medical Services.

13 Q. And what do you do for Richland County Emergency
14 Medical Services?

15 A. I'm a senior paramedic crew chief.

16 Q. Senior paramedic crew chief?

17 A. Uh-huh.

18 Q. Can you tell the jury what your duties involve?

19 A. As a senior paramedic, I'm in charge of a particular
20 unit, the crew on the unit. I have a EMT basic partner
21 most of the time. I'm also a direct-line supervisor on the
22 street as a senior paramedic. Right up underneath us, as
23 Ms. Wright is, she's a crew chief leader. So, she's
24 actually one step below, but she's still responsible as
25 well for taking care of the unit, making -- responding to

M.E. SWAIN - DIRECT EXAMINATION BY MS. WALKER

387

1 calls. We have a paramedic on every single truck.

2 Q. And can you tell us a little bit about your training
3 and -- or providing emergency medical services?

4 A. Went to basic school, which is the lowest level. You
5 learn basic life saving, and then once you progress to
6 paramedic school, you learn advanced live saving, which is
7 basically we get to handle doing -- when I say advanced,
8 all of the airway, anything that concerns life saving
9 measures. You know, whether it be intubating someone and
10 to protect their airway, starting IVs, cardiac monitoring,
11 working, you know, a cardiac arrest, pushing life-saving
12 drug if we need to. So, that's what we, as paramedics, do.

13 Q. And how long have you been a paramedic?

14 A. Nine years.

15 Q. I want to turn your attention back to January of 2013.
16 Did you have occasion to respond to a call involving
17 multiple gunshot wounds?

18 A. Yes.

19 Q. And let me give you a copy of your report. Would that
20 aid you or do you have a copy?

21 A. I have a copy.

22 Q. Oh, okay. Great, and can you tell us where you
23 responded?

24 A. We responded to [REDACTED].

25 Q. And what -- I guess what's the call that went out,

1 that call that you got to respond to that location?

2 A. We were as a secondary unit because the initial unit
3 that arrived on scene that was -- which Ms. Wright was on,
4 we received a call that there were multiple victims of
5 gunshot wounds. So, we got sent out on a gunshot wound for
6 multiple patients. So, we were a secondary unit that
7 arrived at that scene after she did.

8 Q. And can you tell the jury what, if anything, you
9 observed when you arrived on that scene?

10 A. What I observed when I arrived on scene, I had two
11 patients that I transported. Both of them were ambulatory,
12 which they were walking around. They actually were walking
13 up to us with law enforcement ---

14 Q. And when you say ---

15 A. --- to the back of our truck.

16 Q. I'm sorry. When you say saying ambulatory, that means
17 that they were ---

18 A. They were walking around on scene; they were able to
19 walk. They're conscious, alert, oriented.

20 Q. And can you tell me the name of those two patients?

21 A. The first patient was Trenton Scott and the second
22 patient was Joshua Williams.

23 Q. Okay. Can we -- let's start with Mr. Scott.

24 A. Okay.

25 Q. When you made contact with him, was he able to give

1 you any information?

2 A. Yes, he was able to talk with me. Basically he walked
3 up to the unit. I noticed that he had a large undershirt
4 or towel that was white and he was holding his left arm,
5 and he said that he had been shot once in the arm. But he
6 was able to, to answer all of my questions appropriately
7 and give me whatever information I needed when I asked him.

8 Q. And were you able, in fact, to observe that gunshot
9 wound?

10 A. Yes.

11 Q. And what treatment did you provide to Mr. Scott?

12 A. Well, the first thing that I was going to do, control
13 the bleeding. We placed a bandage over it, made sure that
14 there wasn't any other visible trauma that I could see.
15 So, I took the, the towel or the undershirt, I can't
16 remember which one it was, off there. Placed a, a dressing
17 over it which would protect it from getting any further
18 infection into it, wrapped it with clean. Was able to
19 place him into the truck and transport him.

20 Q. So, were Mr. Scott and Mr. Williams transported in the
21 same ambulance?

22 A. Yes.

23 Q. Okay, and were those the -- was that the extent of the
24 injuries that you observed on Mr. Scott that night?

25 A. Yes.

1 Q. Okay, and moving to Mr. Williams.

2 A. Okay.

3 Q. Can you tell me, was he able to give you any
4 information as well?

5 A. Yes.

6 Q. And what information was he able to give you?

7 A. He described to me that he had been involved in an
8 altercation. He was grazed by a bullet, meaning that he
9 didn't have a full gunshot wound. A graze usually can
10 constitute any type of abrasion, which is just minor
11 breaking of the skin and up to a laceration, and he said
12 that he had been pistol whipped. He had been grazed by a
13 bullet to his lower right abdomen, and then he also had an
14 abrasion from where he was hit apparently with the gun, so
15 he told me, to his forehead.

16 Q. And the abrasion to the abdomen, were you able to
17 observe that as well?

18 A. Yes.

19 Q. And what treatment, if any, did you provide for that?

20 A. Just basic wound covering and it was, it was basic
21 advanced life care. It was not considered a life-
22 threatening injury because it was not actual penetration,
23 was not an actual gunshot wound. It was just a grazing by
24 the bullet that was -- controlling the bleeding, making
25 sure that the, the wound was protected from any further

1 infection.

2 Q. And the injuries that he was describing to you as a
3 result of a pistol whipping, were you able to observe
4 those?

5 A. Yes.

6 Q. And did you provide treatment for those?

7 A. There was not a whole lot of treatment that we could
8 provide because there was no breaking of the skin, an
9 abrasion across there. There's was a little bit of
10 bruising. But, you know, as long as skin's not broken, we
11 just have to observe that, and he was conscious, alert,
12 oriented to person, place, time, able to answer all
13 questions appropriately. So, as long as, you know, he's
14 able to answer all questions appropriately, don't suspect
15 any major head injury.

16 Q. And can you describe for the jury what kind of -- what
17 -- was there bleeding? There was bleeding from the
18 abdomen?

19 A. Uh-huh.

20 Q. It says in your report that you were able to get that
21 under control?

22 A. Yes.

23 Q. And how did you get that under control?

24 A. Just placed a, a dressing over it and made sure it was
25 covered.

1 Q. And there was no -- a dressing placed over the head as
2 well?

3 A. Yes, did place a dressing over the, the forehead.

4 Q. And upon -- and all that treatment happened there at
5 that scene?

6 A. Yes.

7 Q. And then they were placed into an ambulance?

8 A. Well, we, we -- yeah, we went ahead and generally how
9 we do it, we, we move at a very fast pace. So, depending
10 on how many patients we have, what the extent of their
11 injuries are, we will load them up and go ahead and get
12 them in the back of the truck. A lot of times we will do
13 most of the dressing covering en route. I can't recall
14 exactly whether we did the actual dressing on scene or if I
15 did it en route to the hospital. But it was placed.

16 Q. I understand, and what hospital were they transported
17 to?

18 A. Palmetto Health Richland.

19 Q. And upon transporting them to the hospital, is that
20 the end of the aid that you rendered with these two
21 patients?

22 A. Yes.

23 Q. Thank you, ma'am.

24 MS. WALKER: I don't have any further questions.

25 WITNESS: All right.

1 MR. SUTHERLAND: No questions of this witness, Your
2 Honor.

3 THE COURT: Thank you. You may step down.

4 (THE WITNESS EXITS THE STAND.)

5 THE COURT: May she be released from her subpoena?

6 MS. WALKER: Yes, your Honor.

7 MR. SUTHERLAND: No objection.

8 WITNESS: Thank you.

9 THE COURT: Ma'am, you are free, free to go. Thank
10 you for coming.

11 WITNESS: Thank you.

12 THE COURT: Next witness please.

13 MS. SIMPSON: Your Honor, may we approach?

14 THE COURT: Yes, ma'am.

15 (OFF-THE-RECORD BENCH CONFERENCE.)

16 THE COURT: Mr. Foreman, ladies and gentlemen, the
17 next witness we're having to get from some other place here
18 in the courtroom. I need to discuss with him something
19 that's going to take me about one minute to do, but I have
20 to do it outside your presence. So, if you don't mind,
21 just step back to the jury room just for a second. Then as
22 soon as he gets down, I'll discuss with him the issue, and
23 then we'll have you right back. Thank you.

24 (THE JURY EXITS AT 10:39 AM.)

25 THE COURT: Okay.

1 MS. SIMPSON: Yes, Your Honor. The next witness is
2 going to be Jwaun Duckett. He is being brought up. My
3 understanding, he's currently incarcerated. There are
4 several areas including within his actual statement where
5 he mentions that Maurice sells drugs and he knows Maurice
6 to sell drugs.

7 Additionally, Your Honor, three days after this
8 incident, when the police come to the home of this
9 defendant, Maurice Roberts, looking for Vincent Nelson,
10 Jwaun Duckett is found in the closet hiding at the home
11 with the defendant's cell phone. He indicates that the
12 reason for that is when the cops knocked on the door,
13 Maurice had yelled or someone had yelled that the cops are
14 here, and he knew that Maurice was a drug dealer and was
15 afraid that he himself would be arrested for selling drugs,
16 and that was the reason that he was hiding in the closet.

17 So, we have not advised him yet about not mentioning
18 that. The state doesn't intend to go into it unless the
19 door is opened to that information, but I think he needs to
20 be advised prior to the jury coming in.

21 THE COURT: Correct.

22 MR. SUTHERLAND: Yes, sir, and I do intend to say you
23 were found hiding in a closet. I mean, that's what his
24 testimony is going to be, but I ---

25 THE COURT: You're not going to get into ---

1 MR. SUTHERLAND: --- won't ask him why.

2 THE COURT: You're not going to get into the fact he's
3 alleging that your client is a drug dealer?

4 MR. SUTHERLAND: Absolutely not, sir.

5 THE COURT: All right. I'm going to advise him not --
6 that is not relevant to the trial of this case, and I'll
7 ask him not to mention that. Obviously I can't control
8 what he says, but we'll all be trying to protect your
9 client.

10 (A PAUSE.)

11 (WHEREUPON, JWUAN DUCKETT ENTERS THE COURTROOM.)

12 MS. SIMPSON: Your Honor, may I step outside the
13 courtroom a moment? Thank you.

14 THE COURT: Mr. Duckett, come forward, please. You're
15 being called as a witness in the trial of this case. Do
16 you understand that?

17 Mr. DUCKETT: Yes, sir.

18 THE COURT: Sir?

19 Mr. DUCKETT: Yes, sir.

20 THE COURT: Okay. It is come to my attention that, in
21 some of your statements, that you had made mention of the
22 fact that the defendant, Mr. Maurice Roberts, perhaps was
23 involved in the sale of drugs. I think that appears in
24 some of your statements. You agree with that, that that is
25 in your statement?

1 Mr. DUCKETT: Uh-huh. Yes, sir.

2 THE COURT: All right, sir. That is not -- I deem
3 that not to be appropriate or relevant in the trial of this
4 case. So, I'm going to ask you that when you testify
5 today, the state's not going to ask you any questions about
6 it. Neither is the defendant. But I'm asking you not to
7 volunteer that, that belief that you have that he's
8 involved in the sale of drugs. Is that fair? You
9 understand that?

10 Mr. DUCKETT: I understand.

11 THE COURT: All right, sir.

12 Anything else on that line, ladies and gentlemen? All
13 right.

14 If you would, please, just, just have a seat right
15 over in that chair or wherever the officer wants you to
16 sit.

17 All right, let's -- where, where do you want him?

18 DEPUTY: He can go ahead and take the stand.

19 THE COURT: Well, I want him sworn in before the jury.

20 DEPUTY: All right.

21 THE COURT: So, just he can stand right there beside
22 you. You can have a seat right here. Thank you.

23 All right, let's address that issue dealing with the
24 strong armed robbery, purse snatching.

25 MS. WALKER: Yes, Your Honor.

1 THE COURT: Yes, sir.

2 MR. SUTHERLAND: May it please the court?

3 THE COURT: Yes, sir.

4 MR. SUTHERLAND: This past October, Mr. Duckett picked
5 up a common law strong-armed robbery.

6 THE COURT: October 2013?

7 MR. SUTHERLAND: Yes, sir, this past October.

8 THE COURT: Which would have been subsequent to the
9 incident of January of 2013.

10 MR. SUTHERLAND: That is correct. And, Your Honor,
11 last month in January he pled to purse snatching, and I had
12 wanted to ask him you picked up a common, strong-armed
13 robbery in October of last year. Is that correct.

14 THE COURT: For impeachment purposes?

15 MR. SUTHERLAND: Yes, sir, and you pled to a purse
16 snatching last month, which is a -- ninety days is a pretty
17 fast clip for a case around here, but I wasn't going to say
18 that. All that I wanted to ask was you picked this up,
19 common law robbery up, and you pled to purse snatching last
20 month.

21 THE COURT: What's the state's position?

22 MS. CAMPBELL: Your Honor, that's -- as long as that's
23 the extent of it, I guess that will be fine.

24 THE COURT: In other words, you have no objection?

25 MS. CAMPBELL: We have no objection to that.

1 MS. SIMPSON: No objection as long as that's the
2 extent.

3 THE COURT: Well, I won't, I won't let him go any
4 further with that. Anything else?

5 MS. CAMPBELL: Would it be -- I'm sorry, Your Honor.
6 You aren't going to get up there and say you got a
7 deal because of this?

8 MR. SUTHERLAND: I'm just going to ask him about that
9 and leave it there.

10 MS. CAMPBELL: I think it's ---

11 THE COURT: We will allow the question. Why don't you
12 ask it on direct. I mean, or ---

13 MS. CAMPBELL: I can.

14 THE COURT: You ask what you want to ask, but I won't
15 ---

16 MS. CAMPBELL: I intend to bring out the purse
17 snatching, Your Honor, that he was actually convicted for
18 it. As far as what he's originally arrested for and things
19 of that nature, I don't necessarily consider that to be the
20 impeachment, for impeachment purpose.

21 THE COURT: The impeachment purpose would be he was
22 convicted of a purse snatching or pled guilty to purse
23 snatching.

24 MS. CAMPBELL: Exactly. Not being that ---

25 THE COURT: The fact he pled to a lesser included is

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

399

1 not relevant.

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: So, you can ask him did he plead to them,
4 been convicted of purse snatching.

5 MR. SUTHERLAND: Should -- I might ask him if he was
6 charged with robbery.

7 THE COURT: No, sir.

8 MR. SUTHERLAND: Okay.

9 MS. CAMPBELL: Thank you, Your Honor.

10 THE COURT: All right. Bring the jury in, please.

11 (THE JURY ENTERS AT 10:52 AM.)

12 THE COURT: You may call your next witness.

13 MS. SIMPSON: State calls Jwaun Duckett.

14 THE COURT: Mr. Duckett, please stand and place your
15 left hand on the Bible and raise your right.

16 JWAUN DUCKETT, BEING DULY SWORN,
17 TESTIFIES AS FOLLOWS:

18 CLERK OF COURT: Thank you. Have a seat in the
19 witness stand, please.

20 (OFF-THE-RECORD BENCH CONFERENCE.)

21 CLERK OF COURT: State your name for the record,
22 please.

23 WITNESS: Jwaun Duckett.

24 DIRECT EXAMINATION BY MS. SIMPSON:

25 Q. And can you spell that for the court reporter?

1 A. J-w-a-u-n. D-u-c-k-e-t-t.

2 Q. Okay, and slow down just a little bit because she's
3 got to take down everything that you're saying, okay?

4 A. J-w-a-u-n. D-u-c-k-e-t-t.

5 Q. Mr. Duckett, how old are you?

6 A. Nineteen.

7 Q. And are you from Columbia?

8 A. Yes, ma'am.

9 Q. Did you graduate from high school?

10 A. No, ma'am.

11 Q. How far did you go in high school?

12 A. Eleventh grade.

13 Q. Eleventh grade?

14 A. Yes, ma'am.

15 Q. And I want to turn your attention back to -- actually,
16 let me back up just a little bit. Do you know the
17 defendant in this case, Maurice Roberts?

18 A. Yes, ma'am.

19 Q. Can you tell the jury how you know him?

20 A. Neighborhood, school.

21 Q. School. What school did you go to?

22 A. I went to Columbia High and Lower Richland High
23 School.

24 Q. Okay, and speak up just a little bit.

25 A. Went to Columbia High and I went to Lower Richland

1 High School.

2 Q. Okay. So, y'all met through school and around the
3 neighborhood?

4 A. Yes, ma'am.

5 Q. That's kind of the Hammond Village area?

6 A. Yes, ma'am.

7 Q. Off Broad River Road?

8 A. Yes, ma'am.

9 Q. And were you actually living or staying there with
10 your aunt sometimes?

11 A. No, ma'am.

12 Q. Back at Hammond Village?

13 A. No, ma'am.

14 Q. Did you know that Maurice stayed in Hammond Village?

15 A. Yes, ma'am.

16 Q. Okay, and would you go visit with him sometimes?

17 A. Yes, ma'am.

18 Q. Okay, and y'all actually hung out a good deal, right?

19 A. Yes, ma'am.

20 Q. And you -- Maurice is one of your good friends,
21 correct?

22 A. Yes, ma'am.

23 THE COURT: Speak up a little louder for me, please,
24 sir.

25 Q. And he's actually one of your best friends?

1 A. I wouldn't say that, but...

2 Q. Y'all are close, good friends? I want to turn your
3 attention back to January 28th of 2013. Did you also know
4 Vincent Nelson?

5 A. Yes, ma'am.

6 Q. And how did you know Vincent Nelson?

7 A. Around the neighborhood.

8 Q. And did you know him by a nickname?

9 A. No, ma'am.

10 Q. You never heard him called Junior or J School?

11 A. I heard that, but I ain't know they call him that,
12 though.

13 Q. Okay, but you knew, you knew him through the
14 neighborhood, too?

15 A. Yes, ma'am.

16 Q. And he would hang out with you and Maurice?

17 A. Yes, ma'am.

18 Q. And did you also know Deshawn McClary?

19 A. Yes, ma'am.

20 Q. Okay, and how did you know him?

21 A. Around the neighborhood, too.

22 Q. Around the neighborhood, too. So, you knew Deshawn,
23 Demetrice, and Vincent Nelson?

24 A. Yes, ma'am.

25 Q. And y'all would actually all kind of hang out

1 sometimes, correct?

2 A. Correct.

3 Q. And you'd actually only known Deshawn for about a
4 month prior to this incident, right?

5 A. Right.

6 Q. And did they actually have a group, a rap group?

7 A. Yeah, we did.

8 Q. Okay, and the name of that group, was it 600?

9 A. Yes, ma'am.

10 Q. Okay, and who all was involved in that group?

11 A. The people you named besides Maurice.

12 Q. Okay. So, Deshawn McClary, Demetrice James, you, and
13 Vincent Nelson ---

14 A. Yes, ma'am.

15 Q. --- went by 600 and we'll go back to that. On January
16 28th of 2013, do you recall being at Maurice's house?

17 A. That morning.

18 Q. I'm sorry. What was that?

19 A. That morning.

20 Q. That morning?

21 A. Uh-huh.

22 Q. And who all was there with you that morning?

23 A. Everybody you named.

24 Q. Well, why don't we go through it again, everybody
25 named. So, Vincent Nelson was there?

1 A. Uh-huh.

2 Q. You were there?

3 A. Yes, ma'am.

4 Q. You're saying that Demetrice was there or no?

5 A. This morning the police had came? Is that what you're
6 talking about?

7 Q. Yes.

8 A. No, just me, Maurice, and Vincent.

9 Q. Okay, and Maurice's dad was there too, right?

10 A. Yes, ma'am.

11 Q. And you said this morning when the police came. What
12 do you remember happening when the police came?

13 A. I ran upstairs.

14 Q. Okay. Did you actually hear the knock at the door?

15 A. No, ma'am.

16 Q. Then why did you run upstairs?

17 A. Because I heard them screaming police, police.

18 Q. Okay, and when you say you heard him screaming, you
19 actually heard Maurice screaming police, the cops are here?

20 A. No. I heard police saying that.

21 Q. Oh, you heard the police saying that. And then -- so,
22 you ran upstairs, right?

23 A. (THERE IS NO RESPONSE.)

24 THE COURT: Answer the question, please. You ran
25 upstairs, is that correct?

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

405

1 A. Yeah, I ran upstairs.

2 Q. And did Maurice actually tell you the cops are here,
3 too ---

4 A. No, ma'am.

5 Q. --- before you ran?

6 A. No, ma'am.

7 Q. And did he give you something when you ran upstairs?

8 A. No, he didn't give me nothing.

9 Q. Okay. Do you remember giving a statement in this
10 case?

11 A. Yeah, I remember giving a statement.

12 Q. Okay, and you gave that statement to police?

13 A. Uh-huh.

14 Q. Right?

15 A. Yes, ma'am.

16 Q. And it was actually on that day, January 28, 2013,
17 correct?

18 A. Correct.

19 Q. And you have to answer the question so the court
20 reporter can take it down.

21 A. All right.

22 Q. And when the police came that day, they actually found
23 you hiding in the closet. Isn't that right?

24 A. Yes, ma'am.

25 Q. And why were you hiding in the closet?

1 THE COURT: Oh, careful now.

2 Q. Without telling me why, you were hiding in the closet,
3 correct?

4 A. Uh-huh.

5 Q. And the police got you out of the closet, correct?

6 A. Correct.

7 Q. And did they say they wanted to talk to you?

8 A. Yes, they did.

9 Q. And you were willing to talk to them, right?

10 A. Yes, ma'am.

11 Q. And did you actually talk to them there at the scene?

12 A. No, ma'am.

13 Q. At Maurice's apartment?

14 A. Hu-huh.

15 Q. Where did they take you?

16 A. Took me to the headquarters.

17 Q. And at headquarters, they actually advised you of your
18 rights, right?

19 A. Yes, ma'am.

20 Q. Your right to remain silent, correct?

21 A. Correct.

22 Q. Speak with a lawyer, things of that nature, correct?

23 A. Correct.

24 Q. And told you you didn't have to talk to them if you
25 didn't want to, right?

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

407

1 A. Right.

2 Q. And I'm going to show you what's been marked -- and
3 you actually signed off on a written form, correct?

4 A. Uh-huh.

5 Q. Agreeing to speak with them?

6 A. Yes, ma'am.

7 Q. And telling them about what you knew and how you knew
8 the defendant in this case, correct?

9 A. Correct.

10 Q. Now, did the police actually recover a cell phone from
11 you as well?

12 A. Yes, ma'am.

13 Q. And that cell phone, who did it belong to?

14 A. Maurice.

15 Q. Maurice?

16 A. Yes, ma'am.

17 Q. He'd actually given you that cell phone before you
18 went and hid in the closet, right?

19 A. No, he didn't give it to me. It was already in the
20 room.

21 Q. It was already in ---

22 A. It was already in my possession.

23 THE COURT: I'm sorry. What was the last, what was
24 the last explanation?

25 A. I said it was already in the room. So, it was in my

1 possession.

2 Q. Okay. It was already in the room and it was in your
3 possession. Now, when you talked with police, did they ask
4 you what you knew about the robbery?

5 A. Yeah. Yeah, they did.

6 Q. And what did you tell them happened? What did you
7 know?

8 A. I said the morning I was over there, and I said
9 Maurice had got a call.

10 THE COURT: I'm sorry. I can't understand you.
11 Maurice what?

12 WITNESS: I said I was over there and Maurice had got
13 a call, talking ---

14 BY MS. SIMPSON:

15 Q. And when was this that Maurice had gotten a call?

16 A. It was, like, the day before my birthday. The 25th or
17 something like that.

18 Q. And your birthday is actually January 26th, correct?

19 A. Yes, ma'am.

20 Q. And y'all were over there planning your birthday
21 party?

22 A. Yes, ma'am.

23 Q. And it was you -- who was with you?

24 A. Me, Maurice, Deshawn, and Demetrice, Vincent, my
25 cousin. That's it.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

409

1 Q. Okay, and you said that Maurice got a call?

2 A. Uh-huh. Yes, ma'am.

3 Q. What happened and what did he say after he got that
4 call?

5 A. He was talking to Junior. He was talking to Junior
6 about something and Junior was, like, they got a lick to go
7 hit to do a studio or something like that.

8 Q. And a lick, what's a lick?

9 A. Going to come up.

10 THE COURT: Sir?

11 A. Break in somebody house.

12 THE COURT: Say that again.

13 WITNESS: Coming up and breaking in somebody house.

14 BY MS. SIMPSON:

15 Q. All right, and you said Vincent said that, but did
16 Maurice tell you about the lick?

17 A. Yeah, they was basically saying it together.

18 Q. They were basically saying it together?

19 A. Yes, ma'am.

20 Q. And Maurice specifically referred to the lick and it
21 being a studio?

22 A. Yeah, Junior said it was a studio. It was his plan,
23 though.

24 THE COURT: Whose plan?

25 WITNESS: Junior.

1 BY MS. SIMPSON:

2 Q. Okay right. So, Junior had a plan, but Maurice was
3 ready to go with lick, and did they actually ask you if you
4 wanted to be involved?

5 A. No, they ain't ask me. They just -- I just told them
6 that I wasn't going to participate in it.

7 Q. Okay, and participate in what?

8 A. Going and breaking in somebody house.

9 Q. And when you say they weren't going to participate --
10 you weren't going to participate, who was going to
11 participate?

12 A. The people that was around him when they got the call.

13 Q. And who were those people?

14 A. Vincent, Deshawn, and, and Demetrice.

15 Q. And Maurice, correct?

16 A. Yes, ma'am.

17 Q. And you remember giving a statement to police, right?

18 A. Uh-huh.

19 Q. And Maurice -- you said Junior. Let me make sure I
20 got this right. Maurice, Junior, and Demetrice, they're
21 actually all part of 600 along with you, right?

22 A. Maurice is not part. The other people is.

23 Q. But you did give the statement to the police, correct?

24 A. Yes, ma'am.

25 Q. And in that statement, do you remember them asking you

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

411

1 about the licks and that you actually said that you weren't
2 going to do the lick, and that the others were saying they
3 were going to do it. Derrick, Maurice, Junior, and
4 D-Roosevelt are all 600?

5 A. Yes, ma'am.

6 Q. Okay, and Maurice is included in that group, 600?

7 A. No, I ain't mean to say that, that he was, if I said
8 that in the statement because he not.

9 Q. Okay, but back then you told the police that they were
10 all 600?

11 A. Yes, ma'am.

12 Q. And they actually followed up with what is 600?

13 A. It's a rap group.

14 Q. It's a rap group. And Maurice, he told you what the
15 lick was for, right?

16 A. Really Junior did. It's just Maurice the one that had
17 got the phone call.

18 Q. Okay, and do you remember in that same statement
19 police asking you did Maurice say what the lick was?

20 A. It been a minute ago, so you probably got to show me.

21 Q. Okay. I'll show you.

22 THE COURT: Hold on a second. Repeat what you just
23 said, please.

24 WITNESS: I said it been a little minute ago. You
25 probably going to have to show me.

1 BY MS. SIMPSON:

2 Q. Okay, and this is your statement?

3 A. Uh-huh.

4 Q. I've highlighted a couple portions, but police
5 questioned you: Did Maurice say what the lick was for?
6 Right?

7 A. Yes, ma'am.

8 Q. And your answer was yes, he said it was for a studio,
9 correct?

10 A. Correct.

11 Q. They were all talking about getting studio equipment
12 and then Junior was, like, bro, we can get that shit and
13 put it upstairs bro. Correct?

14 A. Correct.

15 Q. And then Maurice was saying they should do this this
16 weekend, right?

17 A. Yes.

18 Q. And you said Maurice was saying that?

19 A. Uh-huh.

20 Q. And it was your birthday weekend, right?

21 A. Yes, ma'am.

22 Q. And they were wanting to put that studio equipment in
23 Maurice's house upstairs?

24 A. Correct.

25 Q. All, and at that point -- and I believe we're on --

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

413

1 this is the Thursday or the Friday? Do you remember?

2 A. I really don't.

3 Q. It was just right before your birthday?

4 A. Yes, ma'am.

5 Q. And it was going to happen that weekend?

6 A. Uh-huh.

7 Q. At some point, did you decide you didn't want to be a
8 part of this conversation?

9 A. Yeah, because I left.

10 Q. You left, and when you left, where did you go?

11 A. I went to my baby mama house.

12 Q. Who's your baby mama?

13 A. Chantelle Boyd.

14 Q. Okay, and where does she live?

15 A. She stay in Lower Richland Boulevard.

16 Q. Lower Richland Boulevard?

17 A. Uh-huh.

18 Q. Before you went there, did you actually go to your
19 aunt's house?

20 A. Yeah, because I told her I was leaving her. I had to
21 get my girl.

22 Q. Okay, and you went along with your cousin, Karee
23 Golden?

24 A. Yes, ma'am.

25 Q. And your aunt, where does she live?

1 A. She stay in Hammond village.

2 Q. Say that again.

3 A. She stay in Hammond Village.

4 Q. And Hammond Village is the same place Maurice stays,
5 right?

6 A. Yes, ma'am.

7 Q. Moving to kind of late Friday the 25th, or early
8 Saturday morning, did you receive a call from Maurice?

9 A. Yeah, he told me happy birthday. That was, like,
10 around about 12:00.

11 Q. Around about 12:00 to 12:30?

12 A. Uh-huh.

13 Q. And when he called you, did you actually ask him about
14 coming up to see him?

15 A. Not that I remember.

16 Q. Like I said, it's been a while, but you gave a
17 statement to police, and your memory would have been a
18 little better back then, right?

19 A. Yes, ma'am.

20 Q. And that night, Friday on the 25th, you actually
21 stayed at Ms. Priscilla's house right?

22 A. Uh-huh.

23 Q. And Ms. Priscilla, she actually lives in Hammond
24 Village, correct?

25 A. That's correct.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

415

1 Q. Where the defendant lives, Maurice Roberts?

2 A. Uh-huh.

3 Q. So, you were on the ---

4 THE COURT: You -- have on a second. Sir, you have to
5 say yes or no for us, please.

6 WITNESS: Oh. Yes, ma'am.

7 BY MS. SIMPSON:

8 Q. Okay. So, you were actually in Hammond Village
9 Apartments the Friday night before your birthday ---

10 A. Yes, ma'am.

11 Q. --- because y'all were planning the party at Maurice's
12 house?

13 A. Yes.

14 Q. Okay, and so he gives you a call around the 25th, and
15 you were actually with your girlfriend at the time?

16 A. Yes, ma'am.

17 Q. And at that time not your baby ma'am, correct?

18 A. Correct.

19 Q. It was a different girl?

20 A. Correct.

21 Q. Who was it?

22 A. I got to put a name on that?

23 Q. Well, it was a different girl. We'll go there. But
24 you were at Ms. Priscilla's house when you got the call?

25 A. Uh-huh.

1 Q. And when he told you happy birthday, did you actually
2 ask him a question about going down to his place?

3 A. Yeah, I did.

4 Q. And what did he say to you?

5 A. He say you don't want to come there.

6 THE COURT: I can't understand you. I'm sorry.

7 WITNESS: He said you don't want to come down there.

8 BY MS. SIMPSON:

9 Q. Specifically you told police he said: Man, you don't
10 want to come down here, man; we got too much going on. And
11 then you responded what?

12 A. I said all right, hit me up in the AM.

13 THE COURT: I can't understand you.

14 WITNESS: I said all right, hit me up in the AM.

15 Q. Okay. So, by 12:30 ---

16 THE COURT: Hold on a second. Say that again, please.

17 WITNESS: I said all right then. Hit me up in the AM.

18 THE COURT: What's he saying?

19 MS. SIMPSON: All right. Hit me up in the AM is what
20 you responded.

21 THE COURT: Thank you.

22 BY MS. SIMPSON:

23 Q. But just to reiterate, you'd actually asked about
24 going down, and he told you there was too much going on,
25 not to come down?

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

417

1 A. Yes, ma'am.

2 Q. All right. So, you actually didn't go down to his
3 apartment that day?

4 A. No, I didn't.

5 Q. Did you see him the next day, Sunday, your birthday?

6 A. Yes, I did.

7 Q. And where did you see him?

8 A. At my party.

9 Q. At your party?

10 A. Yes, ma'am.

11 Q. Where was your party?

12 A. Priscilla house.

13 Q. Priscilla house.

14 A. Uh-huh.

15 Q. Prior to that ---

16 THE COURT: Hold on a second.

17 Q. --- did you actually---

18 THE COURT: Hold on. Ma'am, you're having trouble?

19 COURT REPORTER: I need for him to sit up and move
20 toward the microphone, please.

21 THE COURT: Please sit up a little bit and speak into
22 the microphone.

23 MS. SIMPSON: Okay, scoot forward just ---

24 THE COURT: We'll be through in just a minute.

25 MS. SIMPSON: --- a little bit.

1 THE COURT: We'll be through in just a minute.

2 MS. SIMPSON: That way she can hear you.

3 BY MS. SIMPSON:

4 Q. Prior to having the party, you actually went down to
5 Maurice's apartment about 2:30 in the afternoon, didn't
6 you?

7 A. Yes, I did.

8 Q. Okay, and did you talk to Maurice at that time?

9 A. I mean, this happened a year ago. I don't, I don't
10 remember it like that.

11 Q. Okay, but Maurice was there when you went?

12 A. Uh-huh.

13 Q. And you got to say yes or no.

14 A. Yes.

15 Q. Yes, and your birthday party, Maurice attended that
16 birthday party?

17 A. Yeah, he came.

18 Q. Did Junior or Vincent Nelson also come?

19 A. Yeah, he come too.

20 Q. Did Deshawn come at all?

21 A. Later that night, but yeah, he came, too.

22 Q. And Demetrice James, did he ever come by? He didn't
23 come by, did he?

24 A. I ain't too sure.

25 Q. You're not too sure? You don't remember? And did

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

419

1 Maurice talk about the lick with you that he'd done?

2 A. Nah, he didn't.

3 Q. You got to speak up.

4 A. He didn't.

5 Q. He didn't?

6 A. Uh-huh.

7 Q. And he never told you anything about what had actually
8 happened or what they'd done?

9 A. No. No, ma'am.

10 Q. Y'all just kind of partied as usual?

11 A. Yes, ma'am.

12 Q. So, was he acting normal that day?

13 A. Yeah, he was.

14 Q. Got to speak up.

15 A. He was.

16 Q. He was?

17 A. Uh-huh.

18 Q. And about a week prior, had you actually seen a gun in
19 Maurice's house?

20 A. Yes, ma'am.

21 Q. And where did you see that gun?

22 A. On the table.

23 Q. And when you saw that gun -- you said the table. Do
24 you remember where on the table? Was it just laying out?

25 A. It was laying out.

1 THE COURT: Speak up there, please.

2 Q. You got to speak up.

3 A. It was just laying out.

4 Q. It was just laying out ---

5 A. Uh-huh.

6 Q. --- on the table, and did you actually ask him about
7 that gun?

8 A. I did.

9 Q. And what did he say?

10 A. He said it wasn't his. He was holding it for
11 somebody.

12 Q. Okay, and again, this is been a while ago, a year ago.

13 A. Uh-huh.

14 Q. But you gave a statement to police, right?

15 A. Yes.

16 Q. And they asked you about that gun that you saw as
17 recently as last weekend or the weekend before, right?

18 A. They did.

19 Q. And you indicated that it was laying on the table,
20 correct?

21 A. Uh-huh.

22 Q. And you actually said -- and this is you talking to
23 Maurice, right?

24 A. Yes, ma'am.

25 Q. You said:

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

421

1 You boys strapped up here -- up around here, huh,
2 and Maurice's response was, like, hell, yeah, got
3 to be.

4 Correct?

5 A. Correct.

6 Q. So, he wasn't saying, as you're saying now, that the
7 gun wasn't his, right?

8 A. Right. Right.

9 Q. Speak up.

10 A. Right.

11 Q. He said got to be strapped?

12 A. That's what it say on the paper, yes, ma'am.

13 Q. Okay, and it was a handgun that you can remember?

14 A. Uh-huh.

15 Q. After giving a statement to police, talking about
16 everything we just talked about here, did you actually
17 offer to show them where Demetrice James lived?

18 A. Yes, ma'am.

19 THE COURT: Speak up for me in the microphone.

20 A. Yes, ma'am.

21 Q. And you actually rode with them and pointed it out,
22 correct?

23 A. That's correct.

24 Q. And Demetrice James goes by Metro or Young as well,
25 one of the rap names or nicknames ---

1 A. Correct.

2 Q. --- out of y'all's group, 600?

3 A. Correct.

4 Q. And were you able to show officers where he was living
5 at the time?

6 A. Yes, ma'am.

7 Q. You have to speak up.

8 A. Yes, ma'am.

9 Q. Okay, and was that address, I believe, was that off
10 River Drive?

11 A. Yeah, it's off River Drive.

12 Q. Now, police officers showed you some lineups, correct?

13 A. Correct.

14 Q. And this was just -- you already knew Deshawn,
15 Demetrice, and Junior, right?

16 A. Right.

17 Q. But you were able to pick out -- I'm going to show you
18 what's been marked as State's Exhibit 190. You remember
19 that?

20 A. Uh-huh.

21 Q. And being shown these pictures?

22 A. Yes, ma'am.

23 Q. Okay, and you were able to actually pick someone out
24 of that, correct?

25 A. Yes.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

423

1 Q. And who's the person that you identified in State's
2 190?

3 A. Deshawn.

4 THE COURT: Speak up for me, please.

5 WITNESS: Deshawn.

6 THE COURT: Thank you.

7 BY MS. SIMPSON:

8 Q. Deshawn McClary?

9 A. Uh-huh.

10 Q. Okay, and that's the person you knew who'd been
11 talking about the lick as well?

12 A. Yes, ma'am.

13 MS. SIMPSON: And I apologize, Your Honor. At this
14 time we'd offer State's 190 into evidence.

15 MR. SUTHERLAND: And I've, I've reviewed it. No
16 objections, sir.

17 (PHOTOGRAPH MARKED INTO EVIDENCE AS STATE'S EXHIBIT
18 NUMBER 190.)

19 BY MS. SIMPSON:

20 Q. And then you were also shown a lineup, and I'm going
21 to show you what's been marked as State's 191, correct?

22 A. Correct.

23 Q. You recognize this?

24 A. Yeah, I recognize it.

25 Q. And that's your signature ---

1 A. Yes, ma'am.

2 Q. --- right? And you indicated who that was and that
3 you knew him, right?

4 A. Right.

5 Q. You told police that you knew the person you circled
6 and signed?

7 A. Yeah, I told them I knew the person, who he was.

8 MS. SIMPSON: And, Your Honor, at this time the state
9 would offer State's 191 into evidence.

10 MR. SUTHERLAND: Okay. No objection, Your Honor.

11 (PHOTOGRAPH MARKED INTO EVIDENCE AS STATE'S EXHIBIT
12 NUMBER 191.)

13 BY MS. SIMPSON:

14 Q. Okay, and that's the person you knew as Maurice
15 Roberts in State's 191, one of your good friends, close
16 friends, correct?

17 A. Correct.

18 Q. The person you planned to party with?

19 A. Correct.

20 Q. Right?

21 A. Correct.

22 Q. The person you were running a rap group with, correct?

23 A. I ain't ---

24 MR. SUTHERLAND: Your Honor, I object to the leading.

25 A. I ain't even know ---

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

425

1 THE COURT: Object to what?

2 MR. SUTHERLAND: To the leading.

3 THE COURT: Rephrase your question.

4 MS. SIMPSON: I'll actually move on, Your Honor.

5 THE COURT: Thank you.

6 BY MS. SIMPSON:

7 Q. Subsequent to this, did you actually have a
8 conversation with Maurice Roberts after all this happened
9 about who did the shooting?

10 A. Yes, ma'am.

11 Q. And what did Maurice tell you at that time?

12 A. He told me he ain't do it. The person who really did
13 it going around the jail bragging saying he did it.

14 Q. Okay. So ---

15 THE COURT: All right. You're going to have to repeat
16 that for me, please.

17 WITNESS: Say he say he ain't do it. The person who
18 was really doing it going around the jail bragging
19 basically, you know what I'm saying, saying that he did it.

20 BY MS. SIMPSON:

21 Q. Okay. So, he told you that he didn't do it?

22 A. Uh-huh.

23 Q. And that the person who did do it was actually going
24 around the jail bragging about it?

25 A. Right.

1 Q. And did he actually tell you who that person was?

2 A. Yeah, he told me.

3 Q. Who did he say at that time the shooter was?

4 A. He said Demetrice did it.

5 Q. So, he was claiming that Demetrice did it?

6 A. I didn't know that, but yeah, Demetrice did it.

7 Q. He's saying -- Maurice is saying that Demetrice -- I
8 just want to make sure we're clear here. Maurice told you
9 that Demetrice was going around the jail bagging about
10 shooting, doing the shooting?

11 A. Correct.

12 Q. But that Maurice didn't do the shooting?

13 A. Correct.

14 Q. And the person ---

15 MS. SIMPSON: Beg the court's indulgence.

16 (A PAUSE.)

17 BY MS. SIMPSON:

18 Q. Going back to that Sunday, and I want to apologize.
19 Things are a little out of order. Sunday on January the
20 26th, your birthday, when you went over there and you had a
21 conversation with Maurice, correct?

22 A. That's correct.

23 Q. And, at that time, he actually asked you -- did he ask
24 you to pull something up on your phone?

25 A. Yeah, we pulled something up on my phone.

J. DUCKETT - DIRECT EXAMINATION BY MS. SIMPSON

427

1 Q. You got to speak up.

2 A. Yeah, we pulled something up on my phone.

3 Q. And what did he ask you to pull up on his phone -- on
4 your phone?

5 A. We pulled up News 19.

6 Q. Okay. So WIS -- he's the one that asked you to pull
7 it up?

8 A. We all was talking about it, but, yeah.

9 Q. And you said talking about it, what were y'all talking
10 about when you wanted to pull it up?

11 A. Seeing what was on the news.

12 Q. So, y'all just wanted to see what was on the news that
13 Sunday?

14 A. Yes, ma'am.

15 Q. And Maurice asked you, and this is Sunday after the
16 25th, to pull it up on your phone?

17 A. Yes, ma'am.

18 Q. And you did?

19 A. Yes, ma'am.

20 Q. Okay. Now, you are actually -- you've been arrested
21 or you've been convicted before, correct?

22 A. Correct.

23 Q. Back in 2011, you were convicted of possession with
24 intent to distribute cocaine?

25 A. Yes, ma'am.

1 Q. 2010, resisting arrest or opposing -- resisting arrest
2 from an officer, correct?

3 A. Correct.

4 Q. All these were as you were a juvenile, right?

5 A. Right.

6 Q. And you were also arrested in 2010 for receiving
7 stolen goods?

8 A. Correct.

9 Q. Or convicted. I apologize. And then in 2008 you were
10 convicted for burglary second nonviolent ---

11 A. Correct.

12 Q. --- correct? And also in 2008 you were convicted of
13 petty larceny, correct?

14 A. Correct.

15 Q. And then recently, I believe -- make sure I get the
16 date right -- you were convicted of purse snatching in
17 January of this year?

18 A. Correct.

19 Q. And you're actually serving time on that right now?

20 A. Yes, ma'am.

21 Q. Now, the person that you identified as being Maurice
22 Roberts, your good friend, do you see him here in the
23 courtroom today?

24 A. I see him, yeah.

25 Q. You got to speak up.

J. DUCKETT - CROSS-EXAMINATION BY MR. SUTHERLAND

429

1 THE COURT: Speak up.

2 A. Yes, ma'am.

3 Q. Okay, and can you point him out or at least describe
4 for the jury what he's wearing?

5 A. He's right there.

6 Q. What's he wearing?

7 THE COURT: What's he wearing?

8 A. Collared shirt, a white shirt with stripes on it.

9 MS. SIMPSON: Your Honor, let the record reflect that
10 he's identified the defendant, Maurice Roberts.

11 THE COURT: Thank you.

12 (COUNSELORS CONFER.)

13 MR. SUTHERLAND: Beg the court's indulgence.

14 (A PAUSE.)

15 MR. SUTHERLAND: Thank you, Your Honor.

16 CROSS-EXAMINATION BY MR. SUTHERLAND:

17 Q. Is it Jwaun?

18 A. Yes, sir.

19 Q. Jwaun, my name is Tivis. We haven't met before,
20 right?

21 A. You say haven't?

22 Q. We have, we have not met before? Okay.

23 A. Right.

24 Q. Well, so, I was introducing myself to you.

25 A. Uh-huh.

1 Q. I wanted to ask you. There's, there's a couple of
2 things, a few things that you were saying when you were
3 testifying that I thought were important.

4 A. Uh-huh.

5 Q. So, I'm going to ask you about those. I -- what, what
6 stood out to me the most was she was questioning you, and
7 she was holding this up in front of you and reading this to
8 you. Do you remember her doing that just a few minutes ago
9 with this?

10 A. Yes, sir.

11 Q. And one of your answers was that's what it says on the
12 paper. Do you remember answering that?

13 A. Yes, sir.

14 Q. Okay. The police wrote this paper and had you sign
15 it. Isn't that correct?

16 A. Yeah, that's correct.

17 Q. Okay. So, you didn't write this. The police wrote
18 this statement. Isn't that correct?

19 A. That's correct.

20 Q. Okay. Thank you. What's also -- what also stood out
21 to me was that you testified that Maurice is not 600?

22 A. Correct.

23 Q. And, and that's right?

24 A. Right.

25 Q. Okay, and I understand I'm having to go through a lot

J. DUCKETT - CROSS-EXAMINATION BY MR. SUTHERLAND

431

1 of the, the things that she went through with you. I mean,
2 I really think, I really think that that's it except for
3 you were talking about there was a -- you saw a gun over
4 there and that he was holding it for someone?

5 A. Correct.

6 Q. And that, that was your testimony about that?

7 A. Correct.

8 Q. And that -- did you testify that, that Demetrice had
9 told you that he shot anybody, or just was your testimony
10 that Maurice had told you that Demetrice had shot somebody?

11 A. No, we was talking about it.

12 Q. Okay. All right, and that just he had told you that
13 Demetrice was going around the jail telling people that he
14 did it?

15 A. I heard. I was in there with him. I heard it.

16 Q. Oh, you heard it? You were there?

17 A. I heard it, yeah.

18 Q. Okay. Okay. So, y'all were all together and you---

19 MS. SIMPSON: Objection, Your Honor.

20 THE COURT: What's the objection?

21 MS. SIMPSON: May we approach? Pursuant to rule 613.

22 THE COURT: Well, come around here.

23 (OFF-THE-RECORD BENCH CONFERENCE.)

24 BY MR. SUTHERLAND:

25 Q. Okay. So, we're almost done, but what we were

J. DUCKETT - CROSS-EXAMINATION / REDIRECT EXAMINATION 432

1 speaking about a moment ago. You had -- I'm not allowed to
2 go into some things here, but you were present -- all three
3 of you were present and there was a conversation. It was,
4 it was you, Maurice, and Demetrice?

5 A. Nah. To be honest with you, I was in a dorm with
6 everybody, know what I'm saying? That went around the
7 whole jail.

8 Q. Okay.

9 A. I got a little bit of everything. But during the
10 time, somebody already done came clean and told me, you
11 know what I'm saying, that they did what they did, but he
12 was trying to bring everybody around with him because he
13 ain't want to do all that time by his hisself. So ---

14 Q. Okay. All right.

15 A. All right.

16 Q. Well, I've got to stop there. Thank you.

17 A. Uh-huh.

18 MR. SUTHERLAND: No further questions, Your Honor.

19 THE COURT: Redirect.

20 MS. SIMPSON: Briefly, Your Honor.

21 REDIRECT EXAMINATION BY MS. SIMPSON:

22 Q. The statement that you gave police, first of all, they
23 advised you of your rights and you actually checked off and
24 initialed that you understood those rights, correct?

25 A. Correct.

J. DUCKETT - REDIRECT EXAMINATION BY MS. SIMPSON

433

1 Q. And you signed, that's your signature? You signed off
2 that you understood?

3 A. Correct.

4 Q. And that you wanted to speak with him, that's your
5 signature?

6 A. Right.

7 Q. And this statement, they actually gave you a chance to
8 review it and you signed on every page. Isn't that right?

9 A. That's right.

10 Q. And at that point, there's even one question, and just
11 to make sure because I know it's been a while. The last
12 question: Is everything you have told me here is the truth?
13 Right?

14 A. Right.

15 Q. And at that time you said yes, sir, correct?

16 A. Correct.

17 Q. And part of what you told them was that Derrick,
18 Maurice, Junior, and D-Roosevelt, or Demetrice, are all
19 600, correct?

20 A. Correct.

21 Q. That's what's in your statement that you signed off
22 on?

23 A. Right.

24 Q. Now -- and just to be clear, Maurice is one of the
25 ones that told you that Demetrice was going around

1 bragging?

2 A. No. We was sitting at the same table and we both
3 heard that. We both heard that. So ---

4 Q. Okay. So, that's not what you said earlier. You
5 said Maurice actually told -- you had a conversation with
6 him ---

7 A. We was having a conversation because we started
8 talking about what happened, whatever, you know what I'm
9 saying? Then in the midst of that, somebody came up and
10 told us that, and then that's when he told me because he
11 ain't want to tell me at first.

12 Q. So, he didn't want to tell you that he wasn't the
13 shooter?

14 A. No, what he heard, what he heard was going around the
15 jail.

16 Q. Okay.

17 A. Until somebody came up and told us that.

18 Q. So, some random person came up and told you, but
19 Maurice then said someone, meaning Demetrice, was going
20 around bragging that he'd actually been the shooter?

21 A. Uh-huh.

22 Q. And Maurice, again, is one of your best, closest
23 friends?

24 A. I won't say best, closest friend. He just a friend of
25 mine.

A. CRUZ - DIRECT EXAMINATION BY MS. WALKER

435

1 Q. A good friend?

2 A. A friend of mine.

3 MS. SIMPSON: Thank you.

4 THE COURT: All right. You may step down.

5 (THE WITNESS EXITS THE STAND.)

6 THE COURT: Next witness.

7 MS. WALKER: Thank you, Your Honor.

8 THE COURT: Hold on one second. Everybody okay?

9 MS. WALKER: Thank you, Your Honor. State calls
10 Investigator Cruz.

11 ANGEL L. CRUZ, BEING DULY SWORN,
12 TESTIFIES AS FOLLOWS:

13 CLERK OF COURT: Thank you. Have a seat in the
14 witness stand, please. State your name for the record.

15 WITNESS: My name is Angel L. Cruz.

16 DIRECT EXAMINATION BY MS. WALKER:

17 Q. Good morning. Sir, where are you currently employed?

18 A. Columbia Housing Authority.

19 Q. And what do you do over at the Columbia Housing
20 Authority, or actually what is the Columbia Housing
21 Authority?

22 A. Columbia Housing Authority provides housing for low
23 income.

24 Q. And what do you do for the Columbia Housing Authority?

25 A. Actually I am the director of safety and security for

1 Columbia Housing Authority.

2 Q. And can you tell the jury a little bit about what you
3 do like your day-to-day activities?

4 A. Okay. I'm the liaison between law enforcement that
5 patrol our communities and the Columbia Housing Authority.
6 So, we pretty much assist any law enforcement agency and
7 also fire in case of an incident. Whenever they have an
8 investigation, we assist them in anything. Sometime they
9 need to go in to serve a warrant or something like that.
10 We provide a key once the warrant's available.

11 Q. And you said there are different properties under the
12 Columbia, the -- I guess the authority of Columbia Housing
13 Authority?

14 A. Yes, ma'am.

15 Q. Is Hammond Village one of those properties?

16 A. Yes, ma'am.

17 Q. I want to take your attention back to January of last
18 year. I know that that was sometime ago. Did you get a
19 call that kind of got you involved in this case?

20 A. Yes, ma'am.

21 Q. And without telling me exactly what was said, did that
22 call point you in the direction of an area in Hammond
23 Village?

24 A. Yes, ma'am.

25 Q. And what area was that?

A. CRUZ - DIRECT EXAMINATION BY MS. WALKER

437

1 A. The back of one of the buildings.

2 Q. And did that call give you information about people
3 who may have been involved in, in this incident?

4 A. Yes, ma'am.

5 Q. And why -- as a result of that phone call, did you go
6 to the back of one of those buildings?

7 A. Yes, ma'am.

8 Q. And why did you go to that, to that building?

9 A. Because I was told that there was ---

10 THE COURT: No, sir. No. Whoa. You can't testify to
11 what you were told. As a result of what you were told,
12 what did you do?

13 WITNESS: Okay.

14 BY MS. WALKER:

15 A. I went to the back of the building.

16 Q. And in the -- what, if anything, did you see in the
17 back of the building?

18 A. I saw some clothing in the back of the building by
19 some railroad ties they keep in the back for erosion. So,
20 in the back I found some clothing back there.

21 Q. And was the clothing kind of in plain view, or was it
22 something where you would have to actually be looking for
23 that clothing to locate it?

24 A. It was -- if you look -- well, actually it -- you have
25 to get close to that to see it. It was behind the, the

A. CRUZ - DIRECT EXAMINATION BY MS. WALKER

438

1 railroad ties.

2 Q. It was hidden by the railroad ties?

3 A. Right. Right.

4 Q. And as a result, I guess, of locating that clothing,
5 what did you do?

6 A. When I got the call, I thought possibly that that was
7 -- there was a, a crime committed somewhere probably.
8 Therefore, I just went ahead and called. And in this case,
9 you know, got on the radio, called CPD, and said I just got
10 this information. So, just in case there was a crime
11 committed somewhere, that, you know, may be linked to that.

12 Q. And as -- after making that phone call, did you, in
13 fact, make contact and actually show Richland County
14 Sheriff's Department investigators where those clothes
15 were?

16 A. Right.

17 Q. And do you know Maurice Roberts?

18 A. Yes, ma'am.

19 Q. Thank you, sir.

20 MS. WALKER: I don't have any further questions.

21 THE COURT: Cross, if any.

22 MR. SUTHERLAND: No questions of this witness.

23 THE COURT: All right, sir, you may step down. May he
24 be released from his subpoena?

25 MS. WALKER: Yes, Your Honor.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

439

1 THE COURT: Thank you. You're free to go.

2 (THE WITNESS EXITS THE STAND.)

3 THE COURT: Next witness.

4 MS. WALKER: Sir, our next witness is outside. I'll
5 step out and get him.

6 MS. SIMPSON: Your Honor, actually may we approach?

7 THE COURT: Certainly.

8 (OFF-THE-RECORD BENCH CONFERENCE.)

9 THE COURT: All right, everybody settled?

10 All right, put your left-hand on the Bible and raise
11 your right.

12 TROY J. SCOTT, BEING DULY SWORN,
13 TESTIFIES AS FOLLOWS:

14 CLERK OF COURT: Thank you. Have a seat in the
15 witness stand, please. State your name for the record.

16 WITNESS: Troy Jaffee Scott.

17 THE COURT: All right, spell your last name.

18 WITNESS: S-c-o-t-t.

19 DIRECT EXAMINATION BY MS. CAMPBELL:

20 Q. Okay, Mr. Scott, how old are you?

21 A. Twenty-five.

22 Q. And are you from the Columbia area?

23 A. Yes, ma'am.

24 Q. How long have you been living in Columbia?

25 A. All my life.

1 Q. Where do you live?

2 A. [REDACTED].

3 Q. You're going to have to slow down. Will you slow down
4 a little bit?

5 A. Yeah.

6 Q. Are you a little nervous today?

7 A. Yeah.

8 Q. And who all lives there with you on Williamsburg
9 Drive?

10 A. My mother, my father, my little brother.

11 Q. Do you work?

12 A. Yes, ma'am.

13 Q. What do you do, sir?

14 A. I am a deli clerk.

15 Q. A deli clerk?

16 A. Yes.

17 Q. And where is it you work?

18 A. At Publix.

19 Q. At Publix?

20 A. Yes.

21 Q. And how long have you been working at Publix?

22 A. About seven months now.

23 Q. Did you know a person that you knew as J School?

24 A. Yes, ma'am.

25 Q. And did you know his real name?

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

441

1 A. At the time I didn't.

2 Q. How did you know J School?

3 A. I met him through a friend of mine.

4 Q. And how long had you known J School before all this
5 happened approximately?

6 A. About two years.

7 Q. And what kind of relationship did you and your family
8 have with J School?

9 A. We treated him like family basically.

10 Q. At some point, did he actually stay with y'all?

11 A. Yes, ma'am.

12 Q. And was that unusual for your mother to allow people
13 to come into your home and stay with y'all?

14 A. Not really.

15 Q. And, in fact, why was she letting J School stay with
16 y'all?

17 A. He was just a little less fortunate than others. He
18 would just spend a night, maybe a weekend periodically.

19 Q. And what kind of things would your mother provide for
20 him when he would stay?

21 A. Food, shelter, clothes, maybe some side money.

22 Q. From the time period leading up when to all these
23 events we're here about happened, had J School been around?

24 A. Not really, ma'am.

25 Q. And, in fact, how long had it been, prior to this

1 night which we're getting ready to talk about, January
2 25th, had it been since you'd actually seen J School?

3 A. Maybe about two, three months.

4 Q. The day of January the 25th, what -- that afternoon
5 into that evening -- what were you doing?

6 A. We was just really parlaying, listening to music.
7 Just chilling with everybody really.

8 Q. And where were y'all when y'all were listening to
9 music -- and what's parlaying?

10 A. Oh, chilling.

11 Q. Okay. What, what -- where were y'all when y'all were
12 listening to music and chilling that day?

13 A. In the basement.

14 Q. And who all was down there?

15 A. Me, Brandon, Trent, Cari, and Joshua.

16 Q. And as the evening progressed and it got to be dark,
17 was it still just those people you named down there?

18 A. Yes, ma'am.

19 Q. And at some point did it come to your attention that
20 somebody was at your front door?

21 A. Yes, ma'am.

22 Q. And how did you -- what brought that to your
23 attention?

24 A. What brought?

25 Q. How did you know there was somebody at the front door

1 or did somebody---

2 A. Oh, I just heard the doorbell.

3 Q. You heard a doorbell?

4 A. Yeah.

5 Q. And did you actually go answer the door?

6 A. No, ma'am, my stepdad did.

7 Q. And once your stepdad had gone and answered the door,
8 could you hear a conversation upstairs, or were y'all still
9 downstairs?

10 A. Yes, ma'am, we was still downstairs.

11 Q. And what happened next?

12 A. J School just came downstairs and we all greeted him
13 and, you know, he was a little nervous, pacing back and
14 forth.

15 Q. And was he supposed to be over there that night?

16 A. Not really because I haven't seen him in a minute and
17 usually, you know, most people will call between a certain
18 time to come over.

19 Q. And do you know approximately what time of night this
20 was when he showed up?

21 A. Around...

22 Q. Was it after dark?

23 A. 10:00, 10:00ish. Nighttime.

24 Q. And were you actually surprised to see him?

25 A. Just a little bit because I hadn't seen him in, like,

1 two or three months.

2 Q. Okay. Once he got down there, did you have any
3 conversations with J School?

4 A. No, ma'am, not really.

5 Q. What was he doing once he got down into the basement
6 area?

7 A. He was on his phone texting, making calls.

8 Q. And what area of the basement were y'all actually in?

9 A. We was just in the lower main big area.

10 Q. And what color is it painted? It just helps for the
11 jury.

12 A. Just the white, white walls basically.

13 Q. Is it the area where your studio equipment was?

14 A. Yes, ma'am.

15 Q. And is there a lot of orange in that room?

16 A. No, ma'am.

17 Q. Is there another area down there, too? Does your
18 mother have a business?

19 A. Yes, ma'am.

20 Q. And what kind of business does she have?

21 A. She's a beautician.

22 Q. And where is the shop located in relation to the room
23 where y'all were hanging?

24 A. It's right next door.

25 Q. Right next door?

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

445

1 A. Yes, ma'am.

2 Q. And the bedrooms in the house, who all lives on the
3 lower level of your house in the bedrooms?

4 A. Just me and my little brother.

5 Q. And what's your little brother's name?

6 A. Trent Scott.

7 Q. That evening you also mentioned that a girl was over
8 there with y'all?

9 A. Yes, ma'am.

10 Q. And what was her relation to you?

11 A. My girlfriend at the time.

12 Q. And what was her name?

13 A. Cari.

14 Q. Cari Pearson?

15 A. Yes, ma'am.

16 Q. And I'll show you what's been marked as State's
17 Exhibit Number 130. What area is that looking into?

18 A. The shop.

19 Q. And that would be your, your mom's shop?

20 A. Yes, ma'am.

21 Q. And what area was this photograph taken from? Where
22 would you be standing when this photograph was taken?

23 A. You would be standing in the burnt orange room.
24 That's the sports room.

25 Q. It's the sports room?

1 A. Yes, ma'am.

2 Q. And is that the area where -- is that different from
3 the, the studio area?

4 A. Yes, ma'am.

5 Q. Okay, and are all these rooms kind of contiguous to
6 each other?

7 A. Yes, ma'am. It's the sports room, the shop, and the
8 bigger and lower part of the basement.

9 Q. And this is actually the State's Exhibit Number 144,
10 and ---

11 A. Yes, ma'am.

12 Q. --- to get out on that level, to get out to the
13 driveway area, where is that doorway located?

14 A. Right outside.

15 Q. Outside which room?

16 A. I ---

17 Q. Which room is that? To go outside downstairs, which
18 room is that doorway located into the driveway?

19 A. It will be the first door coming down the driveway.

20 Q. I understand from the outside in. From the inside
21 out, what room would you be in to exit out onto the
22 driveway?

23 A. That room.

24 Q. You've got to say more than that room. Which room?

25 A. Well, the shop.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

447

1 Q. The shop. What area -- at some point do you and Cari
2 go into one of the bedrooms?

3 A. Yes, ma'am.

4 Q. And what were y'all doing back there in the bedroom?

5 A. Just chilling, talking.

6 Q. And where was everybody else at that point that you
7 knew of?

8 A. I just know Joshua and J School and Brandon was
9 outside.

10 Q. And at some point did you become aware that Vincent
11 was trying to get a, a cigarette and go smoke?

12 A. Yes, ma'am. He was real anxious and trying to get a,
13 a cigarette from Brandon and Joshua. Just proceeded to
14 follow behind Brandon because they stick together like
15 that.

16 Q. Joshua and Brandon?

17 A. Yes, ma'am.

18 Q. And did you become aware that they went outside?

19 A. Yes, ma'am.

20 Q. And how did they get outside that day?

21 A. They just walked from the basement through the shop
22 through the sports room outside.

23 Q. Through the sports room outside?

24 A. Yes, ma'am.

25 Q. And that's the way you get outside?

1 A. Yes, ma'am.

2 Q. Through the sports room?

3 A. Yes, ma'am.

4 Q. Once they were outside, you were still back in your
5 bedroom?

6 A. Yes, ma'am.

7 Q. And what's the next thing that caught your attention
8 that night?

9 A. Just the loud glass breaking.

10 Q. And could you tell what area of the basement that
11 happened in?

12 A. That was in the sports room.

13 Q. And when you heard the last -- loud glass, what, if
14 anything, did you do?

15 A. I immediately get up because people know not to fight
16 in my mom's house. So, I immediately walk in the sports
17 room, and I just saw two people on the ground rolling. So,
18 I just separated them, and then I saw Trent and I saw
19 Maurice.

20 Q. And at this point -- let me get one thing straight.
21 You referred to somebody as Maurice. Did you know who that
22 person was before that night?

23 A. No, ma'am.

24 Q. And did you learn his name after all this occurred?

25 A. After all this.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

449

1 Q. So, you said you saw two people, and who were the two
2 people you saw on the ground struggling?

3 A. Trent Scott and Maurice.

4 Q. And at that time, you didn't know Maurice's name?

5 A. No, ma'am.

6 Q. Had you ever seen him were?

7 A. No, ma'am.

8 Q. Once they were on the ground struggling -- when you
9 say struggling, were they fighting?

10 A. Yeah, they were fighting.

11 Q. And did you notice anything in, the person you now
12 know as Maurice, in his hand?

13 A. No, ma'am, at the time I didn't.

14 Q. And what was your reaction when you saw them fighting?

15 A. My reaction was to really just separate it, and at the
16 time I was wondering where Joshua and Brandon was because
17 it was, like, a split second and then -- and Demetrice
18 proceed to run in the house.

19 Q. I'm sorry. What happened?

20 A. Demetrice ran in the house soon after.

21 Q. And the person that you now refer to as Demetrice, did
22 you know his -- who he was at the time?

23 A. I didn't know who he was, but I seen him before.

24 Q. Did you know his name?

25 A. No, ma'am.

1 Q. So on that night, this was another unknown person? Or
2 person you don't know his name, but you'd seen him before?

3 A. Yes, ma'am.

4 Q. And where had you seen him before?

5 A. At the corner store.

6 Q. Were y'all associates?

7 A. No, ma'am.

8 Q. Were y'all friends?

9 A. No, ma'am.

10 Q. And did you even know his name?

11 A. No, ma'am.

12 Q. So, at this point you said that the two were
13 struggling on the floor, and had you jumped in at that
14 point?

15 A. Yes, ma'am.

16 Q. And then the person you now know as Demetrice came in?

17 A. Yes, ma'am.

18 Q. And what happened then?

19 A. Me and him start brawling and we was basically, you
20 know, fighting or whatever and he seemed to kind of get
21 leverage. He got up and he -- somehow I saw a gun point at
22 me and ---

23 Q. You saw a gun point at you?

24 A. Yes.

25 Q. And at that point, who had the gun?

1 A. Demetrice.

2 Q. Okay, and do you know where he'd gotten a gun from?

3 A. No, ma'am.

4 Q. You didn't see that part?

5 A. No.

6 Q. And what happened next?

7 A. And basically they was trying to barricade from the
8 sports room to the shop. Like, they was like really trying
9 to get in the house, and it was -- my adrenaline was so
10 high because they start waving the gun through the shop
11 door, and we thought he was going to shoot through the
12 door. So, we had to make sure.

13 Q. Did the gun actually get pointed at anyone?

14 A. Yes.

15 Q. Who did it get pointed at?

16 A. At my little brother.

17 Q. So, y'all decided you needed to make a move. What
18 happened next?

19 A. We just basically had to fight them through the
20 beginning of the shop door throughout the sports room and
21 proceeded to get them through the back door.

22 Q. Out of the house?

23 A. Out of the house.

24 Q. Because that door is in the sports room?

25 A. Yes.

1 Q. Okay, and the two of them and y'all are fighting?

2 A. Yes, ma'am.

3 Q. And you're trying to get them out?

4 A. Yes.

5 Q. And why are you trying to get them out of your house?

6 A. Because I have loved ones there, and I'm not trying to
7 bring that drama around them.

8 Q. Were you able to get them to the back door to get them
9 out of house?

10 A. Yes, ma'am. As soon as we got into the back door, I
11 told them many a times don't do this bro, don't do this.
12 And he let off a shot, and it hit my brother arm, and my
13 brother start running through the house. And I actually
14 was trying to shut the back door because some strange
15 reason, the back door would not shut that night. I did not
16 understand that. And as soon as I actually got the door
17 locked, I heard five or six shots go off.

18 Q. After the door was locked?

19 A. Yes, ma'am.

20 Q. And at that point, the first shot had already occurred
21 right there at the doorway?

22 A. Yes, ma'am.

23 Q. And then it -- you had to struggle to get the door to
24 lock and you got it locked, and then you heard some shots?

25 A. Yes, ma'am.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

453

1 Q. And is everything happening pretty fast in your mind?

2 A. Yes, ma'am.

3 Q. Did you realize right away your brother had been shot?

4 A. Yes, ma'am.

5 Q. Where was Cari when this was going on?

6 A. She was upstairs attending to Trent.

7 Q. As you were trying to finally get the door shut?

8 A. Yes, ma'am.

9 Q. So, she was going with Trent?

10 A. Yes, ma'am.

11 Q. And then did you know where Brandon was at that point?

12 A. I didn't.

13 Q. Did you know where Joshua was at that point?

14 A. No, ma'am.

15 Q. So, once you were able to finally get that door
16 locked, what did you do?

17 A. I ran upstairs and got a towel. I'm a medical
18 assistant, so the first thing I do is to attend to my
19 little brother wound. I held a towel over his arm, and me
20 and my stepdad went outside, and then we seen Brandon on
21 the ground.

22 Q. How did y'all exit the house?

23 A. Through the front door.

24 Q. And that's up on the upper level?

25 A. Yes, ma'am.

1 Q. Street level? Once you exited the house, where did
2 you go then when you saw Brandon?

3 A. We went down the driveway.

4 Q. And where was Brandon in the driveway?

5 A. On the ground.

6 Q. And what was he doing?

7 A. Bleeding out.

8 Q. Was he saying anything?

9 A. Help.

10 Q. What, if anything, did y'all do at that point?

11 A. Chandler was staying with him and my mother already
12 called the cops, but I called the cops again.

13 Q. And were you trying to get help for Brandon?

14 A. Yes, ma'am.

15 Q. And your brother?

16 A. Yes, ma'am.

17 Q. And at that point, had you even seen Joshua yet?

18 A. When my stepdad -- I seen him coming upstairs before
19 we went outside. My stepdad let him in from downstairs.

20 Q. And did you know he had been shot as well?

21 A. At the time I didn't.

22 Q. And your stepdad was the one that stayed with Brandon?

23 A. Yes, ma'am.

24 Q. And you went back to try to call for help?

25 A. Yes, ma'am.

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

455

1 Q. And did EMS respond that day?

2 A. Yes, ma'am. I saw a cop car pass the house, so I had
3 to run up the hill to go flag him down.

4 Q. Okay, and you got him to come back?

5 A. Yes.

6 Q. And did everybody go to the hospital?

7 A. I just know Trent and Joshua and Brandon went, and my
8 mom went in the car and in the EMS vehicle with Brandon,
9 and me and Cari went straight to the investigator's office.

10 Q. And once you got to the investigator's office, were
11 you trying to explain to the best of your ability?

12 A. Yes, ma'am.

13 Q. What was the -- were you upset at this point?

14 A. I was very upset and confused and lost and hurt.

15 Q. And at that point, were y'all trying to give them
16 information ---

17 A. Yes, ma'am.

18 Q. --- about the one person you did know their name,
19 J School?

20 A. Yes, ma'am.

21 Q. And were you also able to, to try to describe the
22 other people involved that you saw?

23 A. Yes, ma'am.

24 Q. Did you ever see what happened outside?

25 A. I didn't. I don't know what happened outside.

1 Q. And you never saw any other people outside?

2 A. I didn't.

3 Q. That day did you actually give them a statement?

4 A. Yes, ma'am.

5 Q. And did they also show you some lineups that day?

6 A. Yes, ma'am.

7 Q. And I'm going to show you what's been marked as
8 State's Exhibits 3, 4, and 5. Do you recognize these three
9 sheets of paper?

10 A. Yes, ma'am.

11 Q. And are those the three sheets of paper they showed
12 you at first?

13 A. Yes, ma'am.

14 Q. And did they ask you if you recognized anyone?

15 A. Yeah, they did.

16 Q. And did you recognize anyone in those?

17 A. I didn't recognize them.

18 Q. And the people that you were struggling with, did you
19 get a pretty good look at them?

20 A. Yes, ma'am.

21 Q. Okay. Once they had shown you those initial lineups
22 and gotten your statement that night, did you try to get
23 information about J School and who hung out with him?

24 A. Yes, ma'am.

25 Q. And did one of your friends come forward with

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

457

1 information that somebody he knew that might fit the
2 description you gave?

3 A. Yes, ma'am.

4 Q. The next day, on the 26th, did investigators also make
5 contact with you again and show you some more photos?

6 A. Yes, ma'am.

7 Q. And I'm going to show you what's been marked as
8 State's Exhibit Number 7 and ask if you recognize that, and
9 you can open it up to the second page.

10 A. Yes, ma'am.

11 Q. And on the 26th, did they show you that lineup?

12 A. Yes, ma'am.

13 Q. And when they showed you that lineup, did you
14 recognize anyone?

15 A. Yes, ma'am.

16 Q. And who did you recognize?

17 A. J School.

18 Q. And did you tell the police that?

19 A. Yes, ma'am.

20 Q. And did you actually memorialize that by circling the
21 picture?

22 A. Yes, ma'am.

23 Q. And writing right below it?

24 A. Yes, ma'am.

25 Q. And what names did you say you knew J School by?

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

458

1 A. I know him by J School. His Facebook page is Calli G.

2 Q. Okay.

3 A. And the name he gave us was Jonathan.

4 Q. Jonathan.

5 MS. CAMPBELL: Your Honor, at this time I would offer
6 State's Exhibits 3, 4, 5, and 7 into evidence.

7 MR. SUTHERLAND: No objection, Your Honor.

8 (PHOTO LINEUPS MARKED INDIVIDUALLY INTO EVIDENCE AS
9 STATE'S EXHIBIT NUMBERS 3, 4, 5, 7.)

10 BY MS. CAMPBELL:

11 Q. That same day did you also -- I show you State's
12 Exhibit Number 6.

13 A. Yes, ma'am, I remember this.

14 Q. But you didn't circle anyone or identify anyone in
15 that one?

16 A. No.

17 Q. And in that one, who did you indicate that it looked
18 like. No one?

19 A. No one.

20 MS. CAMPBELL: And, Your Honor, at this time I would
21 offer State's Exhibit 6 into evidence.

22 MR. SUTHERLAND: No objection, sir.

23 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 6.)

25 BY MS. CAMPBELL:

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

459

1 Q. At a later date, on the 29th, did the police come
2 forward and show you an additional lineup of some more
3 photographs?

4 A. Yes, ma'am.

5 Q. And I'm going to show you State's Exhibit Number 8 and
6 ask you if recognize that.

7 A. Yes, ma'am.

8 Q. And were you able to identify anyone in this lineup?

9 A. Yes, ma'am.

10 Q. And who did you recognize, sir?

11 A. That was Demetrice.

12 Q. Who you now know as Demetrice?

13 A. Who I now know.

14 Q. At the time when they showed this lineup, had they
15 told you his name?

16 A. No.

17 Q. Okay, and you recognized him from -- is this who you
18 were struggling with that night?

19 A. Yes, ma'am.

20 MS. CAMPBELL: Your Honor, at this time I'd offer
21 State's Exhibit 8 into evidence.

22 MR. SUTHERLAND: No objection, sir.

23 (PHOTO LINEUP MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 8.)

25 BY MS. CAMPBELL:

1 Q. And finally on February the 1st -- and I believe I'll
2 show you State's Exhibit Number 43. They also showed you
3 an additional lineup that you didn't recognize anyone. Is
4 that correct?

5 A. No, ma'am.

6 Q. And then State's Exhibit Number 9, on February 1st
7 Investigator Boland showed you another series of
8 photographs. Is that correct? And did you recognize
9 anyone in that one?

10 A. Yes, ma'am.

11 Q. And who did you recognize that person to be?

12 A. Maurice.

13 Q. Who you know -- did you know his name at the time?

14 A. I didn't know his name at the time.

15 Q. And you've learned that since then?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Your Honor, at this time we'd offer
18 State's Exhibit 43 and 9 into evidence.

19 MR. SUTHERLAND: No objection to 43. Your Honor,
20 previous objection on number 9.

21 THE COURT: Same ruling and you're protection on your
22 objection.

23 (PHOTO LINEUPS MARKED INDIVIDUALLY INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBERS 9, 43.)

25 BY MS. CAMPBELL:

TROY SCOTT - DIRECT EXAMINATION BY MS. CAMPBELL

461

1 Q. At some point, did you give the police a statement
2 indicating that you thought that the person that you
3 struggled with could be another guy named Leonard Gaston?

4 A. Yes, ma'am.

5 Q. Why did you do that?

6 A. It was just a friend of mine knew J School also, and
7 he knew he didn't hang out with too many people. So, he
8 just gave me a name. At the time I was ---

9 Q. Kind of just mentally ---

10 A. Yeah. I was just, like, that's him.

11 Q. The person that you first saw struggling with your
12 brother on the floor, do you see him here in the courtroom?

13 A. Yes.

14 Q. Can you point him out to the jury?

15 A. (THE WITNESS COMPLIES.)

16 Q. Can you describe what he's wearing?

17 A. A striped shirt.

18 Q. Striped shirt sitting next to his lawyer?

19 A. Yes.

20 MS. CAMPBELL: Your Honor, at this time he's
21 identified the defendant.

22 MR. SUTHERLAND: Previous objection, Your Honor.

23 BY MS. CAMPBELL:

24 Q. Do you remember while you were at the police station
25 that night that the police actually even tried to swab your

1 hands ---

2 A. Yes, ma'am.

3 Q. --- since you'd been in a fight with one person?

4 A. Uh-huh.

5 Q. Thank you, sir.

6 MS. CAMPBELL: I don't have any further questions.

7 MR. SUTHERLAND: Please the court, Your Honor.

8 CROSS-EXAMINATION BY MR. SUTHERLAND:

9 Q. Okay, Troy, how are you? Just a few more questions
10 this time than last time.

11 A. Yes, sir.

12 Q. I'll go ahead and just pick up where, where she left
13 off at the end. They did take DNA swabs from your hands?

14 A. They did.

15 Q. Is that correct? Okay, and you had mentioned about
16 Leonard and you had testified just now that, well, a friend
17 suggested it to you, and so that you were thinking maybe he
18 was there. Is that fair? Did, did -- oh, I'm sorry. Just
19 speak into the microphone. Sorry.

20 A. Yes, sir.

21 Q. Okay. Did you tell Investigator Faust that he was
22 there?

23 A. No.

24 Q. You didn't. Okay. Oh, you had testified that you had
25 actually seen Demetrice before?

TROY SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

463

1 A. Yeah, I had seen him.

2 Q. And this was at the corner store?

3 A. Yes, sir.

4 Q. Okay. When -- and that you were speaking to him
5 before he started shooting and you were saying don't do
6 this, don't do this?

7 A. Yeah.

8 Q. And this fellow that you knew from the corner store?

9 A. Yes, sir.

10 Q. Okay. Okay. So, you'd been shown a series of, of
11 lineups here?

12 A. Yes, sir.

13 Q. And the -- on the 26th, you were shown the lineup of
14 J School. That's the -- just the first one, right?

15 A. Yes, sir.

16 Q. And you picked -- you made a pick and it was picture
17 number 6, is, is that ---

18 A. Picture 6, bottom right.

19 Q. Yes.

20 A. Yes, sir.

21 Q. Okay, and then on the 29th you were shown a
22 photographic lineup with Demetrice James?

23 A. Yes.

24 Q. And this, this is the same thing that she was just
25 showing you earlier, and you picked Demetrice James out of

1 that lineup, and he was bottom right, picture number 6. Is
2 that correct?

3 A. Yes, sir.

4 Q. Okay, and so up, up to this point, you knew Demetrice
5 James from the store, and you knew Vincent Nelson from
6 basically your family took him in and took care of him?

7 A. Yes, sir.

8 Q. Okay. Then on February 1st, they showed you the
9 lineup and picture number 6 you picked out, which was
10 Maurice Roberts?

11 A. I don't forget a face.

12 Q. Well, you're anticipating what I'm saying, which is
13 good, but I'm just asking you ---

14 A. Yes, sir.

15 Q. --- you saw picture number 6. You picked that out,
16 which is Maurice Roberts?

17 A. Yes, sir.

18 Q. Okay. You had testified previously that this came off
19 pretty quickly, that as soon as you all were basically in
20 the same space, that there was action, there was a
21 conflict?

22 A. Yes, sir.

23 Q. Okay. Okay, and you testified a little bit about on
24 direct -- I think you testified previously that you learned
25 Maurice's name just through the case, working with the

TROY SCOTT - CROSS-EXAMINATION BY MR. SUTHERLAND

465

1 officers, and your previous testimony was lineups and other
2 things. Is that correct?

3 A. Yes, sir.

4 Q. Okay, and -- oh, and you're a deli clerk at Publix?

5 A. Yes.

6 Q. Is that the one in Trenholm Plaza?

7 A. Lexington.

8 Q. Oh, okay. All right. Thank you.

9 MR. SUTHERLAND: No further questions.

10 WITNESS: All right.

11 MS. CAMPBELL: No, sir.

12 THE COURT: You may step down. You may step down.

13 (THE WITNESS EXITS THE STAND.)

14 THE COURT: Mr. Foreman, ladies and gentlemen,
15 everybody okay? About another twenty minutes?

16 All right, next witness, please.

17 MS. CAMPBELL: Your Honor, may we approach?

18 THE COURT: You may.

19 (OFF-THE-RECORD BENCH CONFERENCE.)

20 MS. CAMPBELL: State calls Cari Pearson.

21 CARI PEARSON, BEING DULY SWORN,

22 TESTIFIES AS FOLLOWS:

23 CLERK OF COURT: Thank you. Have a seat in the
24 witness stand, please. State your name for the record.

25 WITNESS: Cari Pearson.

1 THE COURT: Ms. Pearson, can you slide up just a
2 little bit for me, please? Thank you and speak into that
3 mic for me. Thank you.

4 WITNESS: Cari Pearson.

5 DIRECT EXAMINATION BY MS. CAMPBELL:

6 Q. Ms. Pearson, how old are you?

7 A. I'm twenty-four.

8 Q. And do you live here in the Columbia area?

9 A. Yes, ma'am.

10 Q. How long have you lived there?

11 A. My whole life.

12 Q. Are you currently employed?

13 A. Yes, ma'am.

14 Q. Where are you employed?

15 A. It's a bar. Rack Room off Fairfield Road.

16 Q. And did you graduate from high school?

17 A. Yes, ma'am.

18 Q. And when did you graduate from high school?

19 A. Spring Valley.

20 Q. What year?

21 A. 2010.

22 Q. Do you know the Scott brothers?

23 A. Yes.

24 Q. And how do you know them?

25 A. I use to date Troy Scott.

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

467

1 Q. And how long were y'all in a relationship?

2 A. On and off for five years now.

3 Q. I want to turn your attention back to January of last
4 year, January the 25th, that Friday night. Were you over
5 at their house that night?

6 A. Yes, ma'am.

7 Q. What were y'all doing that evening?

8 A. Just chilling. They were working on music, a song
9 Brandon brought over. So, that's basically it.

10 Q. And who would usually work on the music or try to make
11 music?

12 A. Me, Brandon, Armani, or Josh, Troy, and others.

13 Q. That evening, who all was down there and, and where --
14 what, what part of the house were y'all in that night?

15 A. The basement in the studio room.

16 Q. In the studio room?

17 A. Uh-huh.

18 Q. And are you familiar with the sports room?

19 A. Yes, ma'am, I am.

20 Q. And the actual shop where his mother works?

21 A. Yes, ma'am.

22 Q. And are all those in the basement?

23 A. Yes, ma'am.

24 Q. Are there any bedrooms down in that basement?

25 A. Yes, there are two bedrooms.

1 Q. And whose bedrooms are those?

2 A. Troy and Trent.

3 Q. That evening, was anybody else in the house? Any
4 other adults?

5 A. Ms. and Mr. Davis, they were upstairs asleep.

6 Q. I want to turn your attention to somewhere around
7 10:00 or somewhere in that time period. You don't know
8 exactly what time it was. Did J School show up?

9 A. Yes, ma'am, he did.

10 Q. And did you know him?

11 A. Yes, I knew him.

12 Q. And how did you know him?

13 A. I -- he, he was over a lot. He didn't have a place to
14 stay, so he stayed over a lot.

15 Q. And had it been a while since you've seen him
16 actually?

17 A. Yes, ma'am.

18 Q. And approximately how long had it been since you've
19 seen him over at the Davis house?

20 A. I think two months.

21 Q. What kind of relationship did J School have with the
22 Davises?

23 A. Well, they took him in, I'll say that. He went to
24 church with them. They fed him, clothed him, gave him
25 money, and they treated him like their own. I'll say that.

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

469

1 Q. That evening when J School showed up, were you a
2 little bit surprised?

3 A. I was very surprised.

4 Q. And why was that?

5 A. Because he hadn't been over, and I wasn't expecting
6 him to come over.

7 Q. Where was he when you first saw him that night?

8 A. He actually didn't see me. I was in Troy's room. The
9 door was cracked, but I saw him pacing back and forth.

10 Q. And what ---

11 A. --- and ---

12 Q. I'm sorry. I didn't mean to interrupt you. I
13 apologize. Go ahead.

14 A. But I saw him pacing back and forth on the phone.

15 Q. And when you say pacing back and forth and on the
16 phone, was he actually talking on the phone?

17 A. He was actually talking on the phone to someone. He
18 was saying I'm in. Yeah I'm in, and he was walking towards
19 the shop room.

20 Q. Was it unusual ---

21 A. Yeah.

22 Q. --- for him to be talking on the phone?

23 A. He doesn't have a phone. So, yes.

24 Q. After he was there for a while pacing back and forth,
25 what, if anything, did you see happen that night?

1 A. Well, like I said, I was in Troy's room. The door was
2 cracked. He went back in the studio room, and he begged
3 Brandon for a cigarette. Can I have a cigarette? Please
4 can I have a cigarette? And Brandon ignored him for a
5 while. Like, five minutes went by, and then he was, like,
6 okay, you know, I'll give him a cigarette, and everybody
7 walked outside.

8 Q. Let me ask you this. Were -- was anyone allowed to
9 smoke in the house?

10 A. No, ma'am.

11 Q. And was J School -- know that, that no one could
12 smoke?

13 A. He knows that.

14 Q. So, if anyone would smoke a cigarette, they'd have to
15 go outside?

16 A. Yes, ma'am.

17 Q. Okay, and then what -- I'm sorry. I interrupted you.
18 What happened?

19 A. So, I guess Brandon and Josh and J School went
20 outside. Troy came in the room with me, and we were
21 sitting on his bed basically talking and playing with my
22 makeup. I was letting him put it on my eyes, and we were
23 about to go outside when we heard glass breaking in the
24 sports room.

25 Q. Can you tell what area that came -- okay. I'm sorry.

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

471

1 A. Sports room.

2 Q. From the sports room? And when the glass broke, what,
3 if anything, did you do?

4 A. We jumped up because Ms. Sugar was upstairs and we
5 didn't want anyone to get in trouble. So, we ran around
6 there to see what was going on, and we thought it was just
7 the boys, like, playing or something.

8 Q. When you went around there, what room did you go to?

9 A. We went -- I didn't step foot in the sports room. I
10 was actually by the door, the door that connects the shop
11 and the sports room, and when we got there, two guys were
12 on the floor. One that I recognized as Trent. I did not
13 recognize the other guy at all.

14 Q. And once -- what were they doing on the floor?

15 A. They were fighting.

16 Q. What happened next?

17 A. Troy came to break it up, and that's when another guy
18 was coming in the house at that time. He had on a
19 camouflaged jacket and twist things in his hair. He came
20 in and they all started fighting.

21 Q. When you say they all started fighting, how many
22 people were fighting at that point?

23 A. It was four: Troy and Trent and the two other guys.

24 Q. What happened next?

25 A. Well, they were just fighting. So, I was, like, okay,

1 they're just fighting. We kind of paced, like, okay, they
2 going to break it up. And after fighting for a few
3 minutes, that's when the guy was, like, well, I'm about to
4 pull, meaning, like, he's about to shoot, and so I got
5 scared, you know.

6 Q. What did you do?

7 A. I paced back and forth. I didn't know what to do. I
8 was very shocked, and I ran in the room and I was thinking,
9 like, well, should I hide? What should I do?

10 Q. What room did you run into?

11 A. Troy's room.

12 Q. Okay, and when you left, there were still the four of
13 them fighting in the other room?

14 A. Still, still -- well, when I left, that's when they
15 were on the other side of the door trying to hold the door
16 so they couldn't get through.

17 Q. Okay, and which door was that that you saw?

18 A. That was the door for the shop, that connects the shop
19 and the sports room together.

20 Q. Okay. So at that point, that's when you ran back into
21 the other area?

22 A. I ran -- well, at first I was just pacing. I ran in
23 the room, ran out, and when I came back out, I came back in
24 the middle of the shop, and the guy was sticking the gun
25 through the door, like, trying to shoot. And Trent was

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

473

1 kind of knelt down trying to hold the door, and the guy was
2 pointing it towards his head, like, down, kind of downwards
3 a little bit.

4 Q. Whose head?

5 A. Huh?

6 Q. Whose head?

7 A. Trent's.

8 Q. He was pointing at Trent's head?

9 A. Yes. Like, they was trying to hold the door and he
10 was trying to, like, aim the gun through the door, the
11 crack. And I ran back in the room, and I shut the door,
12 and shots went off after that, and I opened the door
13 because I was scared and Trent came.

14 We met each other, like, outside the door. He came
15 running through and we went upstairs, and how I remember
16 it, we probably got to the third step and I heard six shots
17 go off. I was terrified that Troy had got shot. So, I
18 immediately started crying.

19 We ran upstairs. We banged on Ms. and Mr. Davis's
20 door and was telling them, like, they have guns. We don't
21 -- we didn't know what was going on. We didn't know the
22 guys. So, they came out and Mr. Davis ran downstairs. He
23 put his clothes on and ran downstairs, and Trent was
24 bleeding everywhere from the stairs.

25 Q. And y'all were upstairs at this point?

1 A. Uh-huh.

2 Q. Okay, and what happened next?

3 A. Well, next I was really trying to make sure I knew
4 where everyone was. I didn't see Troy yet, but then Armani
5 or Josh, he came upstairs and he was holding his side, and
6 he was saying I think I've been stabbed, and he had a wound
7 on his head. He was bleeding.

8 And we couldn't find Brandon. We didn't know where he
9 was. People -- they were saying oh, I think he ran, and
10 after that Troy came upstairs, and we were calling the
11 police and, you know, and we went out the front door, and
12 the police was there, and they had actually found Brandon
13 on the ground in the driveway down there.

14 So, I called my brother because they were on the way
15 over, and I told them what was going on, and at first they
16 thought I was joking, and they showed up and it was police
17 everywhere, blocked the house.

18 I was scared, shocked, and I went straight to the
19 police officer to tell him that I heard School on the
20 phone. I didn't know that he was planning that, but I
21 heard him on the phone, and I told the investigator, and
22 they took us down to the investigator's office.

23 Q. And when they tell you -- you say they took you down.
24 Did everyone go to the Sheriff's Department?

25 A. No. Brandon, Josh, and Trent went to the emergency

C. PEARSON - DIRECT EXAMINATION BY MS. CAMPBELL

475

1 room. Me and Troy were the only two that went to the
2 investigator's office.

3 Q. And at that point, did you give a statement about what
4 you had seen?

5 A. Uh-huh. I did and I pulled up J School's Facebook
6 account.

7 Q. And where were you when you did this?

8 A. I was at the investigator's office.

9 Q. And at that point, what name did you know -- what was
10 the only name you knew J School by?

11 A. J School.

12 Q. So, you said you pulled up, once you were at
13 headquarters, the ---

14 A. We were friends on Facebook, but his name was Calli G.

15 Q. Calli G?

16 A. Uh-huh.

17 Q. And where were you when you were actually trying to
18 get a picture of him?

19 A. We were at the investigator's office.

20 Q. Okay.

21 A. They split us up.

22 Q. And you were able to go onto Facebook?

23 A. Uh-huh.

24 Q. And at that point, were you able to give them the
25 information about the person you knew to be J School?

1 A. Just a -- what I knew about him. I didn't know much
2 about him.

3 Q. Did you show him on Facebook?

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

5 Q. And was his photo on there?

6 A. Yes, ma'am, it was.

7 Q. And you told him that's who you knew as J School?

8 A. Yes, ma'am, and his last status was actually talking
9 about robbing people, so -- on Facebook. So, we pulled it
10 up and I didn't get a good description, description of the
11 other two guys. So, I told them, like, I could only
12 describe their clothing and his hair. I never forget his
13 hair with the twists.

14 Q. Later on did they show you some photo lineups?

15 A. They did.

16 Q. And when they showed you the photo lineups, did you
17 identify, I believe, one of them as J School?

18 A. I did.

19 Q. And did you also point to a second guy that looked
20 like one of them?

21 A. Looked like, but I told him I was not sure. But I
22 told them he might have been the guy.

23 Q. And then later on did they show you two additional
24 photo lineups, and were you able to identify ---

25 A. No, ma'am, I was not able.

C. PEARSON - DIRECT EXAMINATION / CROSS-EXAMINATION 477

1 Q. And, again, between you and Troy and Trent or Trey,
2 who actually got up close and was able to see the two
3 individuals inside better?

4 A. Just one of us or?

5 Q. No. Who, who ---

6 A. Troy and Trent was up close fighting. So, they were
7 more angled to see him. But I wasn't because I was far
8 back and coming up close at first, but they were fighting.
9 So, I didn't see any faces. I wasn't trying to get too
10 close.

11 MS. CAMPBELL: Thank you. I appreciate it.

12 MR. SUTHERLAND: Please the court, briefly.

13 CROSS-EXAMINATION BY MR. SUTHERLAND:

14 Q. Cari, we've not met before, but my name is Tivis. You
15 had said that you had viewed a couple photo lineups?

16 A. Uh-huh.

17 Q. Are you able to recall that or would -- do you recall
18 picking J School out of one?

19 A. I, I remember picking him.

20 Q. Do you remember circling and initialing Leonard
21 Gaston?

22 A. Yeah, I did.

23 Q. Okay. Thank you.

24 MR. SUTHERLAND: No further questions, Your Honor.

25 MS. CAMPBELL: Nothing further, Your Honor.

1 THE COURT: You may step down.

2 (THE WITNESS EXITS THE STAND.)

3 THE COURT: Mr. Foreman, ladies and gentlemen of the
4 jury, we're going to take our lunch break. We'll start
5 back right at 2:00.

6 Please do not discuss the case. Do not let anyone
7 discuss it with you, and we'll go till about 5:00 to see
8 how we're running, and I'll, I'll be able to tell you,
9 probably after lunch, about how much more testimony we got.

10 Everybody else remain seated please.

11 Thank you. You're excused.

12 (THE JURY EXITS AT 12:19 PM.)

13 THE COURT: Ms. Campbell, anything for the record
14 before we break?

15 MS. CAMPBELL: No, sir.

16 MR. SUTHERLAND: Nothing from the defense, Judge.

17 THE COURT: All right. We'll start back at 2:00. May
18 I see y'all just briefly back here in the hall?

19 MR. SUTHERLAND: Yes, sir.

20 THE COURT: To see where we are?

21 (OFF THE RECORD.)

22 (CALL RECORDS MARKED AS STATE'S EXHIBIT NUMBER 198 FOR
23 IDENTIFICATION.)

24 (BLOW UPS MARKED INDIVIDUALLY AS STATE'S EXHIBIT
25 NUMBERS 199, 200 FOR IDENTIFICATION.)

1 (PHOTOGRAPHS MARKED INDIVIDUALLY AS STATE'S EXHIBIT
2 NUMBERS 201, 202, 203, 204 FOR IDENTIFICATION.)

3 THE COURT: Thank you. Please be seated.

4 All right, ladies, solicitors, you ready?

5 MS. CAMPBELL: Yes, sir. If we could, we have two
6 other co-defendants coming up. If we could go ahead and
7 settle their records real quick?

8 As far as Mr. Demetrice James, he has pending in the
9 office all the same charges as this defendant.

10 THE COURT: Yes, ma'am.

11 MS. CAMPBELL: In addition to that, he's got a
12 kidnapping, an armed robbery, and a criminal sexual conduct
13 first degree. As far as his prior record, the only thing
14 ---

15 MR. SUTHERLAND: Will you -- he's got PWID marijuana.

16 MS. CAMPBELL: Yes, pending charges, Mr. Sutherland.

17 He has PWID marijuana, PWID proximity, as well as CSC
18 first, armed robbery, and kidnapping, and then the same
19 charges associated with this offense.

20 THE COURT: You're familiar with all that?

21 MR. SUTHERLAND: Yes, sir. Yes, sir.

22 MS. CAMPBELL: And then as far as his prior record, as
23 far as anything impeachable, he does have a juvenile
24 record, including carrying a weapon on school property is
25 the offense we agree is impeachable.

1 MR. SUTHERLAND: Yes, sir. In looking at the, looking
2 at the rest of them, I agree with the solicitor's office
3 that that's the only one that I'd be able to ask about.

4 THE COURT: Thank you.

5 MR. SUTHERLAND: Yes, sir.

6 MS. CAMPBELL: And as far as Mr. Nelson's prior
7 record, the only thing that would be impeachable is ---

8 MR. SUTHERLAND: A burglary second.

9 MS. CAMPBELL: --- is a burglary second in 2006.

10 THE COURT: Is that correct? Correct?

11 MR. SUTHERLAND: Yes, sir.

12 THE COURT: All right. We have one other witness we
13 need to discuss something on the record, a polygraph. Is
14 that correct?

15 MS. SIMPSON: That will be with Demetrice James.

16 That's ---

17 THE COURT: He's the first one at -- he's the first
18 one or the second one?

19 MS. SIMPSON: Second witness, but if we want to have
20 him brought up.

21 MS. CAMPBELL: We have a short witness, custodian we
22 just wanted to put up real quick first to get him out of
23 here.

24 THE COURT: That's fine. So, you're ready to proceed?

25 MS. CAMPBELL: State's -- you want to bring Demetrice

1 in here before we -- so we don't have to break?

2 THE COURT: That will be fine.

3 MS. CAMPBELL: Because he's right back there.

4 THE COURT: That's great. That's a good idea.

5 MR. SUTHERLAND: Ready, Your Honor.

6 MS. SIMPSON: And to advise him of Maurice being a
7 drug dealer as well, no mention of it.

8 THE COURT: Just bring him right on up here.

9 (WHEREUPON, DEMETRICE JAMES ENTERS THE COURTROOM.)

10 THE COURT: Stand right up here, sir. Stand right up
11 here. That's good right there. Right there's fine. All
12 right. This is who?

13 MS. SIMPSON: Your Honor, this is Demetrice James. He
14 actually takes a polygraph, which he does pass regarding
15 questions on shooting. At this point, I've not spoken with
16 Mr. James. I just want to make sure it's clear that he's
17 advised that he is not to mention a polygraph at any point
18 during his testimony. At least not direct of myself.

19 Additionally, it's my understanding that this
20 defendant knows that Maurice Roberts sells marijuana and
21 drugs. So, we would not be going into that as well. So,
22 just want to advise and caution Mr. James about going into
23 those matters.

24 THE COURT: Mr. James, you're going to testify here in
25 just a few minutes. I think they have a witness before you

1 come in. But during your testimony, I'm instructing you
2 not to mention anything about the polygraph. They will not
3 ask you any questions about it, and you're not to volunteer
4 anything about it. Do you understand that?

5 MR. JAMES: Yes, sir.

6 MS. SIMPSON: And, Your Honor, just so the record is
7 clear, his attorney, Ana Walker, is present in the
8 courtroom and will be here for his testimony.

9 THE COURT: Likewise, whether or not the defendant
10 sold drugs, that has nothing to do with this case. So,
11 please, there's to be no mention whatsoever of any drug
12 involvement by the defendant. Understand?

13 MR. JAMES: Yes, sir.

14 THE COURT: Thank you. You may step back and dismiss
15 him. That is -- y'all -- where you, where you want him for
16 security purposes? Just put him right there. We're just
17 going to do a very short witness.

18 MS. SIMPSON: Yeah, we're doing a short witness.

19 THE COURT: All right. Anything else for the record
20 before we start back?

21 MR. SUTHERLAND: No, sir.

22 (THE JURY ENTERS AT 2:07 PM.)

23 THE COURT: You may call your next witness.

24 MS. WALKER: Thank you. The state calls Charles
25 Sizemore.

C. SIZEMORE - DIRECT EXAMINATION BY MS. WALKER

483

1 CHARLES SIZEMORE, BEING DULY
2 SWORN, TESTIFIES AS FOLLOWS:

3 CLERK OF COURT: Have a seat in the witness stand,
4 please, and state your name for the record.

5 WITNESS: My name is Charles Sizemore.

6 DIRECT EXAMINATION BY MS. WALKER:

7 Q. Sir, where are you currently employed?

8 A. With PTAFLA, Incorporated. We do business as
9 Cleartalk.

10 Q. And what is Cleartalk?

11 A. We are a cellular network construction company as well
12 as a carrier and retailer of our own cellular services.

13 Q. Is that akin to Verizon or something like that?

14 A. Yes.

15 Q. Okay, and are you a custodian of records for
16 Cleartalk?

17 A. Yes. I'm the company's general manager.

18 Q. I want to show you what's been marked as State's
19 Exhibit 198 and ask you if you recognize this.

20 A. Yes, ma'am.

21 Q. And how do you recognize that?

22 A. By our network ID, 21607.

23 Q. And what do you recognize these to be?

24 A. These appear to be call detail records along with
25 tower information regarding which tower was servicing the,

1 the cellular company.

2 MR. SUTHERLAND: No objection, Your Honor.

3 MS. WALKER: Your Honor, at this point the state seeks
4 to admit Exhibit 198 into evidence.

5 THE COURT: Without objection.

6 (CALL RECORDS MARKED INTO EVIDENCE AS STATE'S EXHIBIT
7 NUMBER 198.)

8 MS. WALKER: Thank you, sir. I have no further
9 questions.

10 THE COURT: Anything -- any questions?

11 MR. SUTHERLAND: No questions, Your Honor.

12 THE COURT: Thank you, sir. I'm going to excuse you
13 from your subpoena. Any objections, ladies, sir?

14 MS. WALKER: Not from the state, Your Honor.

15 MR. SUTHERLAND: No, sir.

16 THE COURT: Thank you. You may step down.

17 WITNESS: Thank you.

18 (THE WITNESS EXITS THE STAND.)

19 THE COURT: Next witness, please.

20 MR. SUTHERLAND: State calls Demetrice James.

21 THE COURT: Mr. James, if you'd come forward, please.

22 DEMETRICE JAMES, BEING DULY SWORN,
23 TESTIFIES AS FOLLOWS:

24 CLERK OF COURT: Have a seat in the witness stand,
25 please.

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

485

1 THE COURT: Mr. James, if you'd pull up to that
2 microphone please, sir, and speak into it and speak
3 distinctly for us. Thank you.

4 CLERK OF COURT: State your name, please.

5 WITNESS: Demetrice James.

6 DIRECT EXAMINATION BY MS. SIMPSON:

7 Q. Mr. James, how old are you?

8 A. I'm nineteen.

9 Q. Nineteen, and are you from Columbia?

10 A. Yes, ma'am.

11 Q. Did you go to school here?

12 A. Yes, ma'am.

13 Q. Where did you go to school?

14 A. Columbia High School.

15 Q. Columbia High School. Did you actually graduate?

16 A. No, ma'am.

17 Q. What grade did you finish through?

18 A. Eleventh.

19 Q. Eleventh grade. How do you know Maurice Roberts?

20 A. Through association with people at Hammond Village
21 Apartments.

22 Q. At Hammond Village?

23 A. Yes, ma'am.

24 Q. And so you have friends at Hammond Village and hung
25 out there?

1 A. Yes, ma'am.

2 Q. And you've met the defendant, Maurice Roberts, through
3 them?

4 A. Yes, ma'am.

5 Q. About how long before this incident occurred have you
6 known Maurice?

7 A. Like, two years.

8 Q. Two years?

9 A. Yes, ma'am.

10 Q. And did you also know -- actually, do you have a
11 couple nicknames that you go by?

12 A. Yes, ma'am.

13 Q. Can you tell us those?

14 A. Some people call me Meat, some people call me Meachy.
15 That's about it.

16 Q. Do you ever go by D-Roosevelt or Metro, Young?

17 A. No, ma'am.

18 Q. Okay, but people call you by a bunch of different
19 names?

20 A. Yes, ma'am.

21 Q. And are you involved in music or do you like music at
22 all?

23 A. Yes, ma'am.

24 Q. Tell us how you're involved with that.

25 A. I produce beats from out of my studio at home. I go

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

487

1 to a studio on Decker Boulevard to do music.

2 Q. Okay, and do you know Deshawn McClary?

3 A. Yes, ma'am.

4 Q. How do you know Deshawn?

5 A. I met Deshawn through Maurice, and I use to go to a
6 teenage club back in, like, 2007 and met Deshawn there.

7 Q. Okay. So, you said '07, '06. So, you've know him for
8 a little while, too?

9 A. Yes, ma'am.

10 Q. Okay, and Vincent Nelson, did you know him?

11 A. Yes, ma'am.

12 Q. And how did you know Vincent?

13 A. Through association at Hammond Village Apartments.

14 Q. And, and all y'all kind of had nicknames that you
15 would go by or names that people would call you, right?

16 A. Yes, ma'am.

17 Q. And were all y'all kind of involved in music, enjoyed
18 music, hung out together?

19 A. Not all of us. As far as I know, I was the only one
20 who really did music.

21 Q. Who really did, and let me turn your attention to --
22 back to January 25th of 2013 when this occurred. Can you
23 tell me about what happened that day when you saw Maurice?

24 A. Like, the night that it happened?

25 Q. Yes.

1 A. Well, I met him over there at E.E. Taylor Elementary
2 that night.

3 Q. And E.E. Taylor, where is that?

4 A. I would say, like, a sixty second walk from the
5 incident location.

6 Q. Okay. So, is E.E. Taylor off Broad River near Hammond
7 Village ---

8 A. It's ---

9 Q. ---and Club Crush, kind of that area?

10 A. Yes, ma'am.

11 Q. So, you met him up -- you met with him over there?

12 A. Yes, ma'am.

13 Q. Who all was there when you met him?

14 A. Just him and Deshawn McClary.

15 Q. Okay, and him and Deshawn were there at that time.

16 What happened once you met up with him?

17 A. Well, when I met up with him, he asked me if I would
18 like to go meet Junior at the studio, or who he called J
19 School, at the studio, and so I was, like, sure and stuff.

20 Q. Okay, and so what happened next?

21 A. Me, him, and McClary, we walked down the street to the
22 incident location, or to what I thought would be the studio
23 at the time.

24 Q. And do you know where that studio was, the actual
25 address?

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

489

1 A. I don't know the address.

2 Q. Did you know who lived there?

3 A. No, ma'am.

4 Q. Okay. So, you didn't know Troy Scott or Trenton
5 Scott?

6 A. No, ma'am.

7 Q. You knew Junior, though?

8 A. Yes, ma'am.

9 Q. And so y'all walked down the street together, the
10 three of you, Deshawn, Maurice, and you?

11 A. Yes, ma'am.

12 Q. What happened next?

13 A. Well, when I looked down the driveway, I saw Junior
14 right there talking to some guys and smoking a cigarette.
15 So, I was walking down the driveway to kind of introduce
16 myself to them since I never met those guys, and I was
17 going to, like, greet Junior. And half way in between me,
18 like, being down the driveway, Maurice, he, like, kind of
19 took off in a sprint and ran in front of me. And some type
20 of way, he ended up in an altercation with one of the guys
21 right there. And so it was, like, a fight going on, and
22 being I didn't know what was going on, you know, I really
23 just pretty much wanted to see what was going on.

24 So, when I got to them or where they were having the
25 altercation at, one of the dudes was, like, laying on the

1 ground with a guy he got in the altercation with. And by
2 the time I got to Maurice and the dude, Maurice had done
3 left, and he was down by the door involved in an
4 altercation with two other guys.

5 Q. Okay, and so let me back you up because we're hearing
6 a lot of other guys. So, you get to the driveway and you
7 actually see Junior down there with two other people
8 smoking a cigarette?

9 A. Yes, ma'am.

10 Q. And at this point, were you, Deshawn, and Maurice kind
11 of together before you got to the driveway walking?

12 A. Yes, ma'am.

13 Q. And you said that Maurice sprinted down the driveway
14 quickly?

15 A. Yes, ma'am.

16 Q. Was Deshawn behind you or did ---

17 A. Yes, ma'am.

18 Q. --- you know where he was?

19 A. He was behind me.

20 Q. And so Maurice -- what did you see Maurice do to one
21 of the guys?

22 A. I just really see him get into an altercation. Like,
23 kind of, like, a fight.

24 Q. And this was with one of the guys outside?

25 A. Yes, ma'am.

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

491

1 Q. Okay, and what did you see next after he got into an
2 altercation with one the guys?

3 A. Well, I saw, like, a guy stumble to the ground. Like,
4 just stumble to the ground really, and ---

5 Q. And what did Maurice do after that?

6 A. He, like, went towards the door area and ended up in
7 an altercation with some other guys who were, like,
8 standing by the door.

9 Q. And when you say the door area, is this at the bottom
10 of the driveway?

11 A. Yes, ma'am.

12 Q. So, Maurice, after getting into an altercation with
13 one guy on the driveway, did you see him fighting with the
14 other guy at all?

15 A. Yes, ma'am. It seemed like they were kind of, like --
16 he was fighting two guys at the same. Seemed like he was
17 kind of fighting two guys to me.

18 Q. Okay, but the two guys in the home ran and Maurice
19 actually goes towards the house, right?

20 A. No, ma'am, it didn't happen like that. He was
21 fighting one guy, and that was the guy who stumbled on the
22 ground. And then, when he got by the door, he got into an
23 altercation with two other guys after that.

24 Q. Okay, at the door. And when you see him get into this
25 altercation, you're claiming the two guys were at the door?

1 A. Yes, ma'am.

2 Q. And what did you do?

3 A. Well, when I saw them fighting, and, you know, I
4 looked at him as a dear friend, I thought that he was
5 getting beat up. So, my initial thoughts was to go not let
6 that happen. So, I went down there and I got involved in
7 the altercation myself.

8 Q. Okay. So, you said you looked at Maurice as a dear
9 friend and you were trying to go to help him?

10 A. Yes, ma'am.

11 Q. And at some point -- and this is with the two guys in
12 the house?

13 A. Yes, ma'am.

14 Q. And you actually end up fighting with the guys in the
15 house?

16 A. Yes, ma'am.

17 Q. Can you tell us about the fight inside the house?

18 A. Well, in the midst of Maurice and the guys fighting,
19 it looked to me as if they were trying to pull him inside
20 the house, and they end up getting him inside the house and
21 someone tried to close the door.

22 So, what I did was I put my foot, like, in the, in the
23 middle of the door so they couldn't close it, and I kind of
24 pushed the door open so I could get in there to try to get
25 him out. And once I got into the house, I mean, guys just

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

493

1 started swinging. It was, like, pretty much, like, a
2 fight.

3 Q. And you actually saw a girl you said watching, too,
4 right?

5 A. Yes, ma'am.

6 Q. And these two guys fighting, you never saw them with a
7 weapon, did you?

8 A. No, ma'am.

9 Q. But did you actually see Maurice pull out an object at
10 some point?

11 A. At some point.

12 Q. At what point was that?

13 A. Kind of in the midst of everybody fighting. It kind
14 of happened, like, in the midst of everybody fighting.

15 Q. In the midst of everybody fighting, and Maurice
16 actually pulls out a gun, right?

17 A. Yes, ma'am.

18 Q. Tell us what happens after Maurice pulls out the gun.

19 A. Well, along -- a gunshot, like, went off and everybody
20 kind of froze, and everybody kind of froze to stop and see
21 was they hit. And after that right there, after the gun
22 fell -- and when the gun fell, you know, well, initially I
23 was kind of nervous, kind of scared. But when it fell, you
24 know, I ain't want the gun to get into the wrong hands and
25 the wrong thing happen. So, I ran and I grabbed the gun.

1 I picked it up, and then I was trying to run outside,
2 and then my arm got caught in the door, kind of got caught
3 in the door. And the next thing I know, the gun was being
4 snatched from me, and then that's when the gun went off,
5 after it was snatched from me and everything.

6 Q. Okay. So according to you, you hear the gunshot. The
7 gun at some point falls to the floor. You didn't want
8 anybody to get it, so you picked it up and had it at one
9 point?

10 A. Yes, ma'am.

11 Q. And the gun snatched from you?

12 A. Yes, ma'am.

13 Q. And you claim that it went off again?

14 A. Yes, ma'am.

15 Q. Did you see Maurice get that gun back?

16 A. No, ma'am. I was like, I was, like, halfway out the
17 door, but my arm was caught in the door. So, well, it was
18 snatched at that point in time, I guess.

19 Q. Okay. So, Maurice didn't hand you gun is what you're
20 claiming?

21 A. No, ma'am.

22 Q. But at some point you're outside, right? You're
23 outside the door?

24 A. Yes, ma'am.

25 Q. What happens next?

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

495

1 A. When I got outside the door, I think I remember seeing
2 Vincent engaged with some guy fighting, you know, like an
3 altercation outside the door. But me, I was pretty much
4 trying to run and get on through. So, as I was running and
5 I was going up the driveway or whatever, I looked back and
6 I was telling McClary and Nelson to come on, you know what
7 I'm saying?

8 Q. So, you were saying come on, and there was a group
9 known as 600, right?

10 A. No, ma'am.

11 Q. Okay. So, you're denying any kind of involvement with
12 a group named 600?

13 A. Yes, ma'am.

14 Q. So, you were just saying Deshawn and who else to come
15 on?

16 A. Vincent.

17 Q. And Vincent?

18 A. Yes, ma'am.

19 Q. What was Maurice doing?

20 A. Well, at this point in time I really didn't see him
21 until I got, like, out of the driveway.

22 Q. Okay. So -- and we're talking about a driveway that's
23 pretty steep, goes down, and then there's the bottom area
24 where there's kind of a porch. Flat, flatter area, right?

25 A. Yes, ma'am.

1 Q. And out of the driveway, you're talking -- you're kind
2 of at the top of the driveway?

3 A. Yes, ma'am.

4 Q. Away from where most of the altercation was happening?

5 A. Yes, ma'am.

6 Q. And when you turn around and see Maurice, what do you
7 see next and what do you hear?

8 A. Well, I see Maurice standing over this -- the guy who
9 was who was, like, laying on the driveway earlier who he
10 initially got in the altercation with. He was standing
11 over him with a gun in his hand, and, like, I saw him shoot
12 one time. And from right there I just, you know, I took
13 off up the -- when I got, like, kind of up the street, I
14 heard a couple more shots and I went home.

15 Q. Okay. So, you actually see Maurice standing over the
16 guy he'd initially been in the altercation with, and that
17 guy is laying on the ground, right?

18 A. Yes, ma'am.

19 Q. And Maurice shoots a gun, and are you actually able to
20 see the flash?

21 A. Yes, ma'am.

22 Q. And how many times did you see him actually shoot?

23 A. I saw him shoot once.

24 Q. You saw him shoot once?

25 A. Yes, ma'am.

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

497

1 Q. Okay, but then how many more shots would you say you
2 heard?

3 A. After I got down the street, I heard multiple. I
4 can't really put a number on them, but I heard multiple.

5 Q. But there's no doubt that that gun was in the hand of
6 Maurice, and he was shooting at the guy laying on the
7 ground?

8 A. Yes, ma'am.

9 Q. And did you know the guy laying on the ground?

10 A. No, ma'am.

11 Q. Where did you go once you ran off?

12 A. I ran back to my house or to my dad's house.

13 Q. To your dad's house. Where is that located?

14 A. [REDACTED].

15 Q. Okay. So, you ran all the way back to River Drive?

16 A. Yes, ma'am.

17 Q. And what do you do once you get back to River Drive?

18 A. When I get home, I just lay on the couch kind of
19 getting my thoughts together, and then I drift off to
20 sleep.

21 Q. Okay, and so did you -- when's the next time -- first
22 of all, did you bring a gun to the studio with you?

23 A. No, ma'am.

24 Q. Did you have a gun earlier in the day or at any point?

25 A. No, ma'am.

1 Q. Except for when you picked up that gun?

2 A. That's the only time.

3 Q. And that wasn't your gun. That was the gun that
4 Maurice had and dropped on the ground ---

5 A. Yes, ma'am.

6 Q. --- during the altercation? When's the next time you
7 saw Maurice?

8 A. The next day at this -- it was, like, Jwaun Duckett
9 was having, like, a little get together. I think it was,
10 like, his birthday or something.

11 Q. And Jwaun Duckett, how do you know Jwaun?

12 A. Through being in Hammond Village, and I know him
13 through his cousin, Karee Goldman.

14 Q. Okay. So, you know Karee, Jwaun, Demetrice, Vincent,
15 and Deshawn, and Maurice?

16 A. Yes, ma'am.

17 Q. And y'all had all hung out together before?

18 A. Yes, ma'am.

19 Q. Now, when you saw him at the party, what happened?
20 Did you talk to him?

21 A. No, ma'am. We didn't have no, no verbal conversation.

22 Q. Okay, and at some point did you learn that someone had
23 been murdered?

24 A. Not then I didn't, no.

25 Q. At what point did you learn that someone had been

D. JAMES - DIRECT EXAMINATION BY MS. SIMPSON

499

1 murdered?

2 A. I actually found out Monday.

3 Q. Monday?

4 A. Yes, ma'am.

5 Q. So, that would have been on the 27th that you found
6 out. How did you find out?

7 A. Well, I was coming from the hospital. I had doctor's
8 appointment at the hospital, and once I got back, my dad
9 informed me -- he was, like, did you hear about Maurice
10 getting locked up for murder, and I guess everything kind
11 of connected in my head then.

12 Q. Okay, and at some point did you find out the police
13 were actually looking for you?

14 A. Yes, ma'am.

15 Q. And what happened when you found out the police were
16 looking for you?

17

18 A. Well, I found that out Tuesday, and when I found that
19 out, I called later on that night, and I think they said it
20 was too late. To call back in the morning or something
21 like that. So, that's what we did.

22 Q. And you gave some statements. It's been about a year
23 since this happened, right?

24 A. Yes, ma'am.

25 Q. And it's actually your father who called the police

1 and said that you'd be willing to turn yourself in,
2 correct?

3 A. Yes, ma'am.

4 Q. And did you, in fact, turn yourself in?

5 A. Yes, ma'am.

6 Q. And do you recall speaking with officers when you went
7 ---

8 A. Yes, ma'am.

9 Q. --- to headquarters?

10 A. Yes, ma'am.

11 Q. And I'm going to show you -- did they advise you of
12 your rights?

13 A. Yes, ma'am.

14 Q. I'm just going to show you and see if you recognize.
15 So, they told you your rights, right, and went through,
16 asked you if you wanted to answer their questions, and you
17 did so, right?

18 A. Yes, ma'am.

19 Q. Freely and voluntarily?

20 A. Yes, ma'am.

21 Q. They didn't threaten or coerce you in any way?

22 A. No, ma'am.

23 Q. You wanted to talk to them?

24 A. Yes, ma'am.

25 Q. Or you felt like you needed to talk to them?