

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Post Conviction Relief

S.C. SUPREME COURT

Honorable Edgar W. Dickson, Circuit Court Judge

App. Case No.: 2022-001121

Kadrin Singleton, 335449,

Petitioner,

vs.

State of South Carolina,

Respondent.

APPENDIX
VOLUME I of IV

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2013-GS-10-01153

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 KADRIN SINGLETON,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 1 OF 6

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Monday, January 5, 2015, Commencing at 11:33 a.m.

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PROCEEDINGS

1. THE COURT: Mr. Cooper, does your client want
2. formal arraignment?
3.

4. MR. COOPER: No, ma'am.

5. THE COURT: Before we select the jury is the
6. severance motion. Do you agree, Mr. Cooper?

7. MR. COOPER: Yes, Your Honor, unless the State
8. has something else we need to address.

9. THE COURT: Mr. Kidd, in reviewing the motions,
10. that's all I see.

11. MR. KIDD: I'm sorry. I was reviewing something
12. he's handling.

13. THE COURT: I just want to go ahead and select
14. our jury. And so we can't select the jury until I do
15. the severance?

16. MR. KIDD: Correct.

17. THE COURT: Is there anything else that we need
18. to do?

19. MR. KIDD: Nothing before selection.

20. THE COURT: Are you Kadrin Singleton?

21. MR. SINGLETON: Yes, ma'am.

22. THE COURT: All right. Thank you.

23. I'm going to go, be right back, and then we'll
24. do the motion.

25. You're holding the jurors; right?

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1 THE BAILIFF: Yes, ma'am.

2 THE COURT: And so give me just a few moments
3 to get set up and then we'll do that motion and then
4 once we have that, then we'll select our jury. I
5 anticipate then we would break for lunch.

6 MR. COOPER: Yes, ma'am.

7 THE COURT: We'll send the jury home, break for
8 lunch for ourselves, and then come back.

9 MR. COOPER: With the jury this afternoon, or
10 are we going to send the jury home and come back
11 tomorrow at --

12 THE COURT: I thought we had agreed that we were
13 going to start bright and early in the morning.

14 MR. COOPER: Yes, Your Honor. Thank you very
15 much.

16 THE COURT: If anything changes, let me know.

17 MR. COOPER: Yes, ma'am.

18 THE COURT: I'm trying to be mindful of you,
19 Mr. Cooper.

20 MR. COOPER: I appreciate it.

21 THE COURT: Thank you.

22 [Whereupon, a recess is taken from 11:29 a.m. to
23 11:33 a.m.]

24 THE COURT: Please be seated.

25 Ladies and gentlemen, this is Judge Prioleau. I

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1 think some of you were -- most of you were down in the
2 jury qualification. Judge Prioleau is a magistrate in
3 Berkeley County and through the Chief Justice's
4 program, I am mentoring Judge Prioleau. He in no way
5 will interfere with this trial. He is merely
6 observing. He will not be making any rulings or
7 anything like that. He is here merely to observe.

8 Any objections to Judge Prioleau sitting with
9 me? Mr. Kidd?

10 MR. KIDD: No, ma'am.

11 THE COURT: Mr. Cooper?

12 MR. COOPER: Absolutely not.

13 THE COURT: All right. Thank you.

14 MR. KIDD: Your Honor, if I could have two
15 issues that I need to bring up to you.

16 First is I would like to add a witness to my
17 witness list.

18 MR. COOPER: Yes, Your Honor. And I have an
19 amended list. I apologize, as well.

20 THE COURT: Who do you wish to add, Mr. Kidd?

21 MR. KIDD: Her name is Gina Williams.

22 THE COURT: And spell Gina.

23 MR. KIDD: G-I-N-A.

24 THE COURT: And who is Gina Williams?

25 MR. KIDD: She is the custodian of records for

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1. the FBI.

2. THE COURT: Any objection, Mr. Cooper?

3. MR. COOPER: No, ma'am.

4. THE COURT: I will add Ms. Williams to the list.

5. And you had an updated list, as well, Mr.

6. Cooper?

7. MR. COOPER: Yes, ma'am. Permission to approach
8. the bench?

9. THE COURT: You may.

10. MR. COOPER: I'm handing the Court my voir dire,
11. which I've given a copy to the solicitor, as well as
12. the amended witness list.

13. THE COURT: Mr. Felder and Officer Vantime are
14. the only two that do not appear on the State's list;
15. is that correct?

16. MR. COOPER: Yes, ma'am.

17. THE COURT: And I just received this. Mr. Kidd,
18. any objection to --

19. MR. KIDD: No, ma'am.

20. THE COURT: -- those two witnesses?

21. MR. KIDD: No, ma'am.

22. THE COURT: I will, of course, call Mr.
23. Singleton's name as the defendant but I am not
24. going to list him on the witness list.

25. MR. COOPER: Yes, ma'am. That's appropriate.

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1. THE COURT: Thank you.

2. MR. KIDD: And one final issue, Judge. Last
3. night when I was working, going through one of my
4. witness' records, and as a prosecutor when you were in
5. Berkeley County you prosecuted one of my witnesses,
6. Kenneth Fludd. I don't think it matters one way or
7. the other, but I just thought it was worth bringing to
8. your attention just because I saw it and maybe it was
9. relevant. He was charged with CSC second. You pled
10. him to an ABHAN, no registry, suspended to one-year
11. probation.

12. THE COURT: Mr. Cooper?

13. MR. COOPER: Yes, ma'am. I think the Court can
14. be absolutely differential. I mean, I don't think
15. there's any bias by the Court either way.

16. THE COURT: To be quite candid, I don't remember
17. Mr. Fludd. I've been on the bench now -- I haven't
18. been in the solicitor's office since January of 2008,
19. so I don't --

20. MR. KIDD: I have no issues about it.

21. THE COURT: -- so I don't recall Mr. Fludd.

22. So no objection to me continuing? I do not
23. think that it even rises to level that I needed to
24. recuse myself.

25. MR. COOPER: No, ma'am.

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1 THE COURT: But any objection?

2 MR. COOPER: I think that the State would be the
3 only person with any objection, if they have one.

4 MR. KIDD: Correct. I just wanted to bring it
5 to your attention.

6 THE COURT: Thank you. Anything else?

7 [Whereupon, there is no response]

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MOTION FOR SEVERANCE

1
2 THE COURT: All right. Mr. Cooper, we are here
3 on your motion for severance; is that correct?

4 MR. COOPER: Yes, ma'am.

5 THE COURT: And Mr. Singleton is indicted on
6 indictment 2013-GS-10-1153 for murder; 2013-GS-10-
7 2602, possession of a stolen motor vehicle; 2013-GS-
8 10-2601, resisting arrest; and 2013-GS-10-2603,
9 failure to stop for a blue light.

10 Mr. Cooper, I'll be happy to hear from you.

11 MR. COOPER: Yes, ma'am. May I approach?

12 THE COURT: You may.

13 MR. COOPER: What I'm handing the Court is a
14 copy of The State v. Russell Rice, the Court of
15 Appeals opinion in South Carolina, 368 S.C. 610, 629,
16 S.E.2d 393, from 2006.

17 THE COURT: Mr. Kidd, you're also going forward
18 on 2013-GS-10-1457, trafficking cocaine?

19 MR. KIDD: Yes, ma'am.

20 The only thing I would correct is that we are
21 not going to go forward on 2013-GS-10-2601, which is
22 resisting arrest. I believe that number is right.
23 But the resisting arrest charge we're not going
24 forward on.

25 THE COURT: Thank you. I have removed that from

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1 my stack. The clerk just gave me the trafficking
2 indictment and I have given him back the resisting
3 indictment.

4 MR. KIDD: Thank you.

5 MR. COOPER: Yes, ma'am.

6 THE COURT: All right. Mr. Cooper?

7 MR. COOPER: Yes, ma'am.

8 Your Honor, the case that I have given the Court
9 is the most adverse case, it's my position, that I
10 could find. And under the Rice case, I still think
11 that severance or bifurcation between the murder trial
12 indictment and the trafficking and associated charge,
13 failure to stop for a blue light and possession of a
14 stolen motor vehicle on a separate date, should be
15 tried separately.

16 Your Honor, first, the State has the burden to
17 prove to the Court that it is appropriate to try these
18 matters together. So it's their burden. While it's
19 my motion, it's their burden of going forward.

20 The requirements are that the indictments have
21 to be of the same general nature involving connected
22 transaction, they have to be closely related in time,
23 place and character, and the defendant's rights are
24 not prejudiced. Same general nature means that they
25 are interconnected or even if they arise on the same

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1 date, that they must also be arising out of a single
2 chain of circumstances and provable by the same
3 evidence.

4 Your Honor, the indictments, first, are not of
5 the same nature. The murder indictment is a
6 significantly more serious indictment than trafficking
7 cocaine first offense, failure to stop for blue light,
8 and possession of a stolen motor vehicle. So the
9 murder is a violent offense, it is a most serious
10 offense, it requires malice aforethought, it carries
11 life in prison, it's a mandatory minimum sentence of
12 thirty years day-for-day, and the worst other charge
13 for the trafficking, which carries a maximum sentence
14 of ten years and is a non truth in sentencing charge,
15 so it's a non eighty-five percent parole eligible
16 offense. So they're of great significance in the
17 disparity between the nature of the charge.

18 Your Honor, the second aspect is that they're
19 not from interconnected events. The failure to stop
20 for blue lights arose from a routine traffic stop by
21 Deputy Midgett for a reckless driving offense. After
22 the blue lights were initiated, allegedly Mr.
23 Singleton fled from police, he failed to stop for blue
24 lights, stopped, got out of the car, and ran. Then he
25 was apprehended by police and brought back to the

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1 police car. Allegedly, made a self-incriminating
2 statement then. He ran because he knew the car was
3 stolen.

4 When he's at the jail, they record his phone
5 calls and in one of the recorded phone calls Mr.
6 Singleton says to a friend, I need you to go and get
7 that stuff that I threw when I was being chased, and
8 he describes the location of what he says is the
9 stuff.

10 What Mr. Singleton in his jail call describes as
11 stuff is a Ziploc bag that he described as a Ziploc
12 bag and within it are two cell phones and 11 grams of
13 cocaine base. That's recovered by a private
14 individual, on his property, and then given to the
15 police.

16 The time, the place, are different. The failure
17 to stop for blue lights occurs four days after the
18 alleged murder, after the shooting. So the shooting
19 happens November 20th at about 10:45 in the evening.
20 The failure to stop blue lights occurs November 24th
21 during the late -- November 25th, so five days after
22 the shooting in the afternoon in Lincolnville. The
23 shooting occurs in North Charleston near Azalea and
24 Cosgrove Avenue, so close to West Ashley and downtown
25 part of North Charleston. So it's a different place

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1 at different times and they're not of the same
2 character.

3 And most importantly, Your Honor, that the
4 trafficking charge and those subsequent charges from
5 November 25th prejudice Mr. Singleton because the
6 trafficking is improper character evidence in his
7 murder trial. Essentially, the State attempts to
8 prove trafficking to say Mr. Singleton is a bad guy,
9 therefore he does bad things, therefore he committed a
10 murder in this shooting. So it's improper propensity
11 evidence, it's improper character evidence, and it
12 does prejudice Mr. Singleton.

13 The case that I've submitted to the Court is the
14 most adverse case in my position that I was able to
15 find in Rice. And in that case, the Court said that
16 those charges could be tried together. However Rice
17 was being surveillanced for the murder event when he
18 was stopped. So the facts are quite different from
19 our facts.

20 In Rice, the -- Rice discovered his car. This
21 Mercury was stolen from the parking lot. He suspected
22 Homer Johnson -- who stole the trucks, stole the car.
23 Drugs and money were inside the car when it was
24 stolen. Rice and another person set up another drug
25 transaction with Johnson. They conduct that

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1 transaction. Rice is supposed to pay Johnson at the
2 Motel 8 the following day and Johnson turns out --
3 turns up dead, allegedly murdered, at the Motel 8 the
4 following day.

5 Later on, Investigator Fuller spoke with Rice,
6 who said that he was going out of town. Detective
7 Fuller -- or Investigator Fuller didn't believe him.
8 He saw Rice driving the same Mercury that was
9 allegedly stolen at this time that they were going to
10 investigate and that they were watching Rice for the
11 murder. So Fuller set up surveillance at the exit to
12 the motel and they do a pretextual traffic stop for
13 traffic violations and find Rice. They get him out of
14 the car, find a pistol in his pocket, and then when
15 they inventory the car they find cocaine, a scale, and
16 a rifle, which is the alleged murder weapon in that
17 case, cut into several pieces in a plastic bag, which
18 is incriminating to Rice.

19 Importantly, in that case the traffic stop was
20 because Rice was being watched by law enforcement and
21 being followed for the murder. The traffic stop was
22 an investigatory stop for the murder. It tied into
23 the murder and it's part of that whole story. In our
24 case, it's completely separate. The traffic stop has
25 nothing to do with the murder. It was later. It was

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1 for a reckless driving. Deputy Midgett at the time,
2 he didn't know Mr. Singleton had the murder warrant.
3 So there's prejudice they can't overcome. They can't
4 tie all these factors together, and these cases are
5 appropriately tried separately.

6 THE COURT: Mr. Kidd?

7 MR. KIDD: Thank you, Your Honor. May it please
8 the Court.

9 MR. COOPER: I apologize. Your Honor, if I may
10 add one thing. I apologize.

11 THE COURT: You may.

12 MR. COOPER: I'm sorry.

13 And in this case there is no allegation that the
14 cocaine found came from the residence. So there's no
15 time between the drugs from the scene of the shooting,
16 as well as those found in the back [phonetic] as a
17 result of the failure to stop for blue light. Thank
18 you.

19 THE COURT: Mr. Kidd, you may approach.

20 MR. KIDD: Thank you, Your Honor.

21 I'm just going to hand you up State v. Simmons,
22 Judge. I had Rice printed out for you, as well, but
23 he already gave you a copy. I'm going to give you
24 State v. Simmons.

25 THE COURT: Do you have an extra copy I'll give

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1 to Judge Prioleau?

2 MR. KIDD: You can have my copy.

3 [Whereupon, Mr. Kidd proffers documents to the
4 Court]

5 MR. KIDD: Your Honor, to kind of break down the
6 argument the best I can -- and while I'll harp back a
7 little bit more specifically on some of the case law.

8 But to oversimplify it, the argument really is
9 the same as a 404(b) analysis. It really comes back
10 to whether the testimony and evidence of these
11 subsequent crimes would be admissible in the murder
12 trial without the indictments.

13 So to me, the test is if you were to sever and
14 say we can't try these failure to stop, possession of
15 stolen motor vehicle, and trafficking charges, then
16 will I still be able to talk about them in trial.
17 That's really what the test is. Because if I can
18 still talk about them in trial, then they're going to
19 be proved by the same evidence. And if they're proved
20 by the same evidence, then it's discretionary to be
21 able to try it because we might as well try it because
22 the same evidence is coming in anyway.

23 So I'm going to spend most of my time telling
24 you why I should be allowed to talk about those
25 offenses in my trial on the murder charge so that you

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1 can understand why that evidence is admissible.

2 The first issue is flight of evidence of guilt.
3 The fact that he flees from a traffic stop is evidence
4 that he's trying to evade apprehension, which is at
5 least an argument that I can make to the jury that
6 he's trying to avoid being captured because he knows
7 he killed someone.

8 To further that point, on the possession of
9 stolen vehicle charge, not only is it a stolen vehicle
10 but also has a stolen license plate. I think that's a
11 very reasonable argument that that is another attempt
12 to conceal his identity.

13 The drugs: the drugs that are found, Judge --
14 our motive for this murder is an armed robbery of a
15 drug deal, the product of which, marijuana and
16 cocaine. Sure, we can't make an allegation that this
17 is the specific cocaine that was stolen. I mean, it's
18 a fungible good. We can't tell cocaine from cocaine.
19 But it at least should be up to the jury to decide
20 whether or not the cocaine found as a result of this
21 failure to stop could have been the product of the
22 armed robbery, which was the motive that led to the
23 murder of Sharrell Williams.

24 As to the jail call that Mr. Cooper referred to:
25 so immediately after the defendant's arrest, he makes

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1 it -- his first call from the Charleston County
2 Detention Center is to his friend to try to get him to
3 go recover the items that he threw. This is very
4 important for two reasons. The first is it ties him
5 to the cell phones that were in that bag. Now, a
6 large part of our murder trial is going to be cell
7 phone tracking and pinging off towers. Now, this cell
8 phone is -- the subscriber information for this cell
9 phone is in someone else's name, a female by the name
10 of Erica Gilliard, who I don't know who that is. So
11 the fact that he threw these cell phones, and was in
12 possession of them, and admits that he was in
13 possession if that jail call is very important in
14 tying that cell phone to this defendant so that the
15 jury may understand that that's his cell phone so when
16 we see what cell tower that phone is pinging off of,
17 we know it's his. That's how these cases are
18 interrelated.

19 Furthermore, in that jail call when he's talking
20 to his friend, a guy by the name of Kenny B, he refers
21 to divvying up money and two zones. And a zone is
22 street language for an ounce of marijuana. Now, it is
23 also part of the case that multiple ounces of
24 marijuana were stolen from the victim at the time he
25 was shot. So he is also on the phone call talking

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1 about you keep an ounce for yourself and give an ounce
2 to someone else, and things of that nature, which is
3 very relevant to the product of the armed robbery,
4 which was the motive for the murder.

5 So, Judge, all those things are very crucial in
6 proving the motive and the identity of the defendant
7 in the murder case, which is exactly why we get it in
8 under 404(b). And so that would be the evidence that
9 would be necessary for me to be able to prove my
10 murder case and that's why it should be admissible,
11 those charges -- that's why the evidence should be
12 admissible in proving my murder case and that's why
13 those indictments we should be allowed to go forward
14 at the same time.

15 And when you look at the elements of the same
16 general nature and character spring from the same
17 series of transactions, well, yes, these drugs
18 arguably spring from the same series of transactions:
19 the armed robbery and the murder; are committed by the
20 same offender, which they are; require the same or
21 similar proof, which we just discussed. All that
22 evidence should be admissible in the jury trial, the
23 murder, as it's clearly relevant.

24 And, finally, the evidence of multiple crimes be
25 necessary for a full presentation of the case without

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1 prior conviction. That's just a res gestae that for
2 the jury to really see the full picture of the murder
3 and the armed robbery, they have to then understand
4 how he came into custody, how we learned about this
5 phone, how we then tracked this phone, how we got the
6 drugs and everything and the charges against him.

7 And, once again, flight is evidence that a jury
8 can consider as to his guilt in the murder.

9 And for those reasons, Judge, I think not only
10 do the subsequence indictments check every box of the
11 elements to allow in your discretion these charges be
12 tried together, but I think even if you were to sever
13 the trial, I think the evidence of these charges would
14 be admissible anyway in proving our murder charge
15 without going forward on the indictments.

16 THE COURT: Mr. Cooper?

17 MR. COOPER: Thank you, Your Honor.

18 First, no witness in this case at all says that
19 cocaine was stolen.. There are two eyewitnesses to
20 what happened and Kenneth Fludd and both Chris Felder
21 say -- allege, that Kadrin Singleton took a bag of
22 marijuana. So there's no allegation at all whatsoever
23 that the cocaine came from within the residence from
24 any of the eyewitnesses, and to argue such is only
25 speculation. It is not based on facts.

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1 There has been no comparison of the cocaine
2 recovered to the cocaine found in the house at all,
3 which could be tested and they could present that
4 evidence if they so chose.

5 But I have to, Your Honor, say also Kadrin
6 Singleton is not indicted or charged with an armed
7 robbery. He's charged with murder. Now, there's an
8 alleged taking, but he's not charged with armed
9 robbery and he's not indicted on that. So what the
10 State says is part of his armed robbery, there's no
11 armed robbery that we're looking at here today, so
12 it's not interconnected. And if they allege that it
13 is, where is the indictment? where are the warrants?

14 And then finally, Your Honor, I think -- I do
15 have to concede, though, that the State can present --
16 I think that the Court -- it's not an all-or-nothing
17 rule that the Court is facing. I think that the State
18 can present evidence of Mr. Singleton's flight, and I
19 think that they are correct and I think it's an
20 appropriate argument for them to present that flight
21 is an indicator of guilt. And I think that in the
22 murder trial, in the context of the murder trial, I
23 think that that is evidence that they can present, and
24 I have to concede that.

25 But the trafficking cocaine is not. It's not

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1 the same as the flight. It's not connected. And the
2 same with the possession of the stolen motor vehicle.
3 The stolen motor vehicle charge is not connected.
4 It's not a car that was taken from the scene. It's
5 not a car that's anyhow connected to the murder. It's
6 just the car that he just so happened to be in when he
7 was blue-lighted for reckless driving.

8 So the State can present the cell phone evidence
9 and they could present the facts surrounding the
10 failure to stop for blue lights, and Mr. Singleton
11 running from police, separate from trying the
12 trafficking and all these cases together along with
13 the murder because then it doesn't bear on -- it's not
14 relevant. The cocaine isn't relevant to whether or
15 not this is a murder. It doesn't make that fact more
16 or less likely. It's just bad character evidence, and
17 it's propensity evidence, and therefore inadmissible.

18 THE COURT: Well, isn't it relevant to show a
19 more complete picture of the facts, what was
20 occurring, at the time of the murder?

21 MR. COOPER: No, ma'am.

22 It's not connected at all to the murder.
23 There's no allegation that the cocaine is connected
24 to the murder by any of the witnesses who were
25 present. It's not a full picture.

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1 THE COURT: Mr. Kidd, do you agree or disagree
2 with that?

3 MR. KIDD: I disagree, Your Honor. If I may
4 approach?

5 THE COURT: You may.

6 [Whereupon, Mr. Kidd proffers documents to the
7 Court]

8 MR. KIDD: I would just like to show you a
9 couple of photographs that kind of depict this
10 residence. This residence that this murder occurred
11 in is -- there's not even a bed in it. It's a trap
12 house. This is just examples of sort of what is
13 found. I mean, nothing in the refrigerator except
14 drugs. Cocaine everywhere in this house. I don't
15 think it is a stretch to say, you know, the testimony
16 that you will hear is that after the murder he grabbed
17 the bag off of a counter and ran. I don't think it's
18 a stretch for the jury to conclude that some of what
19 he grabbed was cocaine, as well as marijuana.
20 Although no witness can say specifically that he
21 grabbed cocaine, also, he grabbed what was on the
22 counter and left.

23 So I think that it's not a stretch for a jury to
24 conclude that cocaine was also taken, considering how
25 much cocaine and cocaine cutting agents and things of

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1 that nature, were found in the residence as well.

2 And I also don't think I have to indict someone
3 to allege conduct. Indictment doesn't mean I can't
4 talk about what he did. The fact that he wasn't
5 indicted for armed robbery doesn't mean I can't talk
6 about the armed robbery being the motive or the
7 circumstances prior to the murder.

8 You know, I think if you talk to my detective,
9 when you ask him, well, why didn't you indict him
10 for armed robbery, he's like, well, isn't murder
11 enough? You know, we don't -- it's just like not a
12 piling-on thing at that point. It's like if he's
13 guilty of one, he's guilty of the other, so we might
14 as well just stick him with the murder.

15 We might not all agree with that tactic, but it
16 doesn't handcuff me in my arguments. It's just not a
17 charge that we're going forward with in addition. So
18 I don't think whether or not he's indicted for armed
19 robbery changes my ability to argue anything.

20 And from a res gestae standpoint, Judge, cocaine
21 and marijuana were found together in the same bag as
22 the cell phones. If you leave the drugs out, then you
23 have a guy who's just a resident of Lincolnville,
24 South Carolina, walks in his back yard and finds a
25 cell phone and decided to call the sheriff's office

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1 about it. And that doesn't make sense. But what does
2 make sense is when he walks in his back yard, he finds
3 a bag full of drugs and cell phones and then he calls
4 the sheriff's office because he found a bunch of drugs
5 and cell phones in his back yard. And that makes
6 sense, and that's the logical presentation that needs
7 to be made to the jury.

8 THE COURT: Mr. Cooper, final argument.

9 MR. COOPER: Your Honor, I've addressed
10 everything that -- I've exhausted my arguments to the
11 Court.

12 I think, though, ultimately the thing that we're
13 left with is that the trafficking is improper
14 character evidence, it prejudices Kadrin Singleton
15 because it's saying he did a murder because he's a bad
16 guy, he's a bad guy because he's trafficking drugs.

17 Trafficking is not a crime of dishonesty. It
18 doesn't bear on credibility. It doesn't bear on
19 whether or not it was a murder. There is no relevance
20 to the murder at all. It's just calling him a bad guy
21 and it's inadmissible.

22 THE COURT: Charges can be joined in the same
23 indictment and tried together in the same trial when
24 they arise under the single chain of circumstances,
25 are proved by the same evidence, and are of the

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1 general nature and no real right of the defendant has
2 been prejudiced.

3 Based upon the testimony that has been
4 presented, the arguments presented, and the case law
5 presented by both Mr. Cooper and Mr. Kidd, I do find,
6 and the Courts have found, that joinder in one trial
7 is proper if the offenses are the same general nature
8 or character and spring from the same series of
9 transactions, committed by the same offender, and
10 require the same or similar proof.

11 Based upon, again, the arguments that have been
12 presented, I am denying your motion for severance of
13 the indictments. All four indictments will be tried
14 together. I do find that they are of the same general
15 nature or character, are committed, based upon the
16 testimony, by the same offender, and, importantly,
17 require the same or similar proof. Based upon what I
18 have heard, I do not find that the real right of the
19 defendant has been prejudiced rising to the level for
20 me to sever the indictment.

21 Note your exception to my ruling, Mr. Cooper.

22 [Off the record momentarily]

23 THE COURT: Are you waiving formal arraignment?

24 MR. COOPER: Your Honor, based on your ruling,
25 we would request formal arraignment.

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1 THE COURT: And just so that we are clear,
2 again, 1153, murder; 2602, possession of stolen motor
3 vehicle; 1457, trafficking cocaine; and 2603, failure
4 to stop for blue lights. Correct?

5 MR. KIDD: Yes, ma'am.

6 MR. COOPER: Yes, ma'am.

7 And I guess, Your Honor, at this point jeopardy
8 would attach to the resisting arrest that the State is
9 not proceeding to go forward on.

10 MR. KIDD: That's fine. I'll nol-pros it --
11 however you want to do that.

12 THE COURT: Well, that may be an analysis for a
13 later time.

14 But we're only going forward on these four
15 indictments here today?

16 MR. COOPER: Yes, ma'am.

17 THE COURT: That is -- I'm not going to make a
18 ruling on that at this time.

19 MR. COOPER: Yes, ma'am.

20 THE COURT: All right. So those are the four
21 indictments.

22 [Off the record momentarily]

23 THE COURT: We can take a five-minute comfort
24 break.

25 MR. COOPER: Your Honor, does the Court give an

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1 opening charge -- once we'll have our jurors picked,
2 the Court will give an opening charge?

3 THE COURT: I will. Is there --

4 MR. COOPER: No, ma'am.

5 THE COURT: -- something particular?

6 MR. COOPER: I was just asking if you would.
7 I've tried cases where the Court has not given an
8 opening charge.

9 THE COURT: And do you want me to do that before
10 I let the panel go? Is that what you're asking?

11 MR. COOPER: No. It can be done when we have
12 our twelve, Your Honor. I'm just worried about them
13 researching the case overnight.

14 THE COURT: So what I typically do, since we're
15 going to break over the evening hour, I won't give
16 them my charge about, you know, their important duty
17 and all that. What I will do is give my general don't
18 do these things --

19 MR. COOPER: Yes, ma'am.

20 THE COURT: -- instructions. Don't read, watch,
21 listen to any news accounts, don't do any independent
22 investigation, anything of that nature. Don't talk
23 about the case, text about the case, those things..
24 I'll give the admonition before we break --

25 MR. COOPER: Yes, ma'am.

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1 THE COURT: -- before I let them go.

2 MR. COOPER: Thank you.

3 THE COURT: And then I'll give my more flowery
4 introduction in the morning.

5 MR. COOPER: Yes, ma'am. Thank you.

6 THE COURT: Is that what you were asking?

7 MR. COOPER: That is. That is right.

8 MR. KIDD: Because there's always one more
9 thing, Judge: because I just got his voir dire, I
10 would only object to his question number 9.

11 THE COURT: Question which one?

12 MR. KIDD: Number 9.

13 THE COURT: Number 9. Why do you object to --

14 MR. KIDD: I just don't think --

15 THE COURT: -- prior jury service --

16 MR. KIDD: -- prior jury service is relevant or
17 an appropriate question.

18 THE COURT: I'm going to ask it. I do find that
19 it is appropriate. Some people don't have as amazing
20 experiences as others, so sometimes that does
21 negatively impact. They just don't want to be here
22 for --

23 MR. KIDD: Yes, ma'am.

24 THE COURT: -- whatever reason.

25 All right. Five minutes.

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1 [Whereupon, a recess is taken from 12:07 p.m. to
2 12:19 p.m.]

3 THE COURT: Anything before we bring in the
4 jury, Mr. Cooper?

5 MR. COOPER: No, Your Honor.

6 [Off the record momentarily]

7 [Whereupon, the jury panel enters the courtroom
8 at 12:20 p.m.]

9 THE COURT: Good afternoon, ladies and
10 gentlemen. Once again, I'm Judge Kristi Harrington.
11 I am the resident judge for Charleston and Berkeley
12 County.

13 Ladies and gentlemen, I have the pleasure this
14 week of presiding over a term of general sessions,
15 which is commonly known as criminal court.

16 Ladies and gentlemen, we are going to begin our
17 selection of this particular case. The case is the
18 State of South Carolina versus Kadrin Rajun Singleton.
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1 FORMAL ARRAIGNMENT

2 THE COURT: Mr. Causey, if you will please --
3 Mr. Singleton has requested formal arraignment.

4 Mr. Singleton, please stand.

5 [Whereupon, Mr. Singleton complies]

6 THE CLERK OF COURT: Beginning with case number
7 2013-GS-10-01153, the State of South Carolina versus
8 Kadrin R. Singleton, indicted for murder. If you
9 answer to that name, please raise your right hand.

10 Please let the record reflect that the defendant
11 has raised his hand. You may put it down, sir.

12 You stand indicted by the name Kadrin R.
13 Singleton. That indictment alleges that in Charleston
14 County on or about November 20th, 2012, with malice
15 aforethought, Kadrin R. Singleton did, while acting
16 alone or in concert with others, kill and murder
17 Sharrell Williams by means of a gunshot and that
18 Sharrell Williams did die in Charleston County as a
19 proximate result thereof on November 20th, 2012, in
20 violation of Section 16-3-10 of the South Carolina
21 Code of Laws as amended.

22 How say ye? Are you guilty or not guilty?

23 MR. SINGLETON: Not guilty.

24 THE CLERK OF COURT: Thank you, sir.

25 Now beginning with case number 2013-GS-10-02602,

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1 the State of South Carolina versus Kadrin R.
2 Singleton, indictment for possession of a stolen motor
3 vehicle.

4 If you answer to that name, please raise your
5 right hand. Thank you, sir. You may put it down.

6 Please let the record reflect that the defendant
7 raised his hand.

8 That indictment alleges that in Charleston
9 County on or about November 24th, 2012, the defendant,
10 Kadrin R. Singleton, did buy, receive or have in his
11 possession a 2005 Nissan valued at \$2,000 or less than
12 \$10,000 and the defendant knew or had reason to
13 believe such vehicle had been stolen. This is in
14 violation of Section 16-21-80 of the South Carolina
15 Code of Law as amended.

16 How say you? Are you guilty or not guilty?

17 MR. SINGLETON: Guilty.

18 THE CLERK OF COURT: Thank you, sir.

19 Case number 2013-GS-10-02603, the State of South
20 Carolina versus Kadrin R. Singleton, indicted for
21 failure to stop for blue lights.

22 If you answer to that name, please raise your
23 right hand.

24 You may put it down.

25 Please let the reflect that the defendant raised

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1 his hand.

2 The State -- indicted by the name Kadrin R.
3 Singleton. That indictment alleges that in Charleston
4 County -- in Charleston County, South Carolina, on or
5 about November 24th, 2012, the defendant, Kadrin R.
6 Singleton, while driving a motor vehicle on a road,
7 street or highway of the State did knowingly,
8 willfully, intentionally, and in the absence of
9 mitigating circumstances, fail to stop for law
10 enforcement vehicle after being signaled by flashing
11 light and/or siren, to wit, all in violation of
12 Section 56-5-750 of the South Carolina Code of Laws as
13 amended.

14 How say you? Are you guilty or not guilty?

15 MR. SINGLETON: Guilty.

16 THE CLERK OF COURT: Thank you, sir.

17 Case number 2013-GS-10-01457, the State of South
18 Carolina versus Kadrin R. Singleton.

19 If your name -- if you answer to that, please
20 raise your right hand.

21 Please let the record reflect that he has raised
22 his hand.

23 That indictment is for trafficking cocaine.
24 That indictment alleges that in Charleston County,
25 South Carolina, on or about November 24th, 2012, the

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1 defendant, Kadrin R. Singleton, unlawfully and
2 knowingly did sell, manufacture, cultivate, deliver,
3 purchase, or bring into the state or did provide
4 financial assistance and otherwise aid, abet, attempt,
5 or conspire to sell, manufacture, cultivate, deliver,
6 purchase or bring into the State, or did possess or
7 attempt to possess a controlled substance or a
8 controlled substance analog, to wit, cocaine in excess
9 of ten grams, all in violation of 44-53-370 of the
10 South Carolina Code of Laws as amended.

11 How say you? Are you guilty or not guilty?

12 MR. SINGLETON: Guilty.

13 THE CLERK OF COURT: How will you be tried?

14 MR. SINGLETON: By my God and my country.

15 THE CLERK OF COURT: May they send you a true
16 deliverance. Are you ready for trial?

17 MR. SINGLETON: Yes, sir.

18 THE CLERK OF COURT: Thank you, Your Honor.

19 MR. COOPER: Thank you, Your Honor.

20 THE COURT: Mr. Causey, just so the record is
21 clear, if you could please just go through each
22 indictment with the charge and ask him how he pleas.

23 THE CLERK OF COURT: Yes, ma'am, Your Honor.

24 As to 2013-GS-10-01153, State of South Carolina
25 versus Kadrin R. Singleton, indictment for murder, how

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1 do you plead?

2 MR. SINGLETON: Not guilty.

3 THE CLERK OF COURT: Thank you, sir.

4 Case number 2013-GS-10-02602, State of South
5 Carolina vs. Kadrin R. Singleton, indictment for
6 possession of a stolen motor vehicle. How do you
7 plead?

8 MR. SINGLETON: Guilty.

9 THE CLERK OF COURT: Thank you, sir.

10 Case number 2014-GS-10-02603, State of South
11 Carolina versus Kadrin R. Singleton, indictment for
12 failure to stop for a blue light, how do you plead,
13 sir?

14 MR. SINGLETON: Guilty.

15 THE CLERK OF COURT: Thank you, sir.

16 Case number 2013-GS-10-01457, State of South
17 Carolina versus Kadrin R. Singleton, an indictment for
18 trafficking cocaine, how do you plead, sir?

19 MR. SINGLETON: Guilty.

20 THE COURT: Thank you, sir.

21 MR. COOPER: Thank you, Your Honor.

22 THE COURT: Thank you.

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Jury Voir Dire
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JURY VOIR DIRE

1
2 THE COURT: All right. Ladies and gentlemen of
3 the jury, is there any member of the jury panel that
4 knows anything about this case other than what has
5 just been read to you? If so, please stand.

6 [Whereupon, there is no response]

7 THE COURT: Thank you. There are none.

8 Ladies and gentlemen, we are going to use
9 basically the same procedure that we used downstairs.
10 I'm going to have a series of questions to ask you.

11 Once again, this is my court reporter. She is
12 writing down everything that I say, as well as your
13 responses. So when you respond, please stand, state
14 your jury number and your name before you state your
15 response, and then, again, your jury number and your
16 name before you sit down.

17 Ladies and gentlemen, I am now going to
18 introduce you to the parties involved in this case.

19 Mr. Cooper, if you would please stand, introduce
20 your client, any persons who may be assisting you
21 throughout this trial.

22 MR. COOPER: Thank you, Your Honor.

23 Good morning. My name is Michael Cooper. I
24 represent Kadrin Singleton on the charge of murder.
25 This is my co-counsel, Megan Ehrlich.

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1 THE COURT: Is there any member of the jury
2 panel related by blood, marriage, close personal
3 friend, ever have any business, personal, professional
4 dealings, know Mr. Singleton in any way? If so,
5 please stand.

6 Know Mr. Singleton in any way? If so, please
7 stand.

8 [Whereupon, there is no response]

9 THE COURT: Thank you. There are none.

10 Any member of the jury panel related by blood,
11 marriage, close personal friend, ever have any
12 business, personal, professional dealings, or ever
13 been represented by Mr. Cooper or Ms. Ehrlich? If so,
14 please stand.

15 [Whereupon, there is no response]

16 THE COURT: Thank you. There are none.

17 Mr. Kidd, if you would please stand, introduce
18 yourself, any persons who may be assisting you either
19 seated at your table or in your office throughout this
20 trial.

21 MR. KIDD: Yes, ma'am.

22 Good afternoon. My name is Culver Kidd and I'm
23 assistant solicitor with the ninth circuit solicitor's
24 office, working under Scarlett Wilson, your elected
25 solicitor.

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1 Assisting me today is Chris Lietzow, who's also
2 a solicitor with our office, and Jordan Smith, who is
3 a law student at the Charleston School of Law. Also,
4 you might see in the courtroom an investigator with my
5 office named Sherry Niblock. And the lead detective,
6 Detective Matthews, will also be in the courtroom.

7 THE COURT: Thank you, Mr. Kidd.

8 Is there any member of the jury panel related by
9 blood, marriage, close personal friend, ever have any
10 business, personal, professional dealing or ever been
11 represented in any way by Mr. Kidd or Mr. Lietzow? If
12 so, please stand.

13 [Whereupon, there is no response]

14 THE COURT: Thank you. There are none.

15 Any member of the jury panel know Ms. Smith in
16 any way? If so, please stand.

17 [Whereupon, there is no response]

18 THE COURT: Thank you. There are none.

19 Is there any member of the jury panel related by
20 blood, marriage, close personal friend, a close family
21 member, someone, perhaps yourself, someone you know,
22 ever been employed by or done any business with either
23 the ninth circuit solicitor's office -- and that is
24 Charleston and Berkeley -- or the public defender's
25 office, also in Charleston and Berkeley County? If

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1 so, please stand.

2 [Whereupon, there is no response]

3 THE COURT: Thank you, there are none.

4 Ladies and gentlemen, please remember that just
5 as I gave you the opportunity to come forward at the
6 end of qualifications last time, I will also give you
7 that opportunity. There are some questions that I
8 have determined are again personal and so I will have
9 you come forward to answer those questions. But if at
10 any time you feel that you do not wish to stand up and
11 answer any of these questions for whatever reason, and
12 where you are in the gallery, please remember and you
13 may come forward and I will give you that opportunity
14 to meet with me.

15 Ladies and gentlemen, I now have a list of
16 potential witnesses who may be called to testify in
17 this case. Ladies and gentlemen, the list is lengthy
18 and so when I call out the names please, do not start
19 calculating and think we're going to be here for a
20 month or two months. This trial will end. We will
21 not be -- go past Friday. So, please -- I say that
22 because there are other trials that you see in the
23 news that go for months. This will not be one of
24 those trials, even though there is a lengthy list of
25 witnesses.

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1 Ladies and gentlemen, if you know these
2 individuals in any way, think you know these
3 individuals in any way, when I call their name please
4 stand. Kenneth Fludd; Tasha Nelson; Gina Williams,
5 with the FBI, Federal Bureau of Investigation;
6 Jennings Wagner; Craig Thompson; Brian Sommerfeldt;
7 Angelica Loaiza; Travis Repman; Chinnema Hamilton;
8 Michael Aiken, with the North Charleston Police
9 Department; Rebecca Bailey, North Charleston Police
10 Department; Angie Bunker, otherwise known as Angie
11 Elmer, North Charleston Police Department; Jerome
12 Desheers, North Charleston Police Department; Mark
13 Evans, North Charleston Police Department; Brian
14 George, North Charleston Police Department; Al
15 Hallman, North Charleston Police Department; Matt
16 Hughes, North Charleston Police Department; Candy
17 Johnson, North Charleston Police Department; Lisa
18 Kubicsko, North Charleston Police Department; Ronald
19 Lacher, North Charleston Police Department; Karen
20 McDonald, with the North Charleston Police Department;
21 Shawnta Middleton, North Charleston Police Department;
22 Monique Mouzon, North Charleston Police Department;
23 Joseph Niemiec, North Charleston Police Department;
24 Jeremy Schmidt, North Charleston Police Department;
25 Michael Slager, with the North Charleston Police

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1 Department; Chris Ware, with the North Charleston
2 Police Department; Bradley Woods, with the North
3 Charleston Police Department; Scott Wyant, with the
4 North Charleston Police Department; Kevin Joyce,
5 Charleston County Sheriff's Office; Kathy Kjellman,
6 Charleston County Sheriff's Office; Adam Midgett,
7 North Charleston -- excuse me -- Charleston County
8 Sheriff's Office; James Milz, Charleston County
9 Sheriff's Office; Mark Watson, Charleston County
10 Sheriff's Office; Kievet Hayward, with SACDC; Mark
11 Lipsey, with SACDC; Renee Hilton, Charleston Police
12 Department Crime Lab; Whitney Berry, State Law
13 Enforcement Division, otherwise known as SLED;
14 Patricia Crooks, State Law Enforcement Division,
15 otherwise known as SLED; Dan DeFreese, SLED; Willis
16 Walker, with SLED; Doris Yarborough, SLED; Edward
17 Klimas, with the FBI; Sherry Niblock, with the
18 solicitor's Office; Dr. Ellen Reimer, with the Medical
19 University of South Carolina; Susan Johnson, employed
20 with T-Mobile; Joseph Sierra, employed with T-Mobile;
21 Christopher Felder; Officer Vantime, North Charleston
22 Police Department.

23 Is there any member of the jury panel related by
24 blood, marriage, close personal friend, know any of
25 those individuals in any way, please stand.

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1 [Whereupon, there is no response]

2 THE COURT: Thank you. There are none.

3 Any member of the jury panel related by blood,
4 marriage, or you yourself worked at either the Sheriff
5 Al Cannon Detention Center, the North Charleston
6 Police Department, State Law Enforcement Division, or
7 the Federal Bureau of Investigations, or the
8 Charleston County Sheriff's Office, or you've worked
9 at T-Mobile? If so, please stand.

10 All right. We'll start in the back. Yes,
11 ma'am. Your jury number and name.

12 MS. VANRAALTE: I'm Lisa Vanraalte, 369.

13 My husband does not work for North Charleston
14 Police Department, but he is one of the City
15 attorneys.

16 THE COURT: He is the?

17 MS. VANRAALTE: One of the City attorneys.

18 THE COURT: And what is your husband's name?

19 MS. VANRAALTE: Dirk Vanraalte.

20 THE COURT: Do you know any of these individuals
21 that I've called their names?

22 MS. VANRAALTE: No.

23 THE COURT: Is there anything about your
24 husband's employment that would affect your ability to
25 be fair and impartial in this case?

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1. MS. VANRAALTE: Not in this case.

2. THE COURT: And your jury number and name?

3. MS. VANRAALTE: 369.

4. THE COURT: Thank you. Yes, sir?

5. MR. SAXON: Emmett Saxon, 317.

6. My cousin works for North Charleston Police
7. Department.

8. THE COURT: And what is your cousin's name?

9. MR. SAXON: Timmy Holland [phonetic].

10. THE COURT: And what does he do?

11. MR. SAXON: I think he's a patrolman.

12. THE COURT: Do you know any of these
13. individuals?

14. MR. SAXON: No, I don't.

15. THE COURT: Ever hear your cousin talk about any
16. of these individuals by name?

17. MR. SAXON: No.

18. THE COURT: Is there anything about your
19. cousin's employment that would affect your ability to
20. be fair and impartial in this case?

21. MR. SAXON: Maybe. No. That's a --

22. THE COURT: All right. And that's a very fair
23. question -- or a very fair response.

24. MR. SAXON: I would say yes.

25. THE COURT: Well, let me just ask it to you this

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1 way because you've said yes, no, maybe. All right?

2 Both the defendant and the State deserve a juror
3 who is able to listen to the facts from the witness
4 stand, apply the law as I give it to you, and render a
5 verdict based only upon those things free from any
6 outside influences. Can you be that juror?

7 MR. SAXON: No.

8 THE COURT: I'm going to excuse you from the
9 trial of this case. Tell me your jury number.

10 MR. SAXON: 317.

11 THE COURT: 317.

12 I need you to stay with us. Do not answer any
13 further questions regarding this case. Thank you,
14 sir. You may have a seat. Thank you.

15 Yes, sir?

16 MR. PIENING: 289. Ralph Piening.

17 I worked in the medical department of Charleston
18 County Detention Center for about three and a half
19 years.

20 THE COURT: And when was the last time you were
21 employed at the detention center?

22 MR. PIENING: It was probably four or five years
23 ago.

24 THE COURT: Were there any of the names that I
25 called either with the -- employed by the North

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1 Charleston Police Department, the sheriff's
2 department, any of the law enforcement agencies, or
3 any of the witnesses that sounded familiar to you?

4 MR. PIENING: No.

5 THE COURT: Is there anything about your
6 employment that would affect your ability to be fair
7 and impartial in this case?

8 MR. PIENING: No.

9 THE COURT: And your jury number, sir?

10 MR. PIENING: 289.

11 THE COURT: 289. Thank you.

12 Is there anyone else?

13 [Whereupon, there is no response]

14 THE COURT: Thank you. There are none.

15 Is there any member of the jury panel that has
16 former background working with a law enforcement
17 agency in any capacity in any location? If so, please
18 stand.

19 Yes, ma'am? Your jury number and name?

20 MS. VANRAALTE: 369. Lisa Vanraalte.

21 THE COURT: Yes, ma'am.

22 MS. VANRAALTE: I was the assistant coordinator
23 for the guardian ad litem program.

24 THE COURT: Here in Charleston County, or
25 somewhere else?

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1 MS. VANRAALTE: Here.

2 THE COURT: Anything about that that would
3 affect your ability to be fair and impartial in this
4 case?

5 MS. VANRAALTE: No.

6 THE COURT: And once again, do you know anyone
7 at either defense table, anyone in the solicitor's
8 office or the public defender's office, and would that
9 affect your ability to be fair and impartial in this
10 case?

11 MS. VANRAALTE: I don't know any of these
12 attorneys, and it would not affect me.

13 THE COURT: Thank you. I'm going to have you
14 stay with us.

15 Yes, sir?

16 MR. ENTER: 122. Bryan Enter.

17 I was a law enforcement officer with national
18 park service and that was ten years ago.

19 THE COURT: Here in South Carolina, or somewhere
20 else?

21 MR. ENTER: In five different states, but not
22 South Carolina.

23 THE COURT: Anything about your former
24 employment that would affect your ability to be fair
25 and impartial in this case?

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1 MR. ENTER: No, Your Honor.

2 THE COURT: And your jury number before you sit
3 down.

4 MR. ENTER: 122.

5 THE COURT: Thank you, sir. Yes?

6 MR. GIARDINO: Juror 147, Paul Giardino.

7 Retired police officer from New Jersey. I
8 spent twenty-seven and a half years in criminal
9 investigations and retired as second in command on
10 the force.

11 THE COURT: And how long ago did you retire?

12 MR. GIARDINO: The year 2000.

13 THE COURT: Anything about your prior employment
14 that would affect your ability to be fair and
15 impartial in this case?

16 MR. GIARDINO: Could.

17 THE COURT: And so same question to you. Both
18 the State and the defense deserve a juror who's able
19 to listen to the facts on the witness stand, apply the
20 law as I give it to you, and render a verdict based
21 only upon those things. Can you be that juror?

22 MR. GIARDINO: I don't believe so.

23 THE COURT: I'm going to excuse you from the
24 trial of this case. And your juror number, sir?

25 MR. GIARDINO: 147.

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1 THE COURT: 147 is excused from the trial of
2 this case.

3 I need you to stay with us to receive further
4 instructions for your service for the week, but do not
5 answer any further questions regarding this case. All
6 right? Thank you.

7 Yes, ma'am?

8 MS. HARVEY: 173. Laura Harvey.

9 I work very closely on a daily basis with the
10 Mount Pleasant Police Department. And I serve on the
11 board for the Cooper River Bridge Run, so I work very
12 closely with all three municipalities police
13 departments for that.

14 THE COURT: Do you know any of the officers that
15 I listed on the witness list?

16 MS. HARVEY: I do not.

17 THE COURT: Is there anything about your
18 employment that would affect your ability to be fair
19 and impartial in this case?

20 MS. HARVEY: I don't believe so, no.

21 THE COURT: And I do that very same thing. I
22 say, I guess so, I hope so. I need a yes or a no --

23 MS. HARVEY: No.

24 THE COURT: Well, you don't know what -- let me
25 ask my question again.

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1 Will you be able to listen to the facts from the
2 witness stand, apply the law as I give it to you, and
3 render a verdict based only upon those things?

4 MS. HARVEY: Yes.

5 THE COURT: I'm going to have you stay with us.
6 Tell me your jury number one more time.

7 MS. HARVEY: 173.

8 THE COURT: 173 will remain.

9 Is there anyone else?

10 [Whereupon, there is no response]

11 THE COURT: Thank you. There are none.

12 Any member of the jury panel ever served as a
13 juror before? You've served as a juror before. If
14 so, please stand. Please stand. All right. Thank
15 you for your service as a juror. And so what I'm
16 going to do is we'll just go down the row.

17 All I need to know is what type of case that you
18 served on and whether or not that experience would
19 affect your ability to be fair and impartial in this
20 case. We'll start over here in front.

21 MR. CRUMP: My jury number is 87, Wayne Crump.

22 I served on two juries that did not go to a
23 verdict. They were dismissed before it was -- went to
24 a verdict.

25 THE COURT: Anything about those experiences

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1 that would affect your ability to be fair and
2 impartial in this case?

3 MR. CRUMP: No, ma'am.

4 THE COURT: Yes, sir? Yes, ma'am?

5 MS. BAYER: Karen Bayer, juror 21. A DUI case.

6 THE COURT: And anything about that experience
7 that would affect your ability to be fair and
8 impartial in this case?

9 MS. BAYER: No, ma'am.

10 THE COURT: Thank you. Yes, sir?

11 MR. PIENING: 289. Ralph Piening.

12 I served on a civil trial involving an auto
13 accident.

14 THE COURT: Anything about that that would
15 affect your ability to be fair and impartial in this
16 case?

17 MR. PIENING: No.

18 THE COURT: Thank you. Yes, ma'am?

19 MS. FERRELL: 127. Jennifer Ferrell.

20 I served on a jury a few years ago.

21 THE COURT: Anything about that experience that
22 would affect your ability to be fair and impartial in
23 this case?

24 MS. FERRELL: No, ma'am.

25 THE COURT: Thank you. Yes, sir?

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1 MR. LATTO: 221. Nick Latto.

2 I served on an automobile liability case.

3 THE COURT: Here in Charleston County?

4 MR. LATTO: Charleston County approximately
5 fifteen years ago.

6 THE COURT: Anything about that that would
7 affect your ability to be fair and impartial in this
8 case?

9 MR. LATTO: No, ma'am.

10 THE COURT: Thank you. Yes, ma'am?

11 MS. SCOTT: Dierdre Scott, juror 321.

12 Served on an assault case here in Charleston
13 County.

14 THE COURT: And was that a pleasant experience
15 for you or an unpleasant experience?

16 MS. SCOTT: Neither way.

17 THE COURT: Neither?

18 Anything about that that would affect your
19 ability to be fair and impartial in this case?

20 MS. SCOTT: Will not affect my ability.

21 THE COURT: Thank you. Yes, ma'am?

22 MS. MANISCALCO: Carolee Maniscalco. 229.

23 Served on an assault -- jury on an assault case.

24 THE COURT: Anything about that that would
25 affect your ability to be fair and impartial in this

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1 case?

2 MS. MANISCALCO: No, it would not.

3 THE COURT: All right. Thank you. Yes, sir?

4 MR. ROGERS: James Rogers, 312.

5 In 2000, I served on a case. I can't really
6 recall it, really. Some kind of personal injury.
7 That would not affect me.

8 THE COURT: Yes, ma'am?

9 MS. SKINNER: Mary Kate Skinner, 333.
10 Small claims court. It would not affect me.

11 THE COURT: And anything about that that would
12 affect your ability --

13 MS. SKINNER: No, ma'am.

14 THE COURT: All right. Thank you. Juror 333.

15 MR. HOWARD: My name is Steve Howard, juror 191.
16 I served on a jury for an armed robbery case in
17 Fort Wayne, Indiana.

18 THE COURT: And was that a short time ago or a
19 long time ago?

20 MR. HOWARD: It's been several years ago.

21 THE COURT: Anything about that experience that
22 would affect your ability to be fair and impartial in
23 this case?

24 MR. HOWARD: No, ma'am.

25 THE COURT: And your jury number before you sit

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1 down.

2 MR. HOWARD: 191.

3 THE COURT: Yes, ma'am?

4 MS. MORRISON: 261, Autumn Morrison.

5 I've served on federal grand jury in a murder in
6 Charleston.

7 THE COURT: And about how long ago was that?

8 MS. MORRISON: I've been trying to think. Maybe
9 ten years.

10 THE COURT: Anything about --

11 MS. MORRISON: I honestly don't have any idea.

12 THE COURT: All right. Anything about that
13 experience that would affect your ability to be fair
14 and impartial in this case?

15 MS. MORRISON: No, ma'am.

16 THE COURT: Thank you. Yes, sir?

17 MR. MCLAIN: Tim McLain, 239.

18 I once served -- I was summoned to be on a jury
19 but I was let go before I actually had to serve.

20 THE COURT: And about how long ago was that?

21 MR. MCLAIN: About three years ago. Three years
22 ago.

23 THE COURT: And here in Charleston County?

24 MR. MCLAIN: Yes.

25 THE COURT: Anything about that experience that

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1 would affect your ability to be fair and impartial?

2 MR. MCLAIN: No.

3 THE COURT: All right. Thank you.

4 MR. MCLAIN: I also had one more thing I was
5 thinking about. You were asking about doing business.
6 I work at Mills House and do business with the
7 solicitor's office and law firms around Charleston.

8 THE COURT: Anything about that employment that
9 would affect your ability to be fair and impartial in
10 this case?

11 MR. MCLAIN: No.

12 THE COURT: Do you know any of the attorneys
13 appearing in front of you today?

14 MR. MCLAIN: I do not.

15 THE COURT: Thank you, sir. Yes?

16 MR. INGRAHAM: John Ingraham, juror number 195.
17 I was on a civil case over fifteen years ago in
18 Massachusetts.

19 THE COURT: How long have you been in
20 Charleston?

21 MR. INGRAHAM: Less than -- well, three years.

22 THE COURT: Anything about your experience on a
23 jury trial that would affect your ability to be fair
24 and impartial in this case?

25 MR. INGRAHAM: Not in a jury trial. One thing

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1 I'm concerned about, my father was a state trooper, a
2 PCI Investigator, worked on homicide and narcotics.

3 THE COURT: And you said that that would concern
4 you. Will you be able to listen to the facts from the
5 witness stand regarding this case, apply the law as I
6 give it to you, and render a verdict based solely on
7 those things, free from any outside influences?

8 MR. INGRAHAM: I've been thinking about that.
9 I'm very concerned.

10 THE COURT: I need a yes or no. Some jurors are
11 more suited for different types of cases.

12 Will you be able to listen to the facts, apply
13 the law as I give it to you, and render a verdict
14 based only upon the law as I give it to you and the
15 facts as you find them?

16 MR. INGRAHAM: No, ma'am.

17 THE COURT: All right. And your jury number?

18 MR. INGRAHAM: 195.

19 THE COURT: I'm going to excuse you from the
20 trial of this case. You will need to stay with us to
21 receive further instructions regarding your service
22 for the week. You may sit down. You do not have to
23 answer anymore questions regarding this case. Thank
24 you.

25 Yes, sir?

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1 MR. MYERS: Juror number 265, Harris Myers.

2 I served on a robbery case in Charleston County
3 General Sessions about eight years ago.

4 There's nothing that would affect my ability to
5 serve.

6 THE COURT: Thank you, sir.

7 Yes, sir?

8 MR. SIGMAN: Walt Sigman, 328.

9 I was on a jury years ago. I can't imagine it
10 would have any bearing on this.

11 THE COURT: Say that one more time.

12 MR. SIGMAN: I'm good to go.

13 THE COURT: You're good to go.

14 You served on a jury about eight years ago?

15 MR. SIGMAN: At least. Yes, ma'am.

16 THE COURT: Thank you. Yes, sir?

17 MR. WHITLOW: 386. James Whitlow.

18 I was on a case about three years ago, three or
19 four years ago, but it would have no bearing on this
20 at all.

21 THE COURT: All right. Thank you.

22 MR. BOTTS: Joseph Botts, juror 33.

23 I was on a civil case maybe four or five years
24 ago and a criminal case maybe ten years ago.

25 THE COURT: Anything about either of those

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1 experiences that would affect your ability to be fair
2 and impartial in this case?

3 MR. BOTTS: No, ma'am.

4 THE COURT: And last but not least?

5 MS. KAUFMANN: Linda Kaufmann, 205 [sic].

6 Served on a jury here, about six or seven years
7 ago, for attempted murder.

8 THE COURT: And anything about that case that
9 would affect your ability to be fair and impartial in
10 this case?

11 MS. KAUFMANN: No.

12 THE COURT: And I -- it may have been you may
13 not have remembered. Any of the solicitors or any of
14 the witnesses that I've called out, any of those names
15 sound familiar to you?

16 MS. KAUFMANN: No.

17 THE COURT: Thank you.

18 Is there anyone else?

19 [Whereupon, there is no response]

20 THE COURT: Thank you. There are none.

21 Is there any member of the jury panel that is a
22 member, or your family is a member, of a victim's
23 rights or law enforcement organization such as
24 Citizens Against Violent Crime, People Against Rape,
25 Mothers Against Drunk Driving, or you or a family

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1 member are a member of Fully Informed Juror
2 Organization? If so, please stand. You belong to an
3 organization such as People Against Rape, Mothers
4 Against Drunk Driving, or Fully Informed Juror
5 Organization.

6 [Whereupon, there is no response]

7 THE COURT: Thank you. There are none.

8 Is there any member of the jury panel, or
9 someone you know, that lives or works in the area of
10 Cambridge Avenue and Azalea and Cosgrove Avenue? If
11 so, please stand.

12 [Whereupon, there is no response]

13 THE COURT: Thank you. There are none.

14 Ladies and gentlemen, as you may have determined
15 by now, what we are looking for, both the State and
16 the defendant are looking for a juror who is able to
17 listen to the facts from the witness stand, apply the
18 law as the Court gives it, and render a verdict based
19 only upon those things, free from any outside
20 influences such as any personal, political, moral or
21 religious beliefs that you may have.

22 Ladies and gentlemen, you have heard the
23 indictments and the facts that the State alleges in
24 the indictment. If for any reason you feel that you
25 would be unable to be that fair and impartial juror,

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1 or if you need to answer any of the previous questions
2 that you did not feel comfortable standing up and
3 answering, please move to the sides and the bailiffs
4 will assist you in coming forward to speak with me.

5 THE BAILIFF: 186.

6 [Whereupon, Juror Number 186, the Court, and the
7 attorneys confer]

8 THE COURT: 186 will remain. Thank you.

9 THE BAILIFF: Juror number 54, Your Honor.

10 [Whereupon, juror number 54, the Court, and the
11 attorneys confer]

12 THE COURT: Juror 54 is excused from the trial
13 of this case.

14 THE BAILIFF: Juror 246.

15 [Whereupon, juror number 246, the Court, and the
16 attorneys confer]

17 THE COURT: 246 is excused from the trial of
18 this case.

19 THE BAILIFF: Juror 103.

20 [Whereupon, juror number 103, the Court, and the
21 attorneys confer]

22 THE COURT: Juror will remain.

23 THE BAILIFF: Juror 205.

24 [Whereupon, juror number 205, the Court, and the
25 attorneys confer]

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1 THE COURT: 205 is excused from --

2 THE CLERK OF COURT: 206, Ms. Kaufmann.

3 THE COURT: 206?

4 THE CLERK OF COURT: Yes, ma'am. 206 is --

5 THE CLERK OF COURT: Just for clarification.

6 THE COURT: Thank you.

7 206 is excused from the trial of this case.

8 205, then, will remain; correct?

9 THE BAILIFF: Juror 220.

10 [Whereupon, juror number 220, the Court, and the
11 attorneys confer]

12 THE COURT: 220 is excused from the trial of
13 this case.

14 Ladies and gentlemen, I have an additional
15 question to ask. Is there any member of the jury
16 panel that you yourself, or a member of your immediate
17 family, or a very close friend, has ever been the
18 victim of a violent crime? Some of you have shared
19 some of that information with me. If you have already
20 shared that information with me, you do not need to
21 come up again. But if you or a member of your
22 immediate family or a close friend has ever been the
23 victim of a violent crime, please come forward and
24 let's discuss that at this time.

25 THE BAILIFF: Juror 97.

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1 [Whereupon, juror number 97, the Court, and the
2 attorneys confer]

3 THE COURT: Juror 97 will remain.

4 THE BAILIFF: Your Honor, 334.

5 [Whereupon, juror number 334, the Court, and the
6 attorneys confer].

7 THE COURT: 334 will remain. Thank you.

8 THE BAILIFF: Juror 109.

9 [Whereupon, juror number 109, the Court, and the
10 attorneys confer]

11 THE COURT: 109 will remain.

12 THE BAILIFF: Juror 398.

13 [Whereupon, juror number 398, the Court,, and
14 the attorneys confer]

15 THE COURT: 398 is excused from the trial of
16 this case.

17 THE BAILIFF: 239.

18 [Whereupon, juror number 239, the Court and the
19 attorneys confer]

20 THE COURT: 239 will remain. Thank you.

21 THE BAILIFF: Juror 33:

22 [Whereupon, juror number 33, the Court, and the
23 attorneys confer]

24 THE COURT: 33 will remain. Thank you.

25 THE BAILIFF: Juror 41.

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1 [Whereupon, juror number 21, the Court, and the
2 attorneys confer]

3 THE COURT: 21 will remain. Thank you.

4 THE BAILIFF: Juror 103.

5 [Whereupon, juror number 103, the Court, and the
6 attorneys confer].

7 THE COURT: 103 is excused from the trial of
8 this case.

9 THE BAILIFF: 146.

10 [Whereupon, juror number 146, the Court, and the
11 attorneys confer]

12 THE COURT: 146 is excused from the trial of
13 this case.

14 Ladies and gentlemen, one more question based
15 upon some questions that were brought up during our
16 conference here in front of my court reporter.

17 Is there any member of the jury panel that you
18 have a strong belief about gun ownership or the use of
19 guns, or the mere fact that a gun is alleged to have
20 been involved in this case? Is there something about
21 that that would affect your ability to be fair and
22 impartial in this case? If you feel that because
23 there was a gun involved that you would be unable to
24 be a fair and impartial juror for whatever reason,
25 please come forward at this time.

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1 [Whereupon, there is no response]

2 THE COURT: Thank you. There are none. All
3 right. Thank you.

4 [Whereupon, an off-the-record bench conference
5 is held]

6 THE COURT: 33, juror 33 --

7 MR. COOPER: Yes, ma'am, Your Honor.

8 THE COURT: -- is excused from the trial of this
9 case.

10 MR. COOPER: Yes, ma'am, Your Honor.

11 THE COURT: Anything further before we select
12 the jury?

13 MR. KIDD: Nothing from the State, Your Honor.

14 MR. COOPER: No motions, Your Honor.

15 THE COURT: Ladies and gentlemen, we will be
16 selecting the jury for this case. Mr. Causey, the
17 clerk, has instructions for you.

18 I am very aware that we are going into -- most
19 people have already had their lunch and gone back to
20 work by this time. We are being very mindful of your
21 time. Once a jury is selected, we will break for
22 lunch and most of you will be free for the day, for
23 the remainder of the day, so bear with us. And so
24 hopefully we'll be moving through this process.

25

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FIRST STRIKING OF THE JURY

THE COURT: Mr. Causey, if you will begin.
We'll, of course, pick twelve and two alternates. Two
alternates.

THE CLERK OF COURT: Yes, ma'am, Your Honor.
Strikes are five and ten; correct?

THE COURT: Yes.

[Whereupon, an off-the-record bench conference
is held]

THE CLERK OF COURT: Ladies and gentlemen, when
your name is called, if you would please gather your
belongings and make your way to this podium in the
middle of the courtroom. Once you reach this podium,
you're going to turn and face the back of the room and
I'll instruct you from that point on.

Strikes are five and ten, with the State
striking first.

Beginning with Juror Number 16, Jarrod
Bardaville.

[Whereupon, Mr. Bardaville comes forward]

THE CLERK OF COURT: What say ye for the State?

MR. KIDD: Please excuse this juror.

THE CLERK OF COURT: Sir, if you would please
return to your seat. You've been excused from the
trial of this case.

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1 [Whereupon, Mr. Bardaville returns to the
2 audience]

3 THE CLERK OF COURT: Juror 193, Lowell Hull.

4 [Whereupon, Mr. Hull comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MR. KIDD: Court's indulgence.

7 THE COURT: Take your time.

8 MR. KIDD: Please present the juror.

9 THE CLERK OF COURT: What say ye for the
10 defendant?

11 MR. COOPER: Please excuse this juror.

12 THE CLERK OF COURT: Sir, if you would please
13 return to your seat. You've been excused from the
14 trial of this case.

15 [Whereupon, Mr. Hull returns to the audience]

16 THE CLERK OF COURT: Juror number 333, Mary Kate
17 Skinner.

18 [Whereupon, Ms. Skinner comes forward]

19 THE CLERK OF COURT: What say ye for the State?

20 MR. KIDD: Court's indulgence.

21 [Whereupon, Mr. Kidd reviews documents]

22 MR. KIDD: Please present the juror.

23 THE CLERK OF COURT: What say ye for the
24 defendant?

25 MR. COOPER: Court's indulgence.

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1 THE COURT: Take your time.

2 MR. COOPER: Please seat the juror.

3 THE CLERK OF COURT: Ma'am, if you would please
4 take a seat in the jury box. You've been selected as
5 a juror in the trial of this case.

6 [Whereupon, Ms. Skinner is seated in the jury
7 box as a juror]

8 THE CLERK OF COURT: Juror number 334, Maurice
9 Smalls.

10 [Whereupon, Mr. Smalls comes forward]

11 THE CLERK OF COURT: What say ye for the State?

12 MR. KIDD: Please excuse the juror.

13 THE CLERK OF COURT: Sir, if you would please
14 return to your seat. You've been excused from the
15 trial of this case.

16 [Whereupon, Mr. Smalls returns to the audience]

17 THE CLERK OF COURT: Juror number 210, James
18 Kirby.

19 [Whereupon, Mr. Kirby comes forward]

20 THE CLERK OF COURT: What say ye for the State?

21 MR. KIDD: Please present the juror.

22 THE CLERK OF COURT: What say ye for the
23 defendant?

24 MR. COOPER: Court's indulgence.

25 [Whereupon, Mr. Cooper reviews documents]

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1 MR. COOPER: Please excuse this juror.

2 THE CLERK OF COURT: Sir, if you'll please
3 return to your seat. You've been excused from the
4 trial of this case.

5 [Whereupon, Mr. Kirby returns to the audience]

6 THE CLERK OF COURT: Juror number 361, Tyler
7 Tomlinson.

8 MR. COOPER: What number?

9 THE CLERK OF COURT: Number 361.

10 MR. COOPER: Thank you, sir.

11 [Whereupon, Mr. Tomlinson comes forward]

12 THE CLERK OF COURT: What say ye for the State?

13 MR. KIDD: Court's indulgence.

14 [Whereupon, Mr. Kidd reviews documents]

15 MR. KIDD: Please excuse the juror.

16 THE CLERK OF COURT: Sir, if you would please
17 return to your seat. You've been excused from the
18 trial of this case.

19 [Whereupon, Mr. Tomlinson returns to the
20 audience]

21 THE CLERK OF COURT: The State has exhausted
22 three of their five strikes.

23 Juror number 321, Dierdre Scott.

24 [Whereupon, Ms. Scott comes forward]

25 THE CLERK OF COURT: What say ye for the State?

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1 MR. KIDD: Please present this juror.

2 THE CLERK OF COURT: What say ye for the
3 defendant?

4 MR. COOPER: Please seat the juror.

5 THE CLERK OF COURT: Ma'am, if you would please
6 take a seat in the jury box. You've been selected as
7 a juror in the trial of this case.

8 [Whereupon, Ms. Scott is seated in the jury box
9 as a juror]

10 THE CLERK OF COURT: Juror number 108, Kendra
11 Drayton.

12 [Whereupon, Ms. Drayton comes forward]

13 THE CLERK OF COURT: What say ye for the State?

14 MR. KIDD: Court's indulgence.

15 [Whereupon, Mr. Kidd reviews documents]

16 MR. KIDD: Please present the juror.

17 THE CLERK OF COURT: What say ye for the
18 defendant?

19 MR. COOPER: Please seat the juror.

20 THE CLERK OF COURT: Ma'am, if you would please
21 take a seat in the jury box.. You've been selected as
22 a juror in the trial of this case.

23 [Whereupon, Ms. Drayton is seated in the jury
24 box as a juror]

25 THE CLERK OF COURT: Juror number 213, Patricia

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1 Kopald.

2 [Whereupon, Ms. Kopald comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MR. KIDD: Please present the juror.

5 THE CLERK OF COURT: What say ye for the
6 defendant?

7 MR. COOPER: Court's indulgence.

8 [Whereupon, Mr. Cooper reviews documents]

9 MR. COOPER: Please excuse this juror.

10 THE CLERK OF COURT: Ma'am, if you would please
11 return to your seat. You've been excused from the
12 trial of this case.

13 [Whereupon, Ms. Kopald returns to the audience]

14 THE CLERK OF COURT: Juror number 109, Lamar
15 Drayton.

16 [Whereupon, Mr. Drayton comes forward]

17 MR. KIDD: Please excuse the juror.

18 THE CLERK OF COURT: Thank you, sir. If you
19 would please return to your seat. You've been excused
20 from the trial of this case.

21 [Whereupon, Mr. Drayton returns to the audience]

22 THE CLERK OF COURT: The State has one strike
23 remaining.

24 Juror number 300, Terry Rentz.

25 [Whereupon, Mr. Rentz comes forward]

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1 THE CLERK OF COURT: What say ye for the State?

2 MR. KIDD: Please present the juror.

3 THE CLERK OF COURT: What say ye for the
4 defendant?

5 MR. COOPER: Court's indulgence, please.

6 [Whereupon, Mr. Cooper reviews documents]

7 MR. COOPER: Please seat the juror.

8 THE CLERK OF COURT: Sir, if you'll please take
9 a seat in the jury box. You've been selected as a
10 juror in the trial of this case.

11 [Whereupon, Mr. Rentz is seated in the jury box
12 as a juror]

13 THE CLERK OF COURT: Juror number 344, Teresa
14 Soltis.

15 [Whereupon, Ms. Soltis comes forward]

16 THE CLERK OF COURT: What say ye for the State?

17 MR. KIDD: Please present the juror.

18 THE CLERK OF COURT: What say ye for the
19 defendant?

20 MR. COOPER: Please excuse the juror.

21 THE CLERK OF COURT: Ma'am, if you'll please
22 return to your seat. You've been excused from the
23 trial of this case.

24 [Whereupon, Ms. Soltis returns to the audience]

25 THE CLERK OF COURT: Juror number 21, Karen

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1 Bayer.

2 [Whereupon, Ms. Bayer comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MR. KIDD: Court's indulgence.

5 [Whereupon, Mr. Kidd reviews documents]

6 MR. KIDD: Please present the juror.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. COOPER: Please excuse this juror.

10 THE CLERK OF COURT: Ma'am, if you'll please
11 return to your seat. You've been excused from the
12 trial of this case.

13 [Whereupon, Ms. Bayer returns to the audience]

14 THE CLERK OF COURT: The defendant has five
15 strikes remaining.

16 Juror 221, Nicholas Latto.

17 [Whereupon, Mr. Latto comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. KIDD: Please present the juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MR. COOPER: Court's indulgence.

23 [Whereupon, Mr. Cooper reviews documents]

24 MR. COOPER: Please seat the juror.

25 THE CLERK OF COURT: Sir, if you would please

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1 take a seat in the jury box. You've been selected as
2 a juror in the trial of this case.

3 [Whereupon, Mr. Latto is seated in the jury box
4 as a juror]

5 THE CLERK OF COURT: Juror number 368, Deanne
6 Vane.

7 [Whereupon, Ms. Vane comes forward]

8 MR. COOPER: What number?

9 THE CLERK OF COURT: Number 221. I'm sorry.
10 368.

11 THE CLERK OF COURT: What say ye for the State?

12 MR. KIDD: Please present the juror.

13 THE CLERK OF COURT: What say ye for the
14 defendant?

15 MR. COOPER: Please seat the juror.

16 THE CLERK OF COURT: Ma'am, if you'll please
17 take a seat in the jury box. You've been selected as
18 a juror in the trial of this case.

19 [Whereupon, Ms. Vane is seated in the jury box
20 as a juror]

21 THE CLERK OF COURT: Juror number 85, Jeanna
22 Crockett.

23 [Whereupon, Ms. Crockett comes forward]

24 MS. CROCKETT: Can I ask a question first?

25 THE COURT: You need to ask me a question?

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1 MS. CROCKETT: Yes.

2 MR. COOPER: May we approach?

3 THE COURT: Let me see what her question is.

4 [Whereupon, the Court and Ms. Crockett confer as
5 follows: there's a chance that I'm going to be
6 subpoenaed for a small claims court later this week]

7 THE COURT: We take priority.

8 MS. CROCKETT: Okay. Just make -- sure.

9 THE COURT: No worries. Thank you. No worries.

10 THE CLERK OF COURT: What say ye for the State?

11 MR. KIDD: Please present the juror.

12 THE CLERK OF COURT: What say ye for the
13 defendant?

14 MR. COOPER: This is 85?

15 THE CLERK OF COURT: This is number 85.
16 Correct.

17 MR. COOPER: Court's indulgence.

18 THE COURT: Take your time.

19 MR. COOPER: Thank you, Your Honor.

20 [Whereupon, Mr. Cooper reviews documents]

21 MR. COOPER: Please seat the juror.

22 THE CLERK OF COURT: Ma'am, if you'll please
23 take a seat in the jury box. You've been selected as
24 a juror in the trial of this case.

25 [Whereupon, Ms. Crockett is seated in the jury

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1 box as a juror]

2 THE CLERK OF COURT: Juror number 313, Gereza
3 Rollins.

4 [Whereupon, Ms. Rollins comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MR. KIDD: Please present the juror.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. COOPER: Please seat the juror.

10 THE CLERK OF COURT: Ma'am, if you'll please
11 take a seat in the jury box. You've been selected as
12 a juror in the trial of this case.

13 [Whereupon, Ms. Rollins is seated in the jury
14 box as a juror]

15 THE CLERK OF COURT: Juror number 312, James
16 Rogers.

17 [Whereupon, Mr. Rogers comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. KIDD: Please present the juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MR. COOPER: Please excuse this juror.

23 THE CLERK OF COURT: Sir, if you'll please
24 return to your seat. You've been excused from the
25 trial of this case.

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1 [Whereupon, Mr. Rogers returns to the audience]

2 THE CLERK OF COURT: Juror number 141, Athena
3 Garden.

4 [Whereupon, Ms. Garden comes forward]

5 THE CLERK OF COURT: What say ye for the State?

6 MR. KIDD: Please present the juror.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. COOPER: Please seat the juror.

10 THE CLERK OF COURT: Ma'am, if you'll please
11 take a seat in the jury box. You've been selected as
12 a juror in the trial of this case.

13 [Whereupon, Ms. Garden is seated in the jury box
14 as a juror]

15 THE CLERK OF COURT: Juror number 369, Lisa
16 Vanraalte.

17 [Whereupon, Ms. Vanraalte comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. KIDD: Please present the juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MR. COOPER: Please excuse the juror.

23 THE CLERK OF COURT: Ma'am, if you'll please
24 return to your seat. You've been excused from the
25 trial of this case.

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1 [Whereupon, Ms. Vanraalte returns to the
2 audience]

3 THE CLERK OF COURT: Juror number 296, Kristin
4 Treadway.

5 [Whereupon, Ms. Treadway comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MR. KIDD: What was the number?

8 THE COURT: 296.

9 THE CLERK OF COURT: What say ye for the State?

10 MR. KIDD: Court's indulgence.

11 [Whereupon, Mr. Kidd reviews documents]

12 MR. KIDD: Please present the juror.

13 THE CLERK OF COURT: What say ye for the
14 defendant?

15 MR. COOPER: Please seat the juror.

16 THE CLERK OF COURT: Ma'am, if you will please
17 take a seat in the jury box. You've been selected as
18 a juror in the trial of this case.

19 [Whereupon, Ms. Treadway is seated in the jury
20 box as a juror]

21 THE CLERK OF COURT: Juror number 261, Autumn
22 Morrison.

23 MR. COOPER: What number? I'm sorry.

24 THE CLERK OF COURT: 290 -- I'm sorry. 261.

25 [Whereupon, Ms. Morrison comes forward]

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1 THE CLERK OF COURT: What say ye for the State?

2 MR. KIDD: Please present the juror.

3 THE CLERK OF COURT: What say ye for the
4 defendant?

5 MR. COOPER: Please excuse this juror.

6 THE CLERK OF COURT: Ma'am, if you will please
7 return to your seat. You've been excused from the
8 trial of this case.

9 [Whereupon, Ms. Morrison returns to the
10 audience]

11 THE CLERK OF COURT: The defendant has two
12 strikes remaining.

13 Juror 328, Walter Sigman.

14 [Whereupon, Mr. Sigman comes forward]

15 THE CLERK OF COURT: What say ye for the State?

16 MR. KIDD: Please present the juror.

17 THE CLERK OF COURT: What say you for the
18 defendant?

19 MR. COOPER: Please seat the juror.

20 THE CLERK OF COURT: Sir, if you'll please take
21 a seat in the jury box. You've been selected as a
22 juror in the trial of this case.

23 [Whereupon, Mr. Sigman is seated in the jury box
24 as a juror]

25 THE CLERK OF COURT: Juror number 127, Jennifer

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1 Ferrell.

2 [Whereupon, Ms. Ferrell comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MR. KIDD: Court's indulgence.

5 [Whereupon, Mr. Kidd reviews documents]

6 MR. KIDD: Please present the juror.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. COOPER: Please excuse the juror.

10 THE CLERK OF COURT: Ma'am, if you will please
11 return to your seat. You've been excused from the
12 trial of this case.

13 [Whereupon, Ms. Ferrell returns to the audience]

14 THE CLERK OF COURT: The defendant has one
15 strike remaining.

16 Juror number 97, Colby Day.

17 [Whereupon, Mr. Day comes forward]

18 THE CLERK OF COURT: What say ye for the State?

19 MR. KIDD: Please present the juror.

20 THE CLERK OF COURT: What say ye for the
21 defendant?

22 MR. COOPER: Please excuse the juror.

23 THE CLERK OF COURT: Ma'am, if you'll please
24 return to your seat. You've been excused from the
25 trial of this case.

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1 [Whereupon, Mr. Day returns to the audience]

2 THE CLERK OF COURT: The defendant has exhausted
3 all of his strikes.

4 Juror number 386, James Whitlow.

5 [Whereupon, Mr. Whitlow comes forward]

6 THE CLERK OF COURT: What say ye for the State?

7 MR. KIDD: Please present the juror.

8 THE CLERK OF COURT: Any challenge from the
9 defendant?

10 MR. COOPER: No motions.

11 THE CLERK OF COURT: Sir, if you would please
12 make your way towards the jury box. You've been
13 selected as a juror in the trial of this case.

14 [Whereupon, Mr. Whitlow is seated in the jury
15 box as a juror]

16 THE CLERK OF COURT: Now selecting for the first
17 of our two alternates. Strikes are one and two.

18 Beginning with juror number 289, Ralph Piening.

19 [Whereupon, Mr. Piening comes forward]

20 THE CLERK OF COURT: What say ye for the State?

21 MR. KIDD: Court's indulgence.

22 [Whereupon, Mr. Kidd reviews documents]

23 MR. KIDD: Please excuse the juror.

24 THE CLERK OF COURT: Sir, if you'll please
25 return to your seat. You've been excused from the

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1 trial of this case.

2 [Whereupon, Mr. Piening returns to the audience]

3 THE CLERK OF COURT: The State has exhausted
4 their only strike for this first alternate.

5 Juror number 191, Steven Howard.

6 [Whereupon, Mr. Howard comes forward]

7 THE CLERK OF COURT: Any challenge from the
8 State?

9 MR. KIDD: No challenge.

10 THE CLERK OF COURT: What say ye for the
11 defendant?

12 MR. COOPER: Please excuse this juror.

13 THE CLERK OF COURT: Sir, if you'll please
14 return to your seat. You've been excused from the
15 trial of this case.

16 [Whereupon, Mr. Howard returns to the audience]

17 THE CLERK OF COURT: The defendant has one
18 strike remaining for the first alternate.

19 Juror number 154, Patricia Grant.

20 [Whereupon, Ms. Grant comes forward]

21 THE CLERK OF COURT: Any challenges from the
22 State?

23 MR. KIDD: No challenges.

24 THE CLERK OF COURT: What say ye for the
25 defendant?

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1 MR. COOPER: Please seat the juror.

2 THE CLERK OF COURT: Ma'am, if you would please
3 make your way to the jury box. You've been selected
4 as an alternate in the trial of this case.

5 [Whereupon, Ms. Grant is seated in the jury box
6 as an alternate juror]

7 THE CLERK OF COURT: Now selecting for our
8 second alternate. Strikes are one and two.

9 Beginning with juror number 353, Ann Thompson.
10 [Whereupon, Ms. Thompson comes forward]

11 THE CLERK OF COURT: What say ye for the State?

12 MR. KIDD: No challenge.

13 THE CLERK OF COURT: Strikes are re-set for the
14 second alternate.

15 MR. KIDD: Please present the juror.

16 THE CLERK OF COURT: What say ye for the
17 defendant?

18 MR. COOPER: Please excuse the juror.

19 THE CLERK OF COURT: Ma'am, if you'll please
20 return to your seat. You've been excused from the
21 trial of this case.

22 [Whereupon, Ms. Thompson returns to the
23 audience]

24 THE CLERK OF COURT: Juror number 88, Heather
25 Hord.

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1 [Whereupon, Ms. Hoard comes forward]

2 THE CLERK OF COURT: What say ye for the State?

3 MR. KIDD: Please present the juror.

4 THE CLERK OF COURT: What say ye for the
5 defendant?

6 MR. COOPER: Please excuse this juror.

7 THE CLERK OF COURT: Ma'am, if you'll please
8 return to your seat. You've been excused from the
9 trial of this case.

10 [Whereupon, Ms. Hord returns to the audience]

11 THE CLERK OF COURT: The defendant has exhausted
12 both of their strikes.

13 MR. KIDD: Your Honor, may we approach briefly?

14 THE COURT: You may.

15 [Whereupon, an off-the-record bench conference
16 is held]

17 THE COURT: Please continue.

18 THE CLERK OF COURT: Thank you, Your Honor.

19 Juror number 267, Anjali Naik.

20 [Whereupon, Ms. Naik comes forward]

21 THE CLERK OF COURT: What say ye for the State?

22 MR. KIDD: Please present the juror.

23 THE CLERK OF COURT: Any challenge from the
24 defendant?

25 MR. COOPER: None.

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1 THE CLERK OF COURT: Ma'am, if you'll please
2 make your way to the jury box. You've been selected
3 as the second alternate in the trial of this case.

4 [Whereupon, Ms. Naik is seated in the jury box
5 as a juror]

6 THE CLERK OF COURT: Your Honor, the jury has
7 been selected.

8 THE COURT: Ladies and gentlemen, you have been
9 selected as the jury to try this case. For my first
10 twelve that were seated, is there any reason
11 whatsoever that you feel that you would be unable to
12 continue with the trial of this case? Sometimes
13 people tell me -- they get in the box and then they
14 realize that they are related to a witness or they
15 know somebody in the solicitor's office or the public
16 defender's office and they just forgot.

17 If there's -- we're going to take a short break
18 to allow you a comfort break. If for any reason my
19 first twelve feel that you would be unable to continue
20 through the trial of this case, please alert the
21 bailiffs before you come back in. Please show them to
22 their room, jury room, allow a comfort break. Please
23 take your belongings with you.

24 [Whereupon, the jury exits the courtroom at
25 1:39 p.m.]

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1 THE COURT: Any motions or matters pertaining to
2 the jury as selected? Mr. Kidd?

3 MR. KIDD: Yes, ma'am.

4 THE COURT: All right. Please approach.

5 [Whereupon, an off-the-record bench conference
6 is held]

7 THE COURT: Ladies and gentlemen, there is a
8 motion that I must take up outside of your presence.
9 Again, I am very aware that we're now -- you have been
10 without lunch for a while. What I'm attempting to do
11 is not make you come back -- for us to take a long,
12 extended lunch break and then to come back. So what
13 we're going to do is I need to clear the courtroom of
14 all potential jurors so all -- we'll take about
15 fifteen minutes. Please do not leave the floor.
16 Please do not leave the floor.

17 I see some of you shaking your heads and looking
18 at me like this is not what you want to do. I really
19 am trying to minimize your inconvenience. So please
20 do not leave the floor. You may have a comfort break,
21 utilize your cell phones, anything of that nature, but
22 please do not leave the floor. Thank you.

23 [Whereupon, the jury panel exits the courtroom
24 at 1:41 p.m.]

25

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BATSON CHALLENGE

1
2 THE COURT: All right. Mr. Kidd, I anticipate
3 what your motion is, but please articulate it for the
4 record.

5 MR. KIDD: Yes, Your Honor.

6 The State would make a Batson challenge as to
7 the jury selected. As I have it, defendant exercised
8 fourteen total strikes, all of which were striking
9 either white females or white males. I think that
10 alone is enough to make sort of my prima facie
11 showing, and shift the burden to them to show a
12 race-neutral reason for the striking --

13 THE COURT: Just in order, are you challenging
14 all of his strikes, Mr. Kidd?

15 MR. KIDD: I think -- yes, ma'am.

16 I think in the totality, if you take them all
17 together, is what makes it so egregious. If it were
18 ten of the fourteen it might not be as bad, or eight
19 of the fourteen it might not be as bad. But fourteen
20 of fourteen, considering the cross-section that was
21 called, I think is pretty egregious.

22 THE COURT: Mr. Cooper, will you be arguing this
23 motion?

24 MR. COOPER: Yes, ma'am.

25 THE COURT: So now the burden is upon you to

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1 offer an explanation for your strikes. I think that
2 even though Mr. Kidd has made it in totality, I think
3 the best procedure for us is to go in order of the way
4 that you conducted your strikes and you will need to
5 give me an explanation for your strikes.

6 MR. COOPER: Yes, ma'am.

7 THE COURT: So juror one -- my first notation is
8 juror 193, which was Mr. Hull, a white male.

9 MR. COOPER: Yes, ma'am.

10 Mr. Hull is air force reserve, as well as he
11 asked to be excused during jury qualifications.

12 Are we doing -- are we going to do this one by
13 one or --

14 THE COURT: I think for me it's easier to do --

15 MR. COOPER: Yes, ma'am.

16 THE COURT: -- one by one.

17 All right. So your reason for striking him was
18 that he asked to be excused during --

19 MR. COOPER: As well as he's air force reserve.
20 Military ties.

21 THE COURT: As to Juror 210, James Kirby, white
22 male?

23 MR. COOPER: Yes, ma'am.

24 He is retired army colonel. Again, military
25 ties.

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1 THE COURT: Patricia Kopald, 213.

2 MR. COOPER: Yes, ma'am.

3 She, in jury qualifications, asked to be
4 excused. She and her husband I guess run an auto
5 mechanics -- so I assume that was her reason for
6 asking to be excused. But she was also -- I observed
7 her, when she was in line to be excused, cavalier,
8 didn't seem to be taking anything real seriously.

9 THE COURT: Juror 344, Teresa Soltis, white
10 female?

11 MR. COOPER: Yes, ma'am.

12 Ms. Soltis, when she came to the podium,
13 wouldn't make eye contact with our side of the bench
14 at all and she seemed disinterested in being here.

15 THE COURT: Juror 21, Karen Bayer.

16 MR. COOPER: Was associated as a -- had ties
17 to -- as a victim of a robbery. Her -- I forget their
18 relation, but somebody was beaten and robbed in
19 Cincinnati.

20 THE COURT: James Rogers, 312, white male?

21 MR. COOPER: Yes, ma'am.

22 His occupation was a real estate appraiser. He
23 seemed like he had -- he had no connection with
24 anything that would -- that he wouldn't be able to
25 relate at all to the poverty of this case, when

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1 dealing with corporate real estate appraising.

2 THE COURT: But, Mr. Cooper, I'm assuming -- I
3 made the assumption, and perhaps that was incorrect,
4 then why did you strike military?

5 MR. COOPER: Ma'am? Why did I strike people
6 associated with military?

7 THE COURT: Correct.

8 MR. COOPER: Because they're associated with
9 institutions of -- state institutions, institutions of
10 power and authority, which is similar to law
11 enforcement, similar to the State.

12 THE COURT: Mr. Cooper, then you strike some
13 people because they have too much knowledge and some
14 because they don't have any?

15 MR. COOPER: I think there's a different set of
16 circumstances, Your Honor. Affluences I think is
17 separate from connection to military.

18 THE COURT: Did you say affluence?

19 MR. COOPER: Yes, ma'am.

20 THE COURT: So you're saying he is too well-paid
21 to be on the jury?

22 MR. COOPER: He deals in corporate real estate
23 appraising and that he could not connect with our
24 factual scenario.

25 THE COURT: Juror 369, Lisa Vanraalte, white

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1 female.

2 MR. COOPER: I'm sorry. I'm trying to find her
3 in my notes. I apologize.

4 [Whereupon, Mr. Cooper reviews documents]

5 MR. COOPER: She had -- she is another
6 individual that had a prior victim involvement.

7 THE COURT: Had prior what involvement?

8 MR. COOPER: Victim involvement. And she stood
9 for several questions, as well as her husband was a
10 North Charleston attorney.

11 THE COURT: Juror number 261, Autumn Morrison,
12 white female.

13 MR. COOPER: She had prior jury service on a
14 murder case.

15 THE COURT: Juror 127.

16 MR. COOPER: When asked about her prior jury
17 service, she did not specify at all what type of jury
18 she served on, civil or criminal, whatsoever. And so
19 she had prior juror service but would not specify
20 that.

21 THE COURT: Did I inquire?

22 MR. COOPER: No, ma'am.

23 You inquired generally, but not in any sort of
24 follow-up questioning.

25 THE COURT: And juror 97, Colby Day, white

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1 female.

2 MR. COOPER: Her uncle was murdered.

3 MR. KIDD: I'm sorry. What was the reason for
4 number 97?

5 MR. COOPER: Her uncle was murdered.

6 THE COURT: Juror 97, was that who you were
7 inquiring about? or juror 127?

8 MR. KIDD: 97. I thought that was the one y'all
9 were on.. I'm sorry.

10 MR. COOPER: That's right.

11 MR. KIDD: 97's uncle was murdered?

12 MR. COOPER: Yes.

13 THE COURT: Alternate 1, Steven Howard, white
14 male, juror 191.

15 MR. COOPER: Served as a juror on an armed
16 robbery case prior.

17 THE COURT: And juror 353, Ann B. Thompson.

18 MR. COOPER: She works under the employment of
19 the Department of the State. Again, connected to
20 government entities.

21 THE COURT: And juror 188, white female, Heather
22 Hord.

23 MR. COOPER: Court's indulgence. I'm sorry,
24 Your Honor. I'm looking back at my notes, because I
25 didn't even write her name down, so it will take me a

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1 second.

2 [Whereupon, Mr. Cooper reviews documents]

3 MR. COOPER: Your Honor, juror number 188 is the
4 juror that Mr. Singleton did not feel comfortable
5 with. He expressed that, you know, he didn't like --
6 they had some disconnections. She didn't like -- he
7 didn't like the way she looked at him or her. I
8 forget exactly the nature of it, but we had a
9 conference, small conference, at the table. He
10 expressed concerns about her, and she was struck.

11 THE COURT: I believe that addresses all of your
12 strikes.

13 Mr. Kidd?

14 MR. KIDD: And, Your Honor, I could probably go
15 through it more thoroughly, but the first thing that
16 jumps out at me is the strikes regarding prior jury
17 service when he seated jurors with prior jury service.

18 THE COURT: Tell me specifically the jurors that
19 had prior juror service.

20 MR. KIDD: He indicated that he struck juror
21 number 261, number 127, and number 191 for prior jury
22 service. And the first two jurors sat, juror 333 and
23 juror 321, both had prior jury service.

24 THE COURT: 333 had prior jury service?

25 MR. KIDD: That's correct, Your Honor.

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1 THE COURT: And is also a white female, white --

2 MR. COOPER: Yes, Your Honor.

3 THE COURT: What was her notation -- what was
4 your notation about her prior juror service?

5 MR. COOPER: She did jury service in small
6 claims court, Your Honor, not connected to a criminal
7 matter at all.

8 MR. KIDD: My response to that, Your Honor,
9 would be he struck another one who didn't indicate
10 whether it was a criminal or civil matter.

11 MR. COOPER: She was struck because she didn't
12 give any information to evaluate whether it was
13 criminal or civil.

14 THE COURT: Mr. Kidd, was there a juror that was
15 seated that had prior criminal jury experience that
16 was of a different race?

17 MR. KIDD: Yes, ma'am.

18 Juror number 321 is black female and she had an
19 assault case jury she was on, which is a criminal
20 matter. She was sat as a black female. In addition,
21 as to 321, Judge, she is employed at the Department of
22 the Navy as a black female, which I believe kind of
23 debunks his military Department of State argument when
24 that same analysis clearly doesn't apply to a black
25 female.

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1 THE COURT: So 321 would be a juror of a similar
2 circumstance that was seated? Is that your argument,
3 Mr. Kidd?

4 MR. KIDD: Yes, ma'am.

5 And I can make the same argument about juror
6 number 154.

7 THE COURT: 154?

8 MR. KIDD: She was an alternate sat. Works for
9 the Department of Social Services. Also works for the
10 State.

11 THE COURT: Any others, Mr. Kidd?

12 MR. KIDD: Your Honor, those are the only two
13 main ones I've found, would be 321 and 154, that are
14 in direct contradiction of the reasons that he gave
15 for striking their white counterparts for similar
16 reasons that they had on their --

17 THE COURT: And so what are you requesting?

18 MR. KIDD: I would request that we re-draw a
19 jury.

20 THE COURT: Mr. Cooper, let me hear from you.

21 MR. COOPER: Your Honor, I provided for race
22 neutral reasons for selecting the jury. I don't know
23 if the bench watches, even. Half the jurors I didn't
24 even look up at. When I'm picking, I'm looking at
25 whether they are on these -- in my notes what they

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1 came up to say. I was not trying to strike based on
2 race-based reasons. I provided the Court race-neutral
3 reasons for which I made the strikes.

4 THE COURT: Mr. Cooper, it doesn't matter -- and
5 as you probably gathered from my tone, the initial
6 line of reasoning of why you struck the first few
7 jurors, I questioned you about that. But the burden
8 lies of course with the Court, based upon the totality
9 of the facts and circumstances that you have -- it
10 doesn't have to be a plausible reason. I don't have
11 to agree with it, but it has to be a race and gender
12 neutral reason.

13 And the fact that you have sat two black females
14 with basically the same position that you struck the
15 white females for or white males for working for the
16 State or prior jury service is concerning. So if you
17 will give me a reason that was beyond mere pretext
18 that you sat two for the very same reason that you
19 struck the white jurors for, I'll be happy to hear
20 from you.

21 MR. COOPER: Yes, ma'am.

22 In addressing juror --

23 THE COURT: And, Mr. Cooper, I'll be happy to
24 take a comfort break if you need a moment.

25 MR. COOPER: May it please the Court.

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1 THE COURT: Would you like a comfort break?

2 MR. COOPER: Yes, ma'am.

3 THE COURT: Your client probably needs a comfort
4 break, as well; is that correct?

5 MR. SINGLETON: No, ma'am.

6 THE COURT: You're good? All right. Because
7 the jurors are out here, I'm going to let y'all go --
8 Sam, can you escort them so they can take their
9 necessary break?

10 I'll get off the bench and then, Mr. Kidd, I
11 need to know if I grant your motion do you want to
12 continue, do you want to take a lunch break? What do
13 you want to do? Thank you.

14 [Whereupon, a recess is taken from 2:00 to
15 2:16 p.m.]

16 THE COURT: We will move now back into -- the
17 fourteen will go back into the pool and we will begin
18 selection.

19 THE CLERK OF COURT: Yes, ma'am.

20 THE COURT: Back on the record. We had an in-
21 chambers conference just to go over more so
22 scheduling. I indicated that I was inclined to grant
23 the State's motion based upon the reasons given. I
24 found that the strikes, the reasons for the strikes
25 given, based upon the totality of the circumstances,

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1 were pretextual. The State has met its burden, and I
2 am granting the Batson.

3 MR. COOPER: Yes, ma'am.

4 At our chambers conference, the Court indicated
5 that we be allowed to put arguments on the record as
6 to -- in terms of the Batson ruling.

7 And I understand that the Court has made its
8 ruling, but in arguing on the record, juror number
9 321, which is at challenge, the State raised that she
10 was a juror on a criminal case. Her case was an
11 assault case that she indicated was a very long time
12 ago that she was a juror on that case. It is not as
13 similar as armed robbery or murder, which were the
14 other jurors that I used that strike on, as well as
15 her employment is as a secretary, administrative
16 assistant, with the civil department at Spa War, which
17 is different from retired army colonel or other
18 greater connection to interest of State, as well.

19 And the other juror is juror number 108, another
20 black female. The State raised that she works for the
21 Department of Social Services. She's employed with
22 the Department of Social Services as a social worker.
23 She is not -- she's well-connected to low-income
24 families, helps -- she's not an advocate. She looks
25 at child abuse cases but, as well, she helps children

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1 get back to their parents, helps them get food stamps,
2 housing needs. She's a social worker. Just as easily
3 she could be per defense. And so that was the reason
4 for striking her -- excuse me -- for seating her.

5 And I think it is important to note for the
6 record that there are only seven non-white jurors in
7 the panel out of forty-four. So there are thirty-four
8 white jurors. The odds are that the majority of
9 jurors struck will be white jurors.

10 THE COURT: But you would agree that all of the
11 jurors that you struck were white?

12 MR. COOPER: Yes.

13 THE COURT: Based upon -- again, I indicated to
14 Mr. Cooper that I would allow him to articulate and,
15 you know, then it does become your burden, Mr. Kidd,
16 to show that it was a prefectural strike. So any
17 response to that? I believe you did articulate, but
18 just so the record is abundantly clear, because the
19 case law does require that you have the burden of
20 showing that it was prefectural.

21 MR. KIDD: Yes, Your Honor.

22 I would just follow up with one additional
23 comment. We seated juror number 328, who indicated
24 that they had done jury service but they also didn't
25 articulate which kind, according to my notes. And

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1 Mr. Cooper indicated that he struck another juror
2 because they didn't indicate what kind of service --
3 or that they served on. So I think that's a
4 pretextual reason.

5 You know, I also find reasons such as, my client
6 didn't like him, or eye contact, or cavalier, as
7 pretextual reasons as in we're looking for a reason to
8 be able to strike this person as opposed to looking
9 for a reason we should strike this person. And I
10 think that is what --

11 THE COURT: Well, Mr. Kidd, our Courts have
12 found that perspective juror's appearance and demeanor
13 are -- if the defense can articulate a
14 nondiscriminatory reason, that that is a sufficient
15 basis. So appearance and demeanor I did not find that
16 his articulation -- how Mr. Cooper did articulate his
17 use of appearance and demeanor, I did not find that to
18 be pretextual.

19 MR. KIDD: I understand, Your Honor, and I agree
20 with that in general. I just was I guess pointing out
21 my interpretation of how I felt those reasons came
22 across, which is that they were sought out for an
23 excuse for striking as opposed to a reason to strike.

24 THE COURT: Clearly, under the totality of the
25 circumstances -- and I do note, Mr. Cooper, the racial

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1 makeup of the jury in its entirety. But under the
2 totality of the circumstances and the reasons given, I
3 find that your striking was pretextual.

4 The jury will go back into the pool, so let's
5 bring our jurors in.

6 [Whereupon, the jury panel enters the courtroom
7 at 2:22 p.m.]
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SECOND STRIKING OF THE JURY

1
2 THE COURT: Ladies and gentlemen, we had an
3 issue with the previous procedure and so we will be
4 selecting the same -- the jury for the same case
5 again. Please do not speculate as to what happened or
6 why it happened -- that is not important -- but we no
7 longer have a jury for this case.

8 Ladies and gentlemen, we will begin.

9 Mr. Clerk?

10 THE CLERK OF COURT: Thank you, ma'am.

11 Ladies and gentlemen, as we've just done
12 earlier, if your name is called, come forward and we'll
13 tell you what to do from that point on.

14 Juror number 261, Autumn Morrison.

15 Strikes are five and ten, with the State
16 striking first.

17 [Whereupon, Ms. Morrison comes forward]

18 MR. KIDD: Please present the juror.

19 THE CLERK OF COURT: What say ye for the
20 defendant?

21 MR. COOPER: Court's indulgence.

22 [Whereupon, Mr. Cooper reviews documents]

23 MR. COOPER: Please excuse this juror.

24 THE CLERK OF COURT: Ma'am, if you'll please
25 return to your seat. You've been excused from the

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1 trial of this case.

2 [Whereupon, Ms. Morrison returns to the
3 audience]

4 THE CLERK OF COURT: Juror 145, Patricia
5 Generette.

6 [Whereupon, Ms. Generette comes forward]

7 THE CLERK OF COURT: What say ye for the State?

8 MR. KIDD: Please present the juror.

9 THE CLERK OF COURT: What say ye for the
10 defendant?

11 MR. COOPER: Please excuse the juror.

12 THE CLERK OF COURT: Ma'am, if you'll please
13 return to your seat. You've been excused from the
14 trial of this case.

15 [Whereupon, Ms. Generette returns to the
16 audience]

17 THE CLERK OF COURT: Juror number 386, James
18 Whitlow.

19 [Whereupon, Mr. Whitlow comes forward]

20 THE CLERK OF COURT: What say ye for the State?

21 MR. KIDD: Please present the juror.

22 THE CLERK OF COURT: What say ye for the
23 defendant?

24 MR. COOPER: Please seat the juror.

25 THE CLERK OF COURT: Sir, if you'll please take

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1 a seat in the jury box. You've been selected as a
2 juror in the trial of this case.

3 [Whereupon, Mr. Whitlow is seated in the jury
4 box as a juror]

5 THE CLERK OF COURT: Juror number 321, Dierdre
6 Scott.

7 MR. COOPER: What number? I apologize.

8 THE CLERK OF COURT: 321.

9 THE COURT: 321.

10 [Whereupon, Ms. Scott comes forward]

11 THE CLERK OF COURT: What say ye for the State?

12 MR. KIDD: Please present the juror.

13 THE CLERK OF COURT: What say ye for the
14 defendant?

15 MR. COOPER: Please excuse this juror.

16 THE CLERK OF COURT: Ma'am, if you'll please
17 return to your seat. You've been excused from the
18 trial of this case.

19 [Whereupon, Ms. Scott returns to the audience]

20 THE CLERK OF COURT: Juror number 122, Bryan
21 Enter.

22 [Whereupon, Mr. Enter comes forward]

23 THE CLERK OF COURT: What say ye for the State?

24 MR. KIDD: Please present the juror.

25 THE CLERK OF COURT: What say ye for the

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1 defendant?

2 MR. COOPER: Please excuse the juror.

3 THE CLERK OF COURT: Sir, if you'll please
4 return to your seat. You've been excused from the
5 trial of this case.

6 [Whereupon, Mr. Enter returns to the audience]

7 THE CLERK OF COURT: Juror number 50, Maryann
8 Burris.

9 [Whereupon, Ms. Burris comes forward]

10 THE CLERK OF COURT: What say ye for the State?

11 MR. KIDD: Please excuse the juror.

12 THE CLERK OF COURT: Ma'am, if you'll please
13 return to your seat. You've been excused from the
14 trial of this case.

15 [Whereupon, Ms. Burris returns to the audience]

16 THE CLERK OF COURT: Juror number 16, Jarrod
17 Bardaville.

18 [Whereupon, Mr. Bardaville comes forward]

19 MR. KIDD: Please excuse the juror.

20 THE CLERK OF COURT: Sir, if you would please
21 return to your seat.

22 [Whereupon, Mr. Bardaville returns to the
23 audience]

24 THE CLERK OF COURT: Juror number 106, Philip
25 Dizon.

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1 THE COURT: Juror 106.

2 Ladies and gentlemen, the attorneys are very
3 aware that we are really into lunch hour. Y'all have
4 been here very accommodating. And we apologize. They
5 are really trying to rush through this. Please do not
6 think by what they are doing that they are not taking
7 this seriously. They have been paying attention,
8 since the minute you walked in, as to your responses.
9 I know everybody is getting tired and cranky because
10 we haven't eaten, so please be aware that they are
11 trying to accommodate you and maybe moving a little
12 more quickly than we would like, but they are trying
13 to do that in the effort to facilitate.

14 Juror 106. Juror 106.

15 [Whereupon, Mr. Dizon comes forward]

16 THE CLERK OF COURT: What say ye for the State?

17 MR. KIDD: Please present the juror.

18 THE CLERK OF COURT: What say ye for the
19 defendant?

20 MR. COOPER: Please seat the juror.

21 THE CLERK OF COURT: Sir, if you'll please take
22 a seat in the jury box. You've been selected as a
23 juror in the trial of this case.

24 [Whereupon, Mr. Dizon is seated in the jury box
25 as a juror]

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1 THE CLERK OF COURT: Juror number 191, Steven
2 Howard.

3 [Whereupon, Mr. Howard comes forward]

4 THE CLERK OF COURT: What say ye for the State?

5 MR. KIDD: Please present the juror.

6 THE CLERK OF COURT: What say ye for the
7 defendant?

8 MR. COOPER: Please excuse the juror.

9 THE CLERK OF COURT: Sir, if you'll please
10 return to your seat. You've been excused from the
11 trial of this case.

12 [Whereupon, Mr. Howard returns to the audience]

13 THE CLERK OF COURT: The defendant has exhausted
14 five of his ten strikes.

15 Juror 289, Ralph Piëning.

16 [Whereupon, Mr. Piëning comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MR. KIDD: Please present the juror.

19 THE CLERK OF COURT: What say ye for the
20 defendant?

21 MR. COOPER: Court's indulgence.

22 THE COURT: Take your time.

23 [Whereupon, Mr. Cooper reviews documents]

24 MR. COOPER: Please seat the juror.

25 THE CLERK OF COURT: Sir, if you'll please take

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1 a seat in the jury box. You've been selected as a
2 juror in the trial of this case.

3 [Whereupon, Mr. Piening is seated in the jury
4 box as a juror]

5 THE CLERK OF COURT: Juror 188, Heather Hord.

6 [Whereupon, Ms. Hord comes forward]

7 THE CLERK OF COURT: What say ye for the State?

8 MR. KIDD: Please present the juror.

9 THE CLERK OF COURT: What say ye for the
10 defendant?

11 MR. COOPER: Please seat the juror.

12 THE CLERK OF COURT: Ma'am, if you would please
13 take a seat in the jury box. You've been selected as
14 a juror in the trial of this case.

15 [Whereupon, Ms. Hord is seated in the jury box
16 as a juror]

17 THE CLERK OF COURT: Juror number 312, James
18 Rogers.

19 MR. COOPER: What number?

20 THE CLERK OF COURT: 312.

21 MR. COOPER: Thank you.

22 [Whereupon, Mr. Rogers comes forward]

23 THE CLERK OF COURT: What say ye for the State?

24 MR. KIDD: Please present the juror.

25 THE CLERK OF COURT: What say ye for the

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1 defendant?

2 MR. COOPER: Please excuse the juror.

3 THE CLERK OF COURT: Sir, if you'll please
4 return to your seat. You've been excused from the
5 trial of this case.

6 [Whereupon, Mr. Rogers returns to the audience]

7 THE CLERK OF COURT: Juror number 221, Nicholas
8 Latto.

9 [Whereupon, Mr. Latto comes forward]

10 THE CLERK OF COURT: What say ye for the State?

11 MR. KIDD: Please present the juror.

12 THE CLERK OF COURT: What say ye for the
13 defendant?

14 MR. COOPER: Please seat the juror.

15 THE CLERK OF COURT: Sir, if you'll please take
16 a seat in the jury box. You've been selected as a
17 juror in the trial of this case.

18 [Whereupon, Mr. Latto is seated in the jury box
19 as a juror]

20 THE CLERK OF COURT: Juror 300, Terry Rentz.

21 [Whereupon, Mr. Rentz comes forward]

22 THE CLERK OF COURT: What say ye for the State?

23 MR. KIDD: Please present the juror.

24 THE CLERK OF COURT: What say ye for the
25 defendant?

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1 MR. COOPER: Court's indulgence.

2 THE COURT: Take your time.

3 [Whereupon, Mr. Cooper reviews documents]

4 MR. COOPER: Please seat the juror.

5 THE CLERK OF COURT: Sir, if you will please
6 take a seat in the jury box. You've been selected in
7 the trial of this case.

8 [Whereupon, Mr. Rentz is seated in the jury box
9 as a juror]

10 THE CLERK OF COURT: Juror number 229, Carolee
11 Maniscalco.

12 [Whereupon, Ms. Maniscalco comes forward]

13 THE CLERK OF COURT: What say ye for the State?

14 MR. KIDD: Please present the juror.

15 THE CLERK OF COURT: What say ye for the
16 defendant?

17 MR. COOPER: Please excuse the juror.

18 THE CLERK OF COURT: Ma'am, if you'll please
19 return to your seat. You're excused from the trial of
20 this case.

21 [Whereupon, Ms. Maniscalco returns to the
22 audience]

23 THE CLERK OF COURT: Juror number 353, Ann
24 Thompson.

25 [Whereupon, Ms. Thompson comes forward]

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1 THE CLERK OF COURT: What say ye for the State?

2 MR. KIDD: Please present the juror.

3 THE CLERK OF COURT: What say ye for the
4 defendant?

5 MR. COOPER: Please seat the juror.

6 [Whereupon, Ms. Thompson is seated in the jury
7 box as a juror]

8 THE CLERK OF COURT: Juror 248, Kevin Merritt.

9 [Whereupon, Mr. Merritt comes forward]

10 THE CLERK OF COURT: What say ye for the State?

11 MR. KIDD: Please present the juror.

12 THE CLERK OF COURT: What say ye for the
13 defendant?

14 MR. COOPER: Court's indulgence.

15 THE COURT: Take your time.

16 [Whereupon, Mr. Cooper reviews documents]

17 MR. COOPER: Please seat the juror.

18 THE CLERK OF COURT: Sir, if you'll please make
19 your way to the jury box. You've been selected as a
20 juror in the trial of this case.

21 [Whereupon, Mr. Merritt is seated in the jury
22 box as a juror]

23 THE CLERK OF COURT: Juror number 108, Kendra
24 Drayton.

25 [Whereupon, Ms. Drayton comes forward]

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1 THE CLERK OF COURT: What say ye for the State?

2 MR. KIDD: Please present the juror.

3 THE CLERK OF COURT: What say ye for the
4 defendant?

5 MR. COOPER: Please seat the juror.

6 THE CLERK OF COURT: Ma'am, if you'll please
7 make your way to the jury box. You've been selected
8 as a juror in the trial of this case.

9 [Whereupon, Ms. Drayton is seated in the jury
10 box as a juror]

11 THE CLERK OF COURT: Juror 21, Karen Bayer.

12 [Whereupon, Ms. Bayer comes forward]

13 THE CLERK OF COURT: What say ye for the State?

14 MR. KIDD: Please present the juror.

15 THE CLERK OF COURT: What say ye for the
16 defendant?

17 MR. COOPER: Please excuse the juror.

18 THE CLERK OF COURT: Ma'am, if you'll please
19 return to your seat. You've been excused from the
20 trial of this case.

21 [Whereupon, Ms. Bayer returns to the audience]

22 THE CLERK OF COURT: The defendant has two
23 strikes remaining.

24 Juror number 131, Kevin Flynn.

25 [Whereupon, Mr. Flynn comes forward]

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1 THE CLERK OF COURT: What say ye for the State?

2 MR. KIDD: Please present the juror.

3 THE CLERK OF COURT: What say ye for the
4 defendant?

5 MR. COOPER: Please seat the juror.

6 THE CLERK OF COURT: Sir, if you'll please make
7 your way to the jury box. You've been selected as a
8 juror in the trial of this case.

9 [Whereupon, Mr. Flynn is seated in the jury box
10 as a juror]

11 THE CLERK OF COURT: Juror 368, Deanne Vane.

12 [Whereupon, Ms. Vane comes forward]

13 THE CLERK OF COURT: What say ye for the State?

14 MR. KIDD: Please present the juror.

15 THE CLERK OF COURT: What say ye for the
16 defendant?

17 MR. COOPER: Court's indulgence.

18 [Whereupon, Mr. Cooper reviews documents]

19 MR. COOPER: Please seat the juror.

20 THE CLERK OF COURT: Ma'am, if you would please
21 make your way to the jury box. You've been selected
22 as a juror in the trial of this case.

23 [Whereupon, Ms. Vane is seated in the jury box
24 as a juror]

25 THE CLERK OF COURT: Juror number 333, Mary Kate

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1 Skinner.

2 [Whereupon, Ms. Skinner comes forward]

3 THE CLERK OF COURT: What say ye for the State?

4 MR. KIDD: Please present the juror.

5 THE CLERK OF COURT: What say ye for the
6 defendant?

7 MR. COOPER: Please seat the juror.

8 THE CLERK OF COURT: Ma'am, if you would please
9 make your way to the jury box. You've been selected
10 as a juror in the trial of this case.

11 [Whereupon, Ms. Skinner is seated in the jury
12 box as a juror]

13 THE CLERK OF COURT: Now striking for our first
14 of two alternates. Strikes are one and two.

15 Juror 186, Brenda Hoffman.

16 [Whereupon, Ms. Hoffman comes forward]

17 THE CLERK OF COURT: What say ye for the State?

18 MR. KIDD: Court's indulgence.

19 [Whereupon, Mr. Kidd reviews documents]

20 MR. KIDD: Please excuse the juror.

21 THE CLERK OF COURT: Ma'am, if you would please
22 return to your seat. You've been excused from the
23 trial of this case.

24 [Whereupon, Ms. Hoffman returns to the audience]

25 THE CLERK OF COURT: The State has exhausted

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1 their strike for this alternate.

2 Juror number 213, Patricia Kopald.

3 [Whereupon, Ms. Kopald comes forward]

4 THE CLERK OF COURT: Any challenges from the
5 State?

6 MR. KIDD: None from the State.

7 THE CLERK OF COURT: What say ye for the
8 defendant?

9 MR. COOPER: Please excuse the juror.

10 THE CLERK OF COURT: Ma'am, if you'll please
11 return to your seat: You've been excused from the
12 trial of this case.

13 [Whereupon, Ms. Kopald returns to the audience]

14 THE CLERK OF COURT: Juror 323, Mark Serniak.

15 MR. COOPER: What number? I'm sorry.

16 THE CLERK OF COURT: 323.

17 [Whereupon, Mr. Serniak comes forward]

18 THE CLERK OF COURT: Any challenge from the
19 State?

20 MR. KIDD: None from the State.

21 THE CLERK OF COURT: What say ye for the
22 defendant?

23 MR. COOPER: Please seat the juror.

24 THE CLERK OF COURT: Sir, if you'll please make
25 your way to the jury box. You've been selected as the

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1 first alternate in the trial of this case.

2 [Whereupon, Mr. Serniak is seated in the jury
3 box as an alternate juror]

4 THE CLERK OF COURT: Now going to strike our
5 second alternate. Strikes are one and two.

6 Juror number 109, Lamar Drayton.

7 [Whereupon, Mr. Drayton comes forward]

8 THE CLERK OF COURT: What say ye for the State?

9 MR. KIDD: Please excuse the juror.

10 THE CLERK OF COURT: Sir, if you'll please make
11 your way back. You've been excused from the trial of
12 this case.

13 [Whereupon, Mr. Drayton returns to the audience]

14 THE CLERK OF COURT: Juror 234, Ryan McAvoy.

15 [Whereupon, Mr. McAvoy comes forward]

16 THE CLERK OF COURT: Any challenge from the
17 State?

18 MR. KIDD: No challenge.

19 THE CLERK OF COURT: What say ye for the
20 defendant?

21 MR. COOPER: Court's indulgence.

22 THE COURT: Take your time.

23 [Whereupon, Mr. Cooper reviews documents]

24 MR. COOPER: Please seat the juror.

25 THE CLERK OF COURT: Sir, if you would please

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1 make your way to the jury box. You've been selected
2 as the second alternate in the trial.

3 [Whereupon, Mr. McAvoy is seated in the jury box
4 as an alternate juror]

5 THE CLERK OF COURT: Your Honor, the jury has
6 been selected.

7 THE COURT: Any motions or matters pertaining to
8 this jury? Mr. Kidd?

9 MR. KIDD: No, ma'am.

10 THE COURT: Mr. Cooper?

11 MR. COOPER: We'll take that up. Yes, Your
12 Honor.

13 THE COURT: If there is, I need to know. Please
14 approach.

15 [Whereupon, an off-the-record bench conference
16 is held]

17 THE COURT: Ladies and gentlemen, you are going
18 to be escorted to your jury deliberation room. If
19 there is any reason for my first twelve that you feel
20 you would be unable to continue with this case, please
21 let the bailiffs know.

22 We're going to receive you back in the courtroom
23 in just a few minutes, and then you're going to be
24 allowed to go for the evening. All right? So you
25 will be able to eat lunch or dinner, whatever you call

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1 this late meal. All right. Thank you.

2 THE COURT: We will take up your motions outside
3 the presence of the jury.

4 MR. COOPER: Yes, ma'am.

5 [Whereupon, the jury exits the courtroom at
6 2:46 p.m.]

7 THE COURT: Ladies and gentlemen, there are some
8 motions and matters that I cannot make you sit here
9 any longer without taking a break.

10 Ladies and gentlemen, we're going to -- I'm
11 going to allow you to go for the evening. As I have
12 indicated to you, your service is for the week so if
13 you would please call back the jury hotline after 6:00
14 p.m. this evening, after 6:00 p.m. this evening, you
15 will receive further instructions regarding your
16 service through the week. It may tell you that you
17 will need to report back tomorrow morning, it may tell
18 you that you will need to call back tomorrow evening
19 after 6:00 p.m. I have no idea at this point what the
20 recording will tell you.

21 Ladies and gentlemen, it is important that you
22 follow the instructions on the recording, otherwise,
23 this system does not work.

24 I understand this has been somewhat of a
25 difficult day, and I do apologize. I was attempting

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1 to minimize your inconvenience and I think by doing
2 that I have added to it. So I apologize again for
3 keeping you here well past your lunch hour.

4 Ladies and gentlemen, thank you again. I may
5 not see you for the remainder of the week. Thank you
6 for your service to Charleston County. It is
7 important that you do understand how important your
8 service is, and we do appreciate that. Without you
9 showing up here today, work could not be done, cases
10 would not be heard.

11 Please remember that this courtroom -- and we've
12 kind of joked around as the afternoon has drug on, but
13 this courtroom is a place of honor. It is dedicated
14 to the protection and preservation of citizens' rights
15 through what many have called the greatest justice
16 system ever created. So thank you for your
17 contribution to our justice system here today.

18 Please call back after 6:00 p.m. After 6:00
19 p.m. Thank you. You are excused.

20 [Whereupon, the jury panel exits the courtroom
21 at 2:47 p.m.]

22 THE COURT: Just so the record is clear: your
23 motion, Mr. Cooper?

24 MR. COOPER: Yes, ma'am. I'll withdraw the
25 motion.

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1 THE COURT: Your motion is withdrawn? No
2 challenges to the jury?

3 MR. COOPER: No, ma'am. I think the State has
4 provided reason for those --

5 THE COURT: So as I understand it, we are only
6 going forward on one indictment at this time. When
7 will your client enter into his plea on the other
8 three indictments?

9 MR. COOPER: At your pleasure.

10 THE COURT: I'm sorry?

11 MR. COOPER: If the Court would like to hear his
12 plea now, we --

13 THE COURT: We'll do that after the break, so
14 you'll have time -- we're going to take a lunch break
15 and so -- but I'm going to let the jury go. I have
16 status conferences in the morning at 9:15. I
17 anticipate that I'll have the jury come back at 10:00.
18 We'll begin at 10:15. I'm going to try to minimize
19 their inconvenience.

20 And maybe Mr. Causey will arrange for lunch to
21 be brought in tomorrow.

22 THE CLERK OF COURT: No problem, Your Honor.

23 THE COURT: Does that work with your schedule
24 with your witnesses?

25 MR. KIDD: Yes, ma'am, that will work.

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1 THE COURT: Mr. Cooper, does that work with your
2 schedule?

3 MR. COOPER: Yes, ma'am.

4 THE COURT: Again, trying to make sure that all
5 of your appointments are kept. Thank you.

6 Let's bring in the jury.

7 Mr. Piening, Mr. Piening, has been selected as
8 the foreperson in this case. Thank you.

9 [Off the record momentarily]

10 THE COURT: Please rise for the jury.

11 [Whereupon, the jury enters the courtroom at
12 2:52 p.m.]

13 THE COURT: Thank you. Please be seated.

14 Ladies and gentlemen, I appreciate -- we have
15 pushed y'all hard today, and I apologize. The best
16 laid plans often go awry, so I apologize. Thank you
17 for being so accommodating.

18 Mr. Piening, you have been selected as the
19 foreperson here in court, and that means you're the
20 jury spokesperson.

21 When we begin tomorrow morning, or any time
22 throughout the trial, if any of you need any
23 additional breaks or have any concerns or questions,
24 please let your foreperson know -- there will always
25 be one bailiff right there -- and we'll attempt to

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1 address that matter as quickly as we can.

2 Ladies and gentlemen, I have just a few
3 admonitions and then you are going to be released for
4 the day, released for the day.

5 You may have noticed when you came in that the
6 attorneys and the parties involved in this case, as
7 well as the audience, was standing. This is out of
8 respect for your new position as judges of the facts,
9 so please come in and take your seats because they
10 will remain standing until all fourteen of you are
11 seated.

12 Mr. Piening, you are the spokesperson, the
13 foreperson, so that is your assigned seat. And to my
14 two alternates, those are your assigned seats. The
15 rest of you may sit, with the exception of the back
16 row for those two seats or Mr. Piening's seat,
17 anywhere else.

18 Ladies and gentlemen, tomorrow morning I will
19 give you note pads and pencils but I will give you
20 further instructions regarding that.

21 Most importantly, over the evening hour you're
22 going to go home and your significant other, somebody
23 at home, is going to ask you what you did today and
24 they're going to ask you that every time you come
25 home. I anticipate that we will be done Thursday

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1 afternoon. If not, no later than Friday morning. So
2 every time you go home or you take a break for lunch,
3 somebody is going to ask you what you did. You need
4 to tell them very clearly, I cannot discuss this case
5 with you; the judge has told me that I may not discuss
6 this case with you.

7 Until I tell you otherwise, you may not perform
8 any investigation, research, or experiment of any kind
9 regarding this case, either as a group or on your own.
10 You may not consult any dictionaries or anything for
11 the meaning of any words or for the general
12 information on the subjects of this trial. You may
13 not consult anything on the internet or anywhere else
14 concerning this case or the people involved. That
15 includes any of the attorneys, any of the witnesses
16 that I've mentioned, the judge, any of the parties,
17 any of the people in this courtroom. You may not do
18 any independent investigation or look up anything
19 regarding this case. Ladies and gentlemen, you may
20 not go to the scene where the events that are the
21 subject of this trial are alleged to have taken place,
22 or use any internet maps or Google Earth, or anything
23 of that nature.

24 Ladies and gentlemen, you must not have any
25 discussions about this case with anyone. That

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1 includes your fellow jurors, your friends, your family
2 members, courtroom personnel, anyone, until I tell you
3 otherwise. You may not discuss this case with anyone
4 until I tell you you may begin your deliberations, and
5 at that point you may only discuss this case in the
6 jury room with your fellow jurors.

7 Ladies and gentlemen, it used to be pretty
8 simple. I would just tell jurors, you cannot have
9 discussions regarding this case. It means any
10 type of communication: texting, tweeting, blogging,
11 e-mailing, facebook, anything of that nature. Ladies
12 and gentlemen, I am not as technologically savvy as
13 most of you probably are and so that is not an
14 exhaustive list. Simply put, you cannot discuss this
15 case with anyone in any fashion until I tell you
16 otherwise. I'm going to harp on that through the
17 remainder of this trial because for some reason it
18 seems very difficult. We live in a very fast-paced
19 society and we like to share instantaneously with what
20 is going on in our lives. And for most of you, this
21 is a very new experience and so you may want to share
22 this with anyone. But I give you these instructions
23 because it is important that justice is done between
24 the parties in front of you here today, and if you
25 violate my instructions you could compromise the

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1 outcome and the results of this trial.

2 Ladies and gentlemen, it is important that you
3 follow all of my instructions every day until the end
4 of this trial until I tell you otherwise. If you
5 become aware of another juror's violations, you must
6 report that to me immediately.

7 Ladies and gentlemen, thank you again for
8 accepting this most important responsibility of jury
9 service and for your contribution to our justice
10 system here today.

11 Please report to your jury room at 10:00 a.m.
12 tomorrow. 10:00 a.m. tomorrow. I have matters
13 unrelated to this case. I am the chief administrative
14 judge this year for the ninth circuit and so I have
15 some administrative duties unrelated to this case that
16 I must attend to. So that means that you can take
17 your time driving in and you won't get into traffic as
18 you're coming down. So the bailiffs will instruct you
19 on how to report tomorrow 10:00 a.m. Please be
20 mindful we cannot begin until all fourteen of you are
21 present, so please be courteous of each other's time.
22 I will see you back in your jury room, back in the
23 courtroom, in the morning. Please have a wonderful
24 evening.

25 Please rise for the jury.

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1 [Whereupon, the jury exits the courtroom at
2 2:58 p.m.]

3 THE COURT: Thank you. Please be seated.

4 All right. Fifty minutes, is that long enough
5 for lunch for you guys?

6 MR. KIDD: Yes, ma'am.

7 THE COURT: Is that long enough, Madam Court
8 Reporter?

9 THE COURT REPORTER: Yes.

10 THE COURT: Everybody okay with fifty minutes?
11 I can't give you an hour. All right. Three five
12 zero. Three five zero.

13 [Whereupon, a recess is taken from 2:58 p.m. to
14 3:50 p.m.]

15 THE COURT: Counsel, what is pending that we
16 need to address?

17 MR. KIDD: We need to have a Jackson v. Denno,
18 hearing, Judge, a Biggers hearing, and a motion to
19 suppress some cell phone records.

20 One thing that kind of struck me over our short
21 break, however: I just want to make sure that we can
22 take his pleas before the trial starts just because --

23 THE COURT: I thought we were getting ready to
24 do that right now.

25 MR. KIDD: Well, I think it's essential to.

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1 [Whereupon, Mr. Kidd and Mr. Cooper confer]

2 MR. KIDD: I'm sorry, Judge. I thought you said
3 we were going to do it tomorrow, Judge.

4 THE COURT: I'm sorry. I thought I said let's
5 get that done, y'all can get the sentencing sheets
6 over lunch.

7 MR. KIDD: He'll grab them while we do the other
8 hearings. How about that?

9 THE COURT: All right.

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JACKSON V. DENNO HEARING

1
2 MR. KIDD: So I guess we'll start with the Denno
3 hearing, if that works with Your Honor.

4 THE COURT: Perfect.

5 MR. KIDD: The State calls Deputy Midgett.

6 THE COURT: Mr. Cooper, are you ready to go
7 forward on the Denno hearing? We kind of just jumped
8 into stuff.

9 MR. COOPER: Yes, ma'am. Absolutely.

10 The State and I had a discussion before we --
11 with Your Honor here in the courtroom, and we're
12 ready.

13 THE COURT: Perfect.

14 MR. COOPER: Thank you.

15 [Whereupon, Mr. Midgett comes forward]

16 THE CLERK OF COURT: Put your left hand here and
17 raise your right hand.

18 [Whereupon, Mr. Midgett is duly sworn by the
19 clerk of court as follows: do you swear or affirm the
20 testimony you give the Court on touching all matters
21 before the Court will be the truth, the whole truth,
22 and nothing but the truth, so help you God]

23 THE WITNESS: I do.

24 THE CLERK OF COURT: Thank you, sir. You may be
25 seated. Sir, once seated, if you could please state

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1 your first and last name. Spell your last loudly and
2 clearly into the microphone for the record.

3 [Whereupon, Mr. Midgett takes the witness stand]

4 THE WITNESS: Adam Midgett. M-I-D-G-E-T-T.
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Adam Midgett
Direct Examination by Mr. Kidd

ADAM MIDGETT,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. KIDD:

Q. Deputy Midgett, and I'll show this to you. Do
you recognize this as a CD?

A. Yes, I do.

Q. How do you recognize it?

A. That is my in-car video.

Q. And this is from November 25th of 2012?

A. That's correct.

Q. And on this video shows the failure to stop and
the subsequent arrest of Kadrin Singleton?

A. That is correct.

Q. And that is the defendant here in the courtroom?

A. Yes.

MR. KIDD: And, Judge, I'm just going to --
Judge, I don't think this -- statement. I just want
Your Honor to be able to see the nature in which he
was taken into custody I think is relevant as to the
subsequent statement that he makes.

[Off the record momentarily]

Q. [Mr. Kidd] Deputy Midgett, while that loads, do
you recall initiating your blue lights on the defendant

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Adam Midgett
Direct Examination by Mr. Kidd

1 that evening?

2 A. Yes, I did.

3 Q. And for what violation did you issue?

4 A. Reckless driving. And there were several moving
5 violations.

6 Q. And how did that -- how did that pursuit come to
7 a close?

8 A. The pursuit came to a close at the area of East
9 Berry and East Randolph Street where the defendant stopped
10 the vehicle. He exited from the driver's seat and began
11 to run on foot down a ditch line. I exited my vehicle
12 along with my K-9, Rex. I began to pursue him. I told
13 the defendant to stop or I would release the K-9. He
14 continued to flee, at which time K-9 Rex was used to
15 apprehend the defendant. During that time he continued to
16 struggle with the K-9. Over a period of time, I was able
17 to detain him at that time.

18 Q. And this is in Charleston County; right?

19 A. That is correct.

20 Q. And when he jumps out of the car and he's
21 running into you call it a ditch line, is that kind of in
22 a wooded area, or in houses? How was that?

23 A. It's a ditch line on the right-hand side. And
24 the woods would be on the left. It was like a path, so to
25 speak.

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Adam Midgett
Direct Examination by Mr. Kidd

1 Q. And when he ran and didn't stop, you turned your
2 K-9 loose that you -- rides in the car with you?

3 A. That's correct.

4 Q. And your K-9 was able to apprehend the
5 defendant?

6 A. That is correct.

7 Q. And after the K-9 apprehended him, were you
8 right behind him?

9 A. I was a little ways back, but I always kept
10 visual of the defendant and my K-9.

11 Q. Okay. And so I think we can probably watch at
12 least the end of the pursuit now.

13 [Whereupon, CD is played from 3:56 p.m. to 3:57
14 p.m.]

15 [The CD is not transcribed by the court
16 reporter]

17 Q. [Mr. Kidd] I'm going to stop it now because
18 he's kind of run off screen.

19 What is that that we hear you saying right
20 there?

21 A. It says apprehension commands weren't stellar
22 [phonetic].

23 Q. And did you see the defendant's hands kind of go
24 towards his waistband in that -- waistband?

25 A. Yes, he did.

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Jackson v. Denno Hearing

Adam Midgett

Direct Examination by Mr. Kidd

1 At the very beginning he grabbed for his
2 waistband, and also while he was running down the ditch
3 line he was grabbing his waistband.

4 Q. Did you ever see him throw anything?

5 A. No, I did not.

6 Q. After he was apprehended and brought back to the
7 area from the police cruisers, did you Mirandize him?

8 A. Yes, I did.

9 Q. How do you Mirandize? Do you use a card, or
10 what process?

11 A. I have a card that I carry in my vest.

12 Q. So you read his Miranda rights straight from the
13 card?

14 A. That is correct.

15 Q. And you did that in this case?

16 A. That is correct.

17 Q. Did he advise you he understood his rights?

18 A. Yes, he did.

19 Q. What was the first question you asked him?

20 A. I asked him why did he not stop, and he admitted
21 that he ran because he knew the vehicle was stolen.

22 Q. So you -- first question was why didn't you stop
23 and he said, well, the vehicle was stolen?

24 A. That is correct.

25 Q. And that was post-Miranda?

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Adam Midgett
Direct Examination by Mr. Kidd

1 A. That is correct.

2 Q. Did you continue to question him about anything,
3 or was that --

4 A. That was pretty much the end of it. He did
5 state that he got the vehicle from somebody else, but I
6 really didn't do much more questioning than that.

7 Q. At that point, did you know he was wanted for
8 other charges?

9 A. Yes. He came back wanted out of North
10 Charleston.

11 Q. But at the time that you were questioning him,
12 did you know?

13 A. I don't believe so. I think I was still waiting
14 for dispatch to come back. It was all kind of
15 simultaneously.

16 Q. And were you kind of out of breath and out of
17 sorts, too, following this?

18 A. That is correct.

19 MR. KIDD: Play to the end of it.

20 [Whereupon, CD is played from 3:59 p.m. to
21 4:03 p.m., with questions from Mr. Kidd]

22 [The CD is not transcribed by the court
23 reporter]

24 Q. [Mr. Kidd] Did another deputy come back there
25 to escort the defendant out?

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Adam Midgett
Direct Examination by Mr. Kidd

1 A. Yeah. Deputy Christmas.

2 Q. Is that who we see right there walking off?

3 A. That is correct. That's Deputy Christmas and
4 the defendant.

5 Q. Where was the defendant when you mirandized him
6 and questioned him?

7 A. He was back in Deputy Faison's car, which would
8 have been to the right of that stop sign.

9 MR. KIDD: And I just played that clip just to
10 give the Court an idea of the circumstances in which
11 he was placed under arrest.

12 Q. [Mr. Kidd] In your conversation with the
13 defendant, did he appear intoxicated at all?

14 A. No, he did not.

15 Q. Did you make any promises to him, or anything
16 like that --

17 A. No, I did not.

18 Q. -- before he gave that statement? Did you
19 threaten him in any way?

20 A. No.

21 Q. And so -- as you testified earlier, you read him
22 his Miranda rights off of a card; correct?

23 A. That is correct.

24 Q. He was detained in handcuffs?

25 A. That is correct.

Jackson v. Denno Hearing
Adam Midgett
Direct Examination by Mr. Kidd

1 Q. Were they behind his back?

2 A. Yes.

3 Q. And then so you had him seated in the back of
4 Officer Faison's car, which I guess you can maybe see the
5 nose of it in that?

6 A. That's actually Deputy Christmas' car. Deputy
7 Faison showed up a short time later and he would actually
8 be behind that Tahoe.

9 Q. So he's placed in the back of that car and then
10 you had the opportunity to go to him, you mirandize him,
11 and ask him why he ran --

12 A. That is correct.

13 Q. -- and he makes the statement to you that he ran
14 because the car was stolen?

15 A. That is correct.

16 Q. In addition, did you ever run the plates on the
17 vehicle?

18 A. Yes, I did.

19 Q. And what was that result?

20 A. It come back stolen out of Summerville Police
21 Department's jurisdiction.

22 Q. Is that separate from the vehicle?

23 A. Yes, it is.

24 Q. So the vehicle came back stolen, as well?

25 A. Yeah. The vehicle was stolen out of North

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Adam Midgett
Direct Examination by Mr. Kidd

1 Charleston and the tags were stolen out of Summerville.

2 MR. KIDD: I have no further questions. Please
3 answer any questions Mr. Cooper may have.

4 THE COURT: Mr. Cooper.

5 MR. COOPER: Thank you, Your Honor. May it
6 please the Court.

7 Deputy Midgett, good afternoon, sir.

8 THE WITNESS: Good afternoon.

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Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

CROSS-EXAMINATION

BY MR. COOPER:

Q. As was shown, a lot of this pursuant and apprehension takes place on video; correct?

A. A good portion of it, yes.

Q. And when you say that the K-9 Rex apprehended the defendant, that means the dog bit him? That's another way of saying the dog bit him?

A. That is correct.

Q. The dog apprehends by biting and he will latch on?

A. He will hold, yes.

Q. He'll hold.

So he holds that on the video. And maybe that he let's -- releases sooner. But does the dog pretty much hold between when he apprehends Mr. Singleton until he starts barking?

A. That is correct.

Q. So he's holding Mr. Singleton for maybe a good is it about thirty seconds to a minute or so?

A. He was not detained at that time. He was continuing to struggle and grab for my -- grab at my K-9's snout and continue to fight with the K-9 before he was placed in handcuffs.

Q. And was Mr. Singleton laying on his stomach? Or

Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

1 how was he -- how was he apprehended?

2 A. When I initially went up to him, he was still
3 standing up. I told him to get on the ground. He did get
4 on the ground but continued to fight with my K-9.

5 Q. And the K-9 is latched to his rear-end?

6 A. His buttocks region. Yes, that is correct.

7 Q. That wouldn't feel good, would it?

8 A. I haven't been bit by the K-9, but it probably
9 would have.

10 Q. So you have the pursuit video and the defendant
11 is in custody in the video?

12 A. That's correct.

13 Q. But he's not mirandized on the video?

14 A. No, he's not.

15 Q. Why didn't you mirandize him on the video?

16 A. That was some time later when he was put in
17 Deputy Faison's car. I had to go back to my vehicle and
18 catch my breath. I was out of breath from struggling with
19 him and running after him, so there was a period of time
20 in between. I mirandized him before any question was
21 given to him and the time he was placed in handcuffs.

22 Q. Did he sign your Miranda card?

23 A. No, he did not.

24 Q. That's sort of standard practice, is it not,
25 where you would give somebody the Miranda card and they

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Adam Midgett
Cross-Examination by Mr. Cooper

1 would sign it that they've been read their Miranda rights?

2 A. I've been doing this nine years and I've never
3 heard of anybody signing a Miranda card.

4 Q. You mean you've never heard of people signing a
5 Miranda form, either?

6 A. A Miranda form, I have heard of that, yes.

7 Q. And he didn't sign a Miranda form in this case?

8 A. No.

9 Q. And how many officers were there that reported
10 to that scene?

11 A. Myself and Deputy Christmas were there, and then
12 other officers showed up later on.

13 Q. Okay. You said he was put in the back of Deputy
14 Faison's car?

15 A. That is correct.

16 Q. Deputy Faison was there?

17 A. He showed up later on, yes.

18 Q. How much later on would you say?

19 A. Maybe five minutes. I'm not a hundred percent
20 sure on that.

21 Q. When you mirandized Mr. Singleton, just guess
22 how many officers were there.

23 A. Asauce [phonetic] and Sargent Maroski [phonetic]
24 were near the back of that vehicle when I mirandized him.

25 Q. Had Deputy Christmas already left at that point?

Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

1 A. No.

2 I believe he was still dealing with the
3 paperwork for the vehicle. He was not around whenever I
4 questioned him.

5 Q. And when you -- going back. When you initially
6 initiated blue lights, that was for reckless driving?

7 A. That is correct.

8 Q. And like other moving violations?

9 A. That was all-encompassing.

10 Q. Okay. But when you initiated blue lights, you
11 didn't know Mr. Singleton was wanted for a murder warrant?

12 A. No, I did not.

13 Q. You only discovered that after you ran his name
14 through the system?

15 A. That is correct.

16 Q. Was Mr. Singleton charged with the plates from
17 the car?

18 A. If you don't mind, I'll refer to my report.

19 Q. Yeah, absolutely. Take your time.

20 [Whereupon, the witness reviews documents]

21 A. I don't believe so. I believe it was just a
22 mistake on my part for not charging him with the stolen
23 tags. I'm not a hundred percent sure.

24 Q. [Mr. Cooper] So he was not charged with that?

25 A. Not that I recall.

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Adam Midgett
Cross-Examination by Mr. Cooper

1 Q. And was Mr. Singleton given any medical
2 attention for the dog bite prior to mirandizing him?

3 A. I don't believe EMS was on scene yet. They were
4 already in route. That's one of the first things we do is
5 call for EMS, and they were in route. I don't believe
6 they were on scene yet.

7 Q. Ultimately, he was taken to the hospital?

8 A. That is correct.

9 Q. But he wasn't given any medical attention prior
10 to Miranda?

11 A. No.

12 Q. Do you remember what his injuries were?

13 A. I believe it was just lacerations and puncture
14 in the buttocks region.

15 Q. Do you know how many or anything like that?

16 A. I don't recall.

17 Q. And then let me ask you, just to clarify. His
18 responses were -- he was responding to questions by you?

19 A. That is correct.

20 Q. You asked him why he ran?

21 A. That is correct.

22 Q. And then he said because of the stolen car?

23 A. That is correct.

24 Q. And what was the -- I forget. I'm sorry. What
25 was the follow up?

Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

1 A. That he got the car from someone else.

2 Q. And did you ask him where he got it, or was that
3 his --

4 A. That was pretty much the end of the statement.

5 Q. And but none of that is on the video?

6 A. No.

7 Q. Okay. Thank you.

8 MR. COOPER: Court's indulgence.

9 THE COURT: Take your time.

10 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

11 Q. [Mr. Cooper] Do you recall if Deputy Faison or
12 EMS took him to the hospital?

13 A. I'm not -- I believe Deputy Faison did. I'm not
14 a hundred percent sure on that.

15 Q. That was my --

16 A. I can't recall.

17 Q. That was my understanding, but I --

18 A. I believe so. I believe they checked him and
19 decided that the injuries were not, you know, substantial
20 enough for them to transport. But we transported him
21 ourselves, I believe, if I recall correctly.

22 MR. COOPER: Okay. Thank you.

23 THE COURT: Mr. Kidd?

24 MR. KIDD: Thank you, Your Honor. I have no
25 further questions for Deputy Midgett.

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Adam Midgett
Cross-Examination by Mr. Cooper

1 THE COURT: You may step down. Thank you.

2 [Whereupon, Mr. Midgett is excused and exits the
3 witness stand]

4 THE COURT: Call your next witness.

5 MR. KIDD: No further witnesses as to this
6 motion.

7 MR. COOPER: We're not calling any witnesses,
8 Your Honor.

9 THE COURT: All right. Be happy to hear
10 argument.

11 MR. COOPER: Your Honor, I think that the fact
12 that there's video recording everything, and the video
13 recording doesn't record his Miranda, there's no
14 documentation that he was mirandized, doesn't record
15 the interview, I think that the Court can infer that
16 it is, for lack of a better term, spoliation.

17 The opportunity is there to record the entire
18 interview. The opportunity is there to record
19 Miranda. There is a decision made by police not to
20 record it, to not record the Miranda, to not document
21 the Miranda, and so the Court is left with taking
22 Deputy Midgett's word that he mirandized the defendant
23 when he could have recorded everything that took
24 place. But because he chose not to, the Court can
25 infer from that that the Miranda did not take place.

Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

1 And he's clearly in custodial -- it's clearly a
2 custodial interrogation, based on what Deputy Midgett
3 said. He's apprehended by the K-9 dog that bit and
4 latched on. He was handcuffed. There's a showing of
5 force by police. There's several officers there.
6 He's supposedly placed in the back of a police car and
7 then asked questions. So custodial -- you know,
8 Miranda would apply. And I think the Court can infer
9 that Miranda was not given because it ought to be on
10 video.

11 THE COURT: Is there a legal requirement that
12 the Miranda be on video?

13 MR. COOPER: No, ma'am, there is not.

14 I'm arguing that the Court can infer because
15 it's not on video, the Miranda was not given. There's
16 no other documentation that Miranda was ever provided.

17 THE COURT: Mr. Kidd?

18 MR. KIDD: No other documentation other than
19 Deputy Midgett's report where he says he mirandized
20 the defendant.

21 And, I mean, I agree it's a custodial statement.
22 I think it falls short of interrogation. It was just,
23 you know, two questions about why did you run. I
24 don't think he even knew the nature of the suspect
25 that was in his custody at that point.

Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

1 The deputy testified that he read him his
2 Miranda rights. There's nothing to say that the
3 statement wasn't voluntarily given. It was custodial.
4 He had been bitten by a dog. I can't contend with
5 that. But that doesn't make his statement involuntary
6 -- involuntary at the time it was given.

7 So I think under the totality of the
8 circumstances, considering that it was a very short
9 period of time that he had been in custody, that the
10 questioning was very basic and limited and didn't go
11 very far, he's been read his rights, he's in the back
12 of a cruiser, I think you can -- you can at least tell
13 at the end of that video that although, you know, I'm
14 sure it was a traumatic experience, he wasn't writhing
15 in pain or anything of that nature at that point,
16 either. The Deputy testified that he had a logical
17 manner of communicating. He didn't seem to be under
18 the influence of alcohol, drugs, or anything like
19 that. So I believe that under all those
20 circumstances, it's a reasonable conclusion that that
21 statement was voluntarily given.

22 MR. COOPER: Your Honor, follow-up as to my
23 previous argument, as well.

24 I think that K-9 bites, the latch of the dog, at
25 some point -- you know, it's on the video. It's clear

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Adam Midgett
Cross-Examination by Mr. Cooper

1 that the dog latches, for a significant period of
2 time, to Mr. Singleton's buttocks. He's yelling in
3 pain. It's clear that he's in significant pain
4 when -- on the video. And I think that dues to his --
5 he was not given medical attention prior to any
6 questioning and that, you know, due to his pain and
7 medical status, his will could easily be overcome and
8 that the statement would be involuntary on that basis,
9 as well.

10 THE COURT: In seeking to introduce a statement,
11 the State must prove that the statement was voluntary
12 and taken in compliance with Miranda. There has been
13 no testimony that the statement was not voluntary and
14 there has been no testimony to the contrary that law
15 enforcement did not comply with the requirements of
16 Miranda. I find that the statement was freely and
17 voluntarily given.

18 Note your exception to my ruling.

19 MR. COOPER: Thank you, Your Honor.

20 THE COURT: Thank you.

21 MR. KIDD: Thank you, Your Honor. We will move
22 on to the Bigger's hearing.

23 THE COURT: All right.

24 MR. KIDD: The State would call Kenneth Fludd.

25 [Whereupon, Mr. Fludd comes forward]

Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

1 THE CLERK OF COURT: Sir, if you'll please put
2 your left hand here and raise your right.

3 [Whereupon, Mr. Fludd is duly sworn by the clerk
4 of court as follows: do you swear or affirm the
5 testimony you give the Court touching now on the
6 matters before the Court will be the truth, the whole
7 truth, and nothing but the truth, so help you God]

8 THE WITNESS: Yes, ma'am.

9 THE CLERK OF COURT: You may be seated.

10 Sir, once seated, if you could please state your
11 first and last name and then spell your last loudly
12 and clearly into the microphone for the record

13 [Whereupon, Mr. Fludd takes the witness stand]

14 THE WITNESS: Kenneth Fludd. F-L-U-D-D.

15 MR. KIDD: Your Honor, just for a quick matter
16 of housekeeping, I failed to mark the video for a
17 Court's Exhibit for that first hearing. Do you mind
18 if I give it to the reporter and have her mark that,
19 as well as additional exhibits for --

20 [Whereupon, Court's Exhibit Numbers 1, 2, 3, 4
21 and 5 are marked by the court reporter]

22 MR. KIDD: Thank you.

23 For clarity of the record, the cruiser's video
24 played with Deputy Midgett is Court's Exhibit Number
25 1.

Jackson v. Denno Hearing
Adam Midgett
Cross-Examination by Mr. Cooper

1 MR. KIDD: If I may approach the witness, Your
2 Honor?

3 THE COURT: You may.

4 MR. KIDD: Good afternoon.
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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

BIGGER'S HEARING

KENNETH FLUDD,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. KIDD:

Q. I'm going to show you what's been marked as
Court's Exhibit 2 through 5. And they've got things on
the front and on the back of those folders. Can you tell
me if you recognize those documents?

A. Yes, sir.

Q. What are they?

A. Photo line-ups from the night of the incident.

Q. So these are the photo line-ups that were shown
to you in reference to a homicide that took place at 2364
Cambridge Avenue?

A. Yes, sir.

Q. And let's lay a little bit of background here
for the Court. The deceased, the person who was killed at
Cambridge Avenue, who was that?

A. That was my cousin.

Q. And what's his name?

A. Sharrell Williams.

Q. And were you there at the time he was killed?

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 A. Yes, sir.

2 Q. And can you tell the Court kind of briefly about
3 the circumstances which brought you to that murder scene?

4 A. Well, I got a phone call from Chris Felder.

5 Q. And what's your relationship with Chris Felder?

6 A. He's a cousin by marriage.

7 Q. And what did Chris ask you?

8 A. He was trying to purchase a quarter pound of
9 marijuana.

10 Q. And did you know someone who could get him that
11 marijuana?

12 A. Yes, sir. I made a couple of phone calls.

13 Q. And who was that?

14 A. My cousin, Sharrell Williams.

15 Q. So the deceased was the person you thought that
16 could get Chris Felder a quarter pound of marijuana?

17 A. Yes, sir.

18 Q. And did you arrange that drug transaction?

19 A. Yes, I did.

20 Q. And did you meet Chris Felder at some point?

21 A. Yes, I did.

22 Q. Where did you meet him?

23 A. He came to my job at Pizza Hut on Dorchester
24 Road.

25 Q. And who was with Mr. Felder?

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 A. Mr. Singleton.

2 Q. You know that now?

3 A. Yes, sir.

4 Q. At the time, did you know that individual's
5 name?

6 A. I didn't -- that was my first time ever meeting
7 him.

8 Q. So do you remember roughly about what time they
9 arrived at your job at Pizza Hut?

10 A. It was a little bit after 9:00, about 9:30,
11 somewhere up in that area.

12 Q. So between 9:00 and 9:30 they arrived at your
13 job?

14 A. Yes, sir.

15 Q. Do you have to wait there for a while?

16 A. Yes, sir.

17 Q. Why is that?

18 A. Sharrell was actually in Walmart, so --

19 Q. So y'all had to wait for Sharrell to be
20 available --

21 A. Yes, sir. Yes, sir.

22 Q. -- to do the drug deal?

23 When you're waiting at Pizza Hut, where are you?

24 A. I wait in the parking lot.

25 Q. In the parking lot?

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

- 1 A. Yes, sir.
- 2 Q. Are you in a car?
- 3 A. Yes, sir.
- 4 Q. Whose car are you in?
- 5 A. Chris' car.
- 6 Q. You're in Chris' car?
- 7 A. Yes, sir.
- 8 Q. All right. Who else is in that car with you?
- 9 A. Mr. Singleton.
- 10 Q. So yourself, the defendant and your cousin
- 11 Christopher Felder, or your cousin --
- 12 A. Marriage. Yes, sir.
- 13 Q. -- through marriage, Christopher Felder, are in
- 14 his car in the parking lot for approximately how long?
- 15 A. About an hour and a half or so, somewhere up in
- 16 there.
- 17 Q. For an hour, hour and a half --
- 18 A. Yes, sir.
- 19 Q. -- y'all are sitting in that car --
- 20 A. Yes, sir.
- 21 Q. -- in that parking lot?
- 22 A. Yes, sir.
- 23 Q. Until Sharrell was done with Walmart?
- 24 A. Yes, sir.
- 25 Q. And when Sharrell is done with Walmart, what do

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 y'all do next?

2 A. He calls me and then we head over that way to
3 meet him at the house on Cambridge.

4 Q. Where were you going to meet him?

5 A. Right at the house on Cambridge.

6 Q. On Cambridge?

7 A. Yes, sir.

8 Q. And that's the house where he was killed?

9 A. Yes, sir.

10 Q. And so at this point you spend roughly an hour
11 to an hour and a half with the defendant?

12 A. Yes, sir.

13 Q. Did he introduce himself by name to you?

14 A. No, sir, not at all.

15 Q. Were you able to get a good look at his face?

16 A. Yes, sir.

17 Q. And then when you get to Cambridge, do you all
18 arrive in Cambridge in the same car?

19 A. Yes, sir. Yes, sir.

20 Q. And that would be whose car?

21 A. That was my sister-in-law's car, a burgundy Ford
22 Taurus.

23 Q. So at some point y'all get in, y'all all get
24 into your car --

25 A. Yes, sir.

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

- 1 Q. -- and you take them over to Cambridge?
- 2 A. Yes, sir.
- 3 Q. And who goes into the residence?
- 4 A. Sharrell goes in first.
- 5 Q. And then?
- 6 A. It's me, and then I think it was Kadrin right
- 7 after that, and Chris --
- 8 Q. Chris:
- 9 And still at this point you don't know his name
- 10 is Kadrin --
- 11 A. Yes, sir.
- 12 Q. -- you just know it was Chris' friend --
- 13 A. Yes, sir.
- 14 Q. -- who's there with them?
- 15 Is he going to buy marijuana, too?
- 16 A. Yes, sir.
- 17 Q. And so y'all then go inside the residence?
- 18 A. Yes, sir.
- 19 Q. How long are y'all inside the residence before
- 20 shots are fired?
- 21 A. I'm going to say forty-five minutes or so, I
- 22 guess, somewhere around that time.
- 23 Q. But you're not sure of the exact --
- 24 A. No.
- 25 Q. -- time, just some --

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 A. Not exactly sure. Yes, sir.

2 Q. -- period of time you're --

3 A. Yes, sir.

4 Q. -- inside that house? Lights are on in there?

5 A. Yes, sir.

6 Q. Easy to see people?

7 A. Yes, sir.

8 Q. You got a good look at him --

9 A. Yes.

10 Q. -- while you were in there?

11 A. Yes, sir.

12 Q. Did you see Kadrin kill Sharrell?

13 A. Yes, sir.

14 Q. Describe how that happens to the Court, please.

15 A. Well, Sharrell went -- when we initially went in
16 the house, he went to the refrigerator to get the weed out
17 the refrigerator.

18 And it's like a bar in the house, so he's on one
19 side of the bar. Me, Mr. Felder, Mr. Singleton are on the
20 opposite side of the bar. So he's weighing up the drugs
21 for Mr. Singleton, I guess, presumably who's going to buy
22 it. I'm not, you know, too sure. But, you know, right as
23 he's finished weighing it out, you know, he was -- he
24 said, you know, I almost give it to you without the money.
25 So Mr. Singleton sends Mr. Felder outside to get the

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 money.

2 I go to the bathroom. So at this time I'm
3 behind the bar now. My cousin Sharrell walks from the
4 opposite side of the bar and him and Mr. Singleton are
5 almost like face-to-face now. And at this time, this guy
6 says give it up. You know, we start laughing because, you
7 know --

8 Q. When he says give it up, do you see him do
9 anything?

10 A. You know, he got his hand behind his back. He's
11 like give it up. So, you know, we thinking it's a joke,
12 you know, and the next thing I know, he shot him.

13 Q. Did you see him pull a gun out?

14 A. Yes, sir.

15 Q. So he says, give it up, you see him pull a gun
16 out, you see him shoot Sharrell?

17 A. Yes, sir.

18 Q. Did you call 911?

19 A. I had to go outside to make the call. I
20 couldn't -- I don't know why I couldn't make the call
21 inside the house.

22 Q. You didn't have service inside?

23 A. No, sir, I did not.

24 Q. So, I mean, some short period of time after --

25 A. Yes, sir.

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 Q. -- the shooting, you called 911?

2 A. Yes, sir.

3 Q. Police arrived on the scene?

4 A. Yes, sir.

5 Q. You spoke with police?

6 A. Yes, sir.

7 Q. They took you to the city hall?

8 A. Yes, sir.

9 Q. And then they ended up arresting you --

10 A. Yes, sir.

11 Q. -- and charging you? What did they charge you
12 with?

13 A. Conspiracy to violate narcotics law, South
14 Carolina narcotics law.

15 Q. They charged you with conspiracy to violate drug
16 laws.

17 And do you recall -- how long were you in the
18 detention center?

19 A. A month.

20 Q. A month?

21 A. Yes, sir.

22 Q. Okay. Do you recall when a detective came by
23 while you were still in the detention center, really the
24 next day --

25 A. Yes, sir.

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 Q. -- showing you a photographic line-up?

2 A. Yes, sir.

3 Q. And I believe that's going to be State's -- or
4 Court's Exhibit --

5 MR. KIDD: Make sure I've got the right one
6 here.

7 THE WITNESS: It's this one right here.

8 Q. [Mr. Kidd] Okay. So they showed you Court's
9 Exhibit 2?

10 A. Yes, sir.

11 MR. KIDD: And trying to make sure I've got
12 these things --

13 Q. [Mr. Kidd] All right. So they showed you
14 Court's Exhibit 2?

15 A. Yes, sir.

16 Q. And they showed you an array of six photographs?

17 A. Yes, sir.

18 Q. And asked you if you recognized any of the
19 people in there?

20 A. Yes, sir.

21 Q. Is that right?

22 A. Yes, sir.

23 Q. Did they go over the -- sort of the instruction
24 form with you?

25 A. Yes, sir.

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 Q. And did you initial each one, the --

2 A. Yes, sir.

3 Q. -- acknowledgments of those?

4 A. Yes, I did.

5 Q. Were you able to make identification of any one
6 of those individuals?

7 A. It was fifty percent. I wasn't too positive on
8 it.

9 Q. So you identified -- and can you read to the
10 Court what you wrote in the witness' identification
11 statement section?

12 A. It says, it looks like him; I'm fifty percent
13 sure; would be a hundred percent if I saw any gold teeth
14 from his mouth.

15 Q. And do you know which one of those you
16 indicated?

17 A. I circled number 3.

18 Q. And but you weren't sure about it?

19 A. I wasn't positive.

20 Q. And did you later come to find out that was not,
21 in fact --

22 A. Yes, sir.

23 Q. And that the defendant was not, in fact, in that
24 photographic line-up?

25 A. Yes, sir.

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 Q. So then approximately I guess three weeks later,
2 detectives reached back out to you?

3 A. Yes, sir.

4 Q. And they asked you to come to the city hall?

5 A. Yes, sir.

6 Q. And they show you another photographic line-up;
7 is that correct?

8 A. Yes, sir, they did.

9 Q. So that would be State's Exhibit Number --

10 A. 4. 4, yes, sir.

11 Q. And they do the same -- they go through that
12 same procedure with you?

13 A. Yes, sir.

14 Q. And they go through each instruction?

15 A. Yes, they did.

16 Q. And you initialed that you understand them?

17 A. Yes, sir.

18 Q. And then they show you another series of
19 photographs; is that correct?

20 A. Yes, sir.

21 Q. And there are six photographs?

22 A. Four, actually.

23 Q. There should be more on the next page. Right
24 here.

25 A. Oh.

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 Q. So they show you those six photographs?

2 A. Yes, sir.

3 Q. When they show you those six photos, they're not
4 on a sheet on one page like this. Do they spread them
5 out?

6 A. They spread them out on the table.

7 Q. They spread them out --

8 A. Yes, sir.

9 Q. Do they indicate to you in any way which
10 photograph for you to select?

11 A. No, sir.

12 Q. Do they tell you who any of the individuals in
13 the photographs are?

14 A. No, sir.

15 Q. Do they do anything to suggest to you --

16 A. No, sir.

17 Q. -- which photograph they want you to select?

18 A. No, sir.

19 Q. And are you able to make an identification out
20 of this photograph?

21 A. Yes, I was.

22 Q. And who did you identify?

23 A. Number 4.

24 Q. Number 4.

25 And what level of certainty did you put that

MIA PERRON, CVR-CM-M

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 that was the shooter?

2 A. 150 percent.

3 Q. 150 percent?

4 A. Yes, sir.

5 Q. Any question in your mind that's the person who
6 shot your cousin?

7 A. Not at all.

8 Q. And was your ability to identify him out of this
9 photographic line-up based on anything other than your
10 ability to view him on the night of the shooting?

11 A. No, sir.

12 Q. So your ability to select number 4 out of this
13 photographic line-up was based solely on your dealings
14 with this defendant on the night of November 20th of 2012?

15 A. Yes, sir.

16 Q. And once again, there's no question in your mind
17 that's the shooter?

18 A. Not a doubt.

19 MR. KIDD: The Court's indulgence one moment.

20 [Whereupon, Mr. Kidd and Mr. Lietzow confer]

21 MR. KIDD: Thank you. I have no further
22 questions for this witness.

23 THE COURT: Mr. Cooper?

24 MR. COOPER: Thank you, Your Honor. May it
25 please the Court.

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Biggers Hearing
Kenneth Fludd
Direct Examination by Mr. Kidd

1 Good afternoon, Mr. Fludd.

2 THE WITNESS: How are you doing?

3 MR. COOPER: I need to ask you some stuff, real
4 quick. Okay?

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MIA PERRON, CVR-CM-M

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Bigger's Hearing
Kenneth Fludd
Cross-Examination by Mr. Cooper

CROSS-EXAMINATION

BY MR. COOPER:

Q. You testified that y'all met at Pizza Hut?

A. Yes, sir, we did.

Q. Whose idea was that to meet at the Pizza Hut?

A. I was at work, actually, so --

MR. KIDD: Objection, Judge. It's outside the
scope of this hearing.THE COURT: I'm going to give him a little
leeway.

MR. COOPER: Thank you, Your Honor.

Q. [Mr. Cooper] So whose idea was it?

A. I was at work so, you know, I just told him to
come by my job.

Q. Okay. You told them to come by your job?

A. Yes, sir.

Q. What time did you get off at?

A. It was about 9:00, 9:30.

Q. You got off at 9:00, 9:30 that night?

A. It was somewhere in that area, yes, sir.

Q. And are you sure it wasn't like eight o'clock?

A. No, it wasn't. We stayed out there because when
my cousin called me, I actually went and placed the order
for a pizza for him.

Q. So you placed an order for a pizza for him?

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Bigger's Hearing
Kenneth Fludd
Cross-Examination by Mr. Cooper

1 A. Yes, I did.

2 Q. What did you do with the pizza?

3 A. We had to cancel it.

4 Q. Why?

5 A. That accident happened, so it never was going to
6 get delivered.

7 Q. You didn't bring the pizza with you?

8 A. No. It was going to get delivered to his house.

9 Q. Whose phone -- did he call you at Pizza Hut or
10 did he call you on your personal phone?

11 A. On my personal phone.

12 Q. Who cancelled the pizza order?

13 A. I'm not too sure, sir. I was already at city
14 hall by then, so --

15 Q. You didn't cancel it?

16 A. No, I did not.

17 Q. So y'all go -- you get off work at like 9:00,
18 9:30, something like that; right?

19 A. Yes, sir.

20 Q. And Chris and Kadrin come and meet you there?

21 A. Yes, sir.

22 Q. And you've never met Kadrin before?

23 A. Not until that night.

24 Q. Right. You had never even spoken to him before?

25 A. Never.

MIA PERRON, CVR-CM-M

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Bigger's Hearing
Kenneth Fludd
Cross-Examination by Mr. Cooper

1 Q. You didn't know him from Adam?

2 A. No.

3 Q. To your knowledge, had Kadrin ever met Sharrell
4 before?

5 A. Not to my knowledge.

6 Q. And whose car are y'all in, again, in the
7 parking lot?

8 A. Chris' car.

9 Q. So where is everybody seated in Christopher's
10 car?

11 A. Chris is in the driver's seat, Kadrin is in the
12 passenger seat, I'm behind Kadrin on the back passenger
13 seat.

14 Q. Okay. So Kadrin is in the passenger seat.

15 A. In the front. Yes, sir.

16 Q. And then Chris is next to him in the driver's
17 seat?

18 A. Yes, sir.

19 Q. And then you're in the back passenger seat?

20 A. Behind Kadrin.

21 Q. So directly behind Kadrin?

22 A. Yes, sir.

23 Q. And y'all remain in that position? Y'all don't
24 get out and move -- Kadrin never gets into the --

25 A. No one ever --

MIA PERRON, CVR-CM-M

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Bigger's Hearing
Kenneth Fludd
Cross-Examination by Mr. Cooper

1 Q. -- back seat with you?

2 A. I'm the only one who gets out of the car.

3 Q. And where did you go when you got out of the
4 car?

5 A. I went back in and placed the order for the
6 pizza.

7 Q. You placed the order for the pizza?

8 A. Yes, I did.

9 Q. And then ultimately, though, you get in your
10 car?

11 A. Yeah. When my cousin calls me, they follow me,
12 so that's --

13 Q. So your cousin --

14 A. -- when they get in my car.

15 Q. Sorry. Just to be clear, because the court
16 reporter --

17 A. Oh. Sharrell. When Sharrell calls me. Yes,
18 sir. So that's when we leave together. Both of them are
19 still in his car. I'm in my car.

20 Q. What time do you think he called you at?

21 A. I'm not too sure. I can't remember.

22 Q. And did y'all go directly to the house?

23 A. No, sir.

24 Q. Where did y'all go?

25 A. They parked their car by a building.

Bigger's Hearing
Kenneth Fludd
Cross-Examination by Mr. Cooper

1 Q. And whose idea was that?

2 A. It was Chris' idea. They said they wanted to be
3 close to the interstate.

4 Q. Chris said that they wanted to be close to the
5 interstate?

6 A. Yes, sir.

7 Q. Were -- who was following whom?

8 A. They were following me.

9 Q. How did Chris tell you that they wanted to be by
10 the interstate?

11 A. Cell phone.

12 Q. He called you?

13 A. Yes, sir.

14 Q. And then did he tell you where to park? Or how
15 did that happen?

16 A. No.

17 We just was going and that building was there
18 and they was like, can park right here, so --

19 Q. And so y'all got into your car?

20 A. Yes, sir.

21 Q. And I assume you're driving?

22 A. Yes, sir.

23 Q. Where is Chris and Kadrin in your car?

24 A. Chris is in -- on the passenger seat. Kadrin is
25 in the back.

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1 Q. Which back seat?

2 A. On the passenger side.

3 Q. On the passenger side back?

4 A. Yes, sir.

5 Q. So in order to see Kadrin -- I guess you could
6 glimpse him in your rearview?

7 A. Yes, sir.

8 Q. Or you had to like look around back to that way?

9 A. Sure.

10 Q. How far is the drive from Pizza Hut to
11 Cambridge?

12 A. Not even five minutes.

13 Q. And Pizza Hut is at?

14 A. Leeds and Dorchester.

15 Q. Right there kind of by the jail?

16 A. Yes. Almost beside -- where the Checkers at,
17 right at the intersection.

18 Q. Right.

19 A. Yeah, it's right there. Yes, sir.

20 Q. By Subway and stuff?

21 A. Yes, sir.

22 Q. And then Cambridge is off Azalea --

23 A. Yes, sir.

24 Q. -- right by Cosgrove?

25 A. Yes, sir.

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1 Q. So you've just got to go back to Leeds?

2 A. And --

3 Q. You go Leeds to Azalea Avenue and you're like
4 right there?

5 A. You can go that way, but you can go down -- I
6 don't know exactly the name of the -- it's a couple of
7 streets you can take to get there, so --

8 Q. Okay.

9 A. Yes, sir.

10 Q. Which way -- which did y'all take to get there?

11 A. I don't remember.

12 Q. You don't remember?

13 A. No, sir.

14 Q. Do you remember if y'all went down -- you don't
15 remember if you went down Leeds or you went like back
16 through the --

17 A. I don't remember.

18 Q. -- Park Circle area or anything?

19 Okay. And so y'all go inside. Y'all get to the
20 house and y'all go inside?

21 A. Yes, sir.

22 Q. And I think you testified a second ago that
23 y'all were in the house for forty-five minutes or so
24 together?

25 A. Yes, approximately.

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1 Q. So like three-quarters of an hour?

2 A. Approximately.

3 Q. Then y'all are all inside the house together?

4 A. Yes, sir.

5 Q. And so who's standing where in the house? Walk
6 me through that again.

7 A. Sharrell is on this side of the bar. Me,
8 Mr. Singleton, and Chris are on the opposite sides of
9 the bar.

10 Q. So let's just pretend real quick, okay, that I'm
11 in the house.

12 A. Yes, sir.

13 Q. And this is the bar.

14 A. Yes, sir.

15 Q. And I'm Sharrell.

16 A. Yes, sir.

17 Q. And this is like the kitchen that he's in?

18 A. Yes, sir.

19 Q. And the weed comes from the refrigerator behind
20 him?

21 A. Yes, sir.

22 Q. And then all y'all are standing together in the
23 living room?

24 A. Yeah. On this side of the bar.

25 Q. How long are y'all in there before you go back

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1 to the bathroom?

2 A. Approximately forty-five minutes, sir.

3 Q. And then -- and just to be clear, that's forty-
4 five?

5 A. Yes, sir. Approximately forty-five minutes.

6 Q. And so then walk me through again. When you
7 walk out of the bathroom, what happens?

8 A. I'm standing behind the bar at this time.
9 Kadrin sends Chris out to get the money --

10 Q. Let me ask you this. Hang on. I'm just trying
11 to picture in my head, okay, because I've never been to
12 the house.

13 A. Okay.

14 Q. The bathroom -- so if I'm you standing in the
15 living room now --

16 A. Uh-huh.

17 Q. -- and the kitchen is behind the bar to my
18 right --

19 A. Uh-huh.

20 Q. -- where is the bathroom in the house?

21 A. The bar is here. The bathroom will be to your
22 left.

23 Q. So if I walk back this way to the back part of
24 the house --

25 A. You'll be going to the bathroom to the left side

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1 of the bar.

2 Q. And the bathroom is in the back of the house?

3 A. I wouldn't say in the back. It's like the bar
4 is here. The bathroom is like right here.

5 Q. Okay. It's pretty close to the bar?

6 A. Yeah. About a few steps.

7 Q. And when does Chris walk outside?

8 A. He tells me to go get the money. I don't know
9 exactly the time, so --

10 Q. Who is he?

11 A. Kadrin. Mr. Singleton.

12 Q. He says go get the money?

13 A. Yes, sir.

14 Q. But y'all are in your car?

15 A. Yes, sir.

16 Q. So explain to me why Kadrin told Chris to go get
17 the money if y'all are in your car.

18 A. I can't answer that for you, sir. I don't
19 really know.

20 Q. Okay. It doesn't really make sense?

21 A. It didn't dawn on me at the time, so --

22 Q. And so then like you -- you said that Kadrin had
23 his hand behind his back?

24 A. Yes, sir.

25 Q. And so like -- again, where are you when this is

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1 happening?

2 A. I'm behind the bar.

3 Q. So you're back over behind the bar?

4 A. Yes, sir.

5 Q. Are you between the bathroom and the bar, or on
6 the other side?

7 A. The bathroom is here, the bar is here, I'm like
8 right here.

9 Q. So you're like right here?

10 A. Yes, sir.

11 Q. And where is Sharrell?

12 A. Him and Kadrin are like face-to-face in the
13 living room.

14 Q. So they're in the living room right here?

15 A. Yes, sir.

16 Q. And so then tell me what happens.

17 A. Just like I said. He weighed the weed out. You
18 know, he told Chris to go get the money. So Sharrell was
19 like, I almost gave it to you without getting the money,
20 so on and so forth. Now, when he walks around the bar, I
21 went to the bathroom. So now at this time they're facing
22 face-to-face.

23 Q. Why did Sharrell come from around the bar?

24 A. The bar is like right here. It's two openings
25 to the bar. You can either go left or right. So he walks

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1 around the right side of the bar. They're face-to-face.
2 I'm behind the bar.

3 Q. Right.

4 A. And that's when he said, give it up. We start
5 laughing. Next thing you know, you heard gunshots.

6 Q. And how many gunshots?

7 A. I heard a series.

8 MR. KIDD: Objection, Judge. It's outside the
9 scope of this hearing.

10 MR. COOPER: Your Honor, I'm trying to gather
11 his impression of the events and --

12 THE COURT: That's not the purpose of this
13 hearing.

14 MR. COOPER: Yes, ma'am.

15 THE COURT: Rein it in. Thank you.

16 MR. COOPER: Yes, ma'am.

17 Q. [Mr. Cooper] So let me move on. Okay? You
18 ultimately wrote a statement to the police?

19 A. Yes, sir.

20 Q. Wrote two?

21 A. Yes, sir.

22 Q. Right now I'm going to focus just on your second
23 written statement. Okay?

24 A. Yes, sir.

25 Q. And what -- let me back up. I apologize.

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1 I am going to talk about your first written
2 statement just briefly. In your first written statement,
3 you give a short description of the two guys?

4 A. Yes, sir.

5 Q. And your description is there's two black males,
6 six foot one, one-eighty, blue jeans, black jacket.
7 Second male, five foot ten, 140, blue jeans, camo jacket.

8 A. Uh-huh.

9 Q. Correct?

10 A. I can't remember, sir.

11 Q. All right. Here. Would it refresh your
12 recollection if I let you read it?

13 A. Sir, this was some years ago so, you know, I
14 really can't answer that question.

15 Q. Okay. Let me ask you this. Is this your -- is
16 this your handwriting?

17 A. Yes, it is.

18 Q. That's your handwriting?

19 A. Yes, it is.

20 Q. Would you read me what it says right here.

21 A. Two black males, six one, 180, blue jeans, black
22 jacket. Second male, five ten, 140, blue jeans, camo
23 jacket.

24 Q. Will you do me a favor and look in that first
25 written statement and see if there's any other description

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1 provided in there? That's the only -- that's what I saw
2 was the only description in there.

3 A. Yes, sir.

4 Q. Right?

5 A. Yes, sir.

6 Q. And there's no other description besides that?

7 A. No, sir.

8 Q. Now, you wrote a second statement while you were
9 at police headquarters?

10 A. Yes, sir.

11 Q. And you also give a description while you're at
12 police headquarters. Do you remember?

13 A. No, sir, I don't.

14 Q. If I showed you a copy of your signed written
15 statement from then, would that refresh your recollection?

16 A. [No response]

17 Q. Is that a yes or a no?

18 A. Yes, sir.

19 Q. Is that your signature?

20 A. Yes, sir.

21 Q. So will you read me, again, just these -- the
22 question and answer right there.

23 A. You want the question --

24 Q. Right. Just the description, really.

25 A. I'm guessing that says six foot, 180, box fade

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1 haircut, blue jeans --

2 THE COURT: Mr. Fludd, I need you to practice --
3 I'm having a hard time hearing you --

4 THE WITNESS: Oh. I'm sorry, ma'am.

5 THE COURT: -- so I need you to speak loudly --

6 THE WITNESS: I'm sorry. It says --

7 THE COURT: -- can be practice for tomorrow.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: All right. Thank you.

10 A. It says: six foot, 180, box fade haircut, blue
11 jeans. I think it says black windbreaker jacket and a
12 little goatee.

13 Q. [Mr. Cooper] Okay. Thank you.

14 You said that you were in jail for about a
15 month?

16 A. Yes, sir.

17 Q. You got arrested on the night of the incident?

18 A. Yes, I did.

19 Q. So that means you got out of jail about December
20 20th?

21 A. Around that time.

22 Q. Right before Christmas?

23 A. Yes, sir. Around that time.

24 Q. And then so you were out of jail when you did
25 the second line-up?

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1 A. Yes, I was.

2 Q. And can you tell me the date that you did the
3 second line-up? It's at the top right of the page.

4 A. 1/15/13.

5 Q. Thank you. And that's your signature there at
6 the bottom?

7 A. Yes, sir. Yes, it is.

8 Q. So you had been out of jail almost a month when
9 you did the second line-up?

10 A. Yes, sir.

11 Q. Did you see any news reports or anything like
12 that --

13 A. No, I didn't.

14 Q. -- about this case?

15 A. No, I didn't.

16 Q. Do you know if the case was in the news at all?

17 A. I don't watch the news, sir.

18 Q. You don't watch the news?

19 A. No, I don't.

20 Q. Ever?

21 A. Ever.

22 MR. COOPER: Court's indulgence.

23 THE COURT: Take your time.

24 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

25 Q. [Mr. Cooper] Sharrell Williams, what was his

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1 relationship to you?

2 A. He was my first cousin.

3 Q. Were y'all close?

4 A. Yes, sir.

5 Q. So how were y'all first cousins?

6 A. His mother and my mother are cousins, first
7 cousins. His granddad is my granddad's brother.

8 Q. So his mother and your mother aren't brother and
9 sister?

10 A. No.

11 Q. They're cousins?

12 A. Yes.

13 Q. Did you spend a lot of time with Sharrell?

14 A. We grew up together, sir.

15 Q. And y'all were close?

16 A. Very.

17 Q. Have you talked to your family about what
18 happened?

19 A. Yes, sir.

20 MR. KIDD: Objection, Judge. Same objection.

21 THE COURT: Sustained.

22 MR. COOPER: Your Honor, if I may ask a little
23 leeway, the Court's indulgence briefly, to inquire
24 about his possibility of finding out news references
25 from his family?

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1 THE COURT: Well, news references -- I'm
2 assuming you're going to tie it into description? Is
3 that what you mean?

4 MR. COOPER: Yes.

5 THE COURT: I'm going to give you a little
6 leeway and then you need to --

7 MR. COOPER: If he says no, then he says no.

8 THE COURT: All right. Thank you.

9 Q. [Mr. Cooper] Did you ever discuss the case with
10 your family?

11 A. No, I did not, not with my family.

12 Q. You never discussed it with your family?

13 A. No.

14 Q. Any of your family?

15 A. No.

16 Q. Your mother?

17 A. No. She was there, so obviously she knew about
18 it.

19 Q. Your mother was actually in the interview room?

20 A. Yes, she was.

21 Q. But besides that, you never discussed it?

22 A. No.

23 Q. Okay. The solicitor asked you -- you did two
24 line-ups; right?

25 A. Yes, sir.

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1 Q. In the first line-up, you identified somebody
2 with fifty-percent confidence?

3 A. Yes, sir.

4 Q. And you said that it would be a hundred percent
5 if you saw gold teeth in his mouth?

6 A. Yes, sir.

7 Q. What does that mean?

8 A. If he had a grill or not, I could be positive.

9 Q. Well, who? Who are you talking about? Who is
10 the he?

11 A. Mr. Singleton.

12 Q. Okay. So you didn't see a -- you don't remember
13 if you saw a grill in Mr. Singleton's mouth?

14 A. I wasn't positive, sir.

15 Q. And the person in the photo did have a grill?

16 A. I'm not too sure. I have to look at it.

17 Q. Will you do me a favor and look at it, please?

18 A. You can't really tell, sir, you know, so --

19 Q. And the solicitor said that at some point you
20 found out that the shooter was not in that line-up --

21 A. In the first --

22 Q. -- the first line-up?

23 A. Yes, sir.

24 Q. How did you find that out?

25 A. You mean how I found it out?

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1 Q. Yeah.

2 A. I can't ever forget a man who put a gun in my
3 face, sir.

4 Q. No, no, no, no. What I'm asking you is how did
5 you find out that the shooter is not in the first line-up?

6 A. When I went back for the second line-up, they
7 put the pictures out.

8 Q. So did they tell you?

9 A. No, they did not.

10 Q. They just gave you a new line-up?

11 A. They put a new line-up out.

12 Q. Why did they give you the new line-up?

13 A. They said they had a person of interest, so I
14 went back down to do the line-up.

15 Q. And so you didn't find out that the shooter
16 wasn't in the first line-up until you did the second line-
17 up?

18 A. Positive.

19 Q. And how did you find that out again? Who told
20 you that?

21 A. Say that again, sir.

22 Q. Who told you?

23 A. No one told me. I picked him out of the line-
24 up.

25 Q. You just figured it out?

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1 A. Sir, I could never forget a man who put a gun in
2 my face.

3 MR. COOPER: Court's indulgence again, Your
4 Honor.

5 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

6 MR. COOPER: No other questions at this time,
7 Your Honor.

8 MR. KIDD: I have no follow up.

9 THE COURT: You may step down. Thank you.

10 [Whereupon, Mr. Fludd is excused and exits the
11 witness stand]

12 THE COURT: Call your next witness.

13 MR. KIDD: I have no further witnesses as to the
14 second identification, which is the only we wished to
15 have.

16 THE COURT: Mr. Cooper, do you have any
17 witnesses?

18 MR. COOPER: No, ma'am.

19 THE COURT: Let me hear from you.

20 MR. COOPER: Thank you, Your Honor. May it
21 please the Court.

22 [Whereupon, Mr. Cooper and Mr. Kidd confer]

23 MR. COOPER: If I may approach, Your Honor?

24 What I'm handing the Court is Court's Exhibits 2
25 and 3, which are the 50-percent confidence line-up.

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1 And then the 150 percent confidence line-up is what
2 has been previously marked as Court's 4 and 5, the
3 positive identification.

4 [Whereupon, Mr. Cooper proffers documents to the
5 Court]

6 MR. COOPER: I think most importantly in
7 the positive line-up to note that the description
8 provided was that it was a black male, six foot one,
9 six foot -- or six foot one, 180 pounds, with box-top
10 fade haircut. It was a very specific haircut. A box-
11 top fade is a tall haircut that sort of -- I can't
12 find words to describe it. But in the photographs,
13 the defendant, number 4, is the only individual with
14 that haircut. The other individuals have a low
15 haircut. And so I think it's particular to note that
16 he does stand out. He's the only individual who
17 actually matches the description in the line-up. And,
18 Your Honor, I think besides that, the description is
19 so vague and without detail that it cannot reasonably
20 be relied upon.

21 I think the second line-up is suggestive as a
22 follow-up line-up. He did an original line-up, ID'd a
23 person with fifty percent confidence. That person who
24 was ID'd with fifty percent confidence was not
25 included in the second line-up. So we're not

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1 presented with a situation where he has to face a
2 choice of that individual. They've eliminated him for
3 Mr. Fludd. So he says he found out that that other
4 person wasn't the shooter when he was given the second
5 line-up. The indication is the shooter is in the
6 second line-up.

7 And then, Your Honor, I think I will argue that
8 the opportunity to view the witness, the hour before
9 when they're in the car together, he's sitting behind
10 Mr. Singleton. I don't think that's a reasonable
11 opportunity to observe him. As Mr. Fludd testified,
12 they're in the house together for forty-five minutes.
13 He's nondescript about where everybody was, but he did
14 say he got to see him there.

15 He didn't -- and I think there is a significant
16 length of time between when Mr. Fludd was arrested and
17 the incident took place, he does a line-up, he comes
18 out -- gets out of jail, then does the follow-up line-
19 up. It's about almost two months later -- providing
20 plenty of opportunity for correction of the ID,
21 especially since he's out of jail and has access to
22 any sort of media, news, internet, facebook, family
23 members, and the like.

24 That's my argument.

25 MR. KIDD: Briefly, Judge.

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1 As to the adequacy as to the line-up as to the
2 photographs of the uninvolved individuals used, you
3 know, I certainly think number 5 has a box-fade, I
4 think number 1 has a box-fade, and I think number 2
5 arguably has a box-fade haircut. I don't find --
6 well, they look different because they're different
7 people. I don't find that there is that big of a
8 difference between the haircut style. An additional
9 description is a light goatee. I think all of them
10 have light facial hair, as would be necessary.

11 The opportunity to view, as stated by the
12 witness, was ample, over an hour prior to the
13 shooting, at the time of the shooting. He testified
14 he'll never forget someone's face who pointed a gun at
15 him. I think those stress factors, accompanied with
16 the time and ability and lighting and opportunity had
17 to do with the witness was ample.

18 I don't believe there's anything suggestive
19 about doing a subsequent line-up when he said the only
20 reason he realized the individual wasn't in the first
21 line-up was when he actually saw the individual in the
22 second one. That's how he knew is because when he saw
23 the second line-up, he said that's my guy and he's 150
24 percent sure, without any doubt. That's what makes
25 this line-up trustworthy. That's what makes it

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1 believable, his lack of any concern, his lack of
2 doubt, on a grouping of six similar-looking
3 individuals.

4 I don't think even the first hurdle of the
5 argument is met that there has been any evidence of
6 anything suggestive whatsoever in the procedure used,
7 certainly not that it would taint the identification.

8 THE COURT: Anything further?

9 MR. COOPER: No, ma'am.

10 I would just note for the record that no law
11 enforcement personnel has testified to the procedure.
12 It's based on the witness' -- laywitness' testimony.

13 THE COURT: Mr. Cooper, do you believe that the
14 State is required to produce the witness?

15 MR. COOPER: No, ma'am.

16 But if the State -- I don't think that's the way
17 the Neal v. Biggers and it's progeny has fallen out.
18 But if the State raises procedural liability, there
19 should be some testimony in the record about that.

20 THE COURT: Well, didn't Mr. Fludd testify that
21 no one told him what to say?

22 MR. COOPER: Yes, ma'am. Exactly.

23 That's my point is the laywitness is our only
24 source for the procedures. And that the laywitness
25 has a credibility issue, as opposed to potentially law

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1 enforcement personnel.

2 THE COURT: Anything further?

3 MR. COOPER: I'm raising the argument, Your
4 Honor.

5 THE COURT: All right. Anything further?

6 MR. COOPER: No, ma'am.

7 THE COURT: All right. I just want to make
8 sure, Mr. Cooper, that I address all of your issues.

9 MR. COOPER: Yes, ma'am.

10 THE COURT: Any response to that?

11 MR. KIDD: No, ma'am.

12 Other than I don't believe law enforcement
13 testimony is necessary in this hearing so, no, ma'am.

14 THE COURT: Mr. Singleton is moving to suppress
15 the out-of-court identification of the defendant by
16 witness Kenneth Fludd. Generally, the trial Court
17 must hold the in-camera hearing, which we are doing at
18 this time, when the State offers a witness whose
19 testimony identifies the defendant as the person who
20 committed the crime. The defendant is challenging the
21 in-court identification as being tainted by a previous
22 illegal identification or confrontation. The purpose
23 of this hearing is to determine whether the in-court
24 identification was of independent origin or was the
25 tainted product of the circumstances surrounding the

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1 prior out-of-court identification. The defendant has
2 raised the issue that there was a time lag and during
3 that time after the first identification and the
4 second identification, that there was media release,
5 opportunity to speak to family members.

6 I have listened to the testimony and to the
7 argument. As both of you have stated in your argument
8 in your pretrial briefs, the Supreme Court has
9 developed the inquiry to determine the admissibility
10 of an out-of-court identification. First, I must
11 determine whether the identification process was
12 unduly suggestive. While Mr. Cooper indicates that
13 there has been no law enforcement here to testify as
14 to the procedure followed, it is my opinion that based
15 upon the testimony and my finding, that the
16 identification process -- Mr. Fludd indicated that it
17 was not suggestive, he was not told how to pick the
18 person. And the form was submitted, Court's 2 and
19 Court's 4.

20 I do not find that the identification process
21 was unduly suggestive. However, should that be an
22 incorrect assumption, I'm going to go ahead and
23 analyze the next prong just for appellate purposes if
24 it becomes appropriate.

25 I must then decide whether the out-of-court

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1 identification was nevertheless so reliable that no
2 substantial likelihood of misidentification existed.
3 Mr. Fludd was clear several times in response to
4 Mr. Cooper's questioning that he would never forget
5 the person that put the gun in his face.

6 Based upon the totality of the circumstances, I
7 am taking into consideration the fact that there was a
8 previous identification. Based upon the totality of
9 the circumstance, I do not find that the process was
10 suggestive or that the identification was so
11 unreliable that there was a substantial likelihood of
12 misidentification. Deny your motion to suppress the
13 out-of-court identification.

14 MR. COOPER: Thank you, Your Honor.

15 THE COURT: Thank you.
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24 - - -
25 - - -

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Pretrial Motions
January 5, 2015

PRETRIAL MOTIONS

THE COURT: Motion for sequestration?

MR. COOPER: Yes, ma'am.

THE COURT: Any objection?

MR. KIDD: No, ma'am, other than I have my investigator on the witness list. I don't plan on calling her.

THE COURT: Any objection to the investigator remaining in, Mr. Cooper?

MR. COOPER: I don't think she's going to ultimately testify or anything, so we don't have any objection.

THE COURT: And I have a motion for prior bad acts and prior convictions.

MR. KIDD: I would only seek to introduce those, Judge, if the defendant took the stand, so I'm going to take those up at that time.

THE COURT: At the appropriate time?

And the motion to suppress the evidence obtained during the search of T-Mobile Concord Phone. Is that still pending?

MR. KIDD: Yes, ma'am.

MR. COOPER: Yes, ma'am.

THE COURT: We'll need to take that up in the morning, as well as the plea, so please be back at

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1 9:00 a.m, 9:00 a.m. We'll do as much as we can.
2 Probably do the plea in fifteen minutes and then we'll
3 do the search after the --

4 MR. KIDD: Yes, ma'am. And I don't plan that
5 we'll have any witnesses for that hearing, so it's
6 really just going to be a document or two.

7 THE COURT: That's fine. Thank you. It's been
8 a long day, so we're done for today.

9 MR. COOPER: Yes, ma'am.

10 THE COURT: Good luck to you, Mr. Singleton.
11 I'll see you back in the morning. All right?

12 MR. COOPER: Your Honor, a matter of preparation
13 on my part. Tomorrow morning when we take the plea,
14 we're going to delay sentencing or just -- or plan to
15 sentence tomorrow?

16 THE COURT: It makes no sense to sentence.

17 MR. COOPER: Okay. I just wanted to make sure.

18 THE COURT: I'm just going to enter --

19 MR. COOPER: Yes, ma'am.

20 THE COURT: -- I'm just going to take the plea,
21 the second plea. And I'm not even going to hear
22 argument, I'm just going to accept his plea.

23 MR. COOPER: All right. Thank you.

24 THE COURT: I'll make a finding of guilt. All
25 right?

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MR. COOPER: Yes, ma'am.

THE COURT: Thank you. 9:00 a.m.

[JURY TRIAL ADJOURNS AT 5:09 P.M.]

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C E R T I F I C A T E

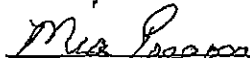
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Monday, January 5, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 21st day of June, 2015.


Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2013-GS-10-01153

STATE OF SOUTH CAROLINA)
)
 VS.)
)
 KADRIN SINGLETON,)
)
 DEFENDANT.)

JURY TRIAL

VOLUME 2 OF 6

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Tuesday, January 6, 2015, Commencing at 9:53 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
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PROCEEDINGS

1
2 THE COURT: What can we do quickly? We will
3 take his plea at a break. I don't think that impacts
4 the trial at this point.

5 MR. COOPER: No, ma'am. We can do the plea
6 whenever it's convenient with Your Honor.

7 I think the only pretrial matter we have to
8 finally address is the search warrant, and I don't
9 anticipate that would take a significant amount of
10 time.

11 MR. KIDD: My only concern about not taking the
12 plea before we start the trial is that what if he
13 balks at the plea? If he -- when we try and take his
14 plea he says no --

15 THE COURT: Too much talking. We'll get the
16 plea done. Let me hear -- start the search warrant
17 issue. Do we have the sentencing sheets?

18 MR. KIDD: We do.

19 MR. LIETZOW: Yes, ma'am, Your Honor.

20 THE COURT: Thank you..

21 MR. KIDD: Judge, may I approach? I just have
22 your --

23 THE COURT: Thank you.

24 [Whereupon, Mr. Kidd proffers documents to the
25 Court]

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PRETRIAL MOTIONS

- - -

MOTION TO SUPPRESS

MR. KIDD: Thank you, Your Honor.

THE COURT: All right. Mr. Cooper?

MR. COOPER: Ma'am?

THE COURT: The motion to suppress.

MR. COOPER: Yes, ma'am. Thank you, Your Honor.
May it please the Court. Michael Cooper, on behalf of
Kadrin Singleton.

And our motion under the fourth amendment of the
United States Constitution, Article I of the South
Carolina Constitution, and Section 17-13-140 of the
South Carolina Code of Laws, moving to suppress the
search of Defendant Kadrin Singleton's cell phone,
including all records obtained -- all cell call record
-- call detail records, including cell tower
information or other known -- otherwise known as
historical cell site records.

Your Honor, the basis of our motion is that
there were two search warrants issued in this case.
And it's a little bit complicated story about how we
get there, but I'll try to simplify it as much as I
can.

The first search warrant was issued on December

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1 -- as the Court knows, the incident -- the shooting
2 took place November 20th of 2012. The first search
3 warrant was signed and obtained by law enforcement on
4 December 10th of 2012. In that search warrant -- I
5 apologize -- April 16th of 2013. In that search
6 warrant, the --

7 And, Your Honor, I guess before we continue, the
8 State and I have discussed, and we are -- for purposes
9 of this hearing we're stipulating that there was no
10 oral supplement to the search warrants to the
11 magistrate.

12 MR. KIDD: That's correct.

13 MR. COOPER: And so we're looking at the face of
14 the search warrants. The search warrant states on
15 November 20th, 2012, at approximately 10:45 p.m., a
16 shooting took place at Cambridge Avenue, during
17 which Sharrell Williams was shot and killed. While
18 investigating this shooting, it was learned that
19 Kadrin Singleton was present during the shooting.
20 That's the first numbered paragraph. There's only a
21 second numbered paragraph which states: Kadrin
22 Singleton was positively identified by witnesses as
23 the person responsible for the shooting. We therefore
24 submit that there is probable cause to believe that a
25 search warrant will list irreputable obtained data,

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1 relevant evidence related to the violation of State
2 offenses.

3 Your Honor, it's our position that under State
4 v. Weston, from the Supreme Court of South Carolina,
5 329 S.C. 287, as well as the -- 494 S.E.2d 801.

6 If I may approach the bench?

7 THE COURT: You may.

8 MR. COOPER: Your Honor, I'm handing you a copy
9 of the case cited.

10 [Whereupon, Mr. Cooper proffers documents to the
11 Court]

12 MR. COOPER: State v. Weston lays out the -- it
13 sort of establishes precedent for conclusory search
14 warrants. And in the search warrant in State v.
15 Weston, the affidavits supporting probable cause
16 stated: on March 18, 1994, at approximately 224
17 hours, the victim was the victim of an armed robbery
18 and assault with intent to kill at Ferrell Road.
19 The defendant in this incident is a Kelvin Weston.
20 Kelvin Weston, by South Carolina Highway Department,
21 is the registered owner of the above-listed vehicle.
22 Also, investigator revealed through a witness in this
23 matter that the defendant was driving the vehicle at
24 the time of the incident. The search on the above
25 items are needed to fully complete this investigation.

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1 And in that case they are attempting to search the
2 car.

3 As well, they cite to State v. Smith for another
4 insufficient probable cause affidavit stating -- and
5 the cite for State v. Smith is 301 S.C. 371 and 392
6 S.E.2d 182, and that's from 1990. And that affidavit
7 stated that on May 12th, at approximately 11:45 p.m.,
8 Reginald Jerome Smith went into the Master's Inn
9 located at 1468 Savannah Highway, Charleston, South
10 Carolina, and he then robbed the manager at knife
11 point. Smith has been staying at the Host America,
12 Room 216, since January 2nd, 1988. There's every
13 reason to believe that the weapon used in the robbery
14 was located in the room and this information has been
15 affirmed in person by Sargent Sherman on an
16 unspecified date. The Court has -- Supreme Court has
17 stated that mere conclusory statements will not give a
18 magistrate sufficient basis to support probable cause
19 or to issue a warrant.

20 In our case, turning to our search warrant,
21 again, as I stated to the Court, is merely conclusory.
22 Basically it just says a shooting happened at the
23 incident location, Kadrin Singleton was present, and
24 witnesses identified him as the shooter. There is no
25 other basis for the magistrate or the issuing judge to

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1 analyze whether or not probable cause existed. It
2 doesn't state who the witnesses are, it doesn't state
3 any -- like if they're actually eyewitnesses, their
4 opportunity to witness. There's nothing in there that
5 gives the magistrate an ability to evaluate probable
6 cause. They're mere conclusory statements. So the
7 first search warrant issued is not supported by
8 probable cause and the search of the defendant's phone
9 records, which were then obtained, is illegal.

10 And this is where the argument becomes a little
11 bit more complicated, because knowing the -- in
12 recognizing the conclusory issues with the first
13 search warrant, the State and the solicitor's office
14 had their investigator request a subsequent search
15 warrant. And that search warrant was dated May 21st
16 of 2014. So about a year after the first search
17 warrant was issued, they received all the phone
18 records, realized the evidentiary value of the phone
19 records, realized the issue with the search warrant,
20 and then sought a second search warrant.

21 It's our position that the second search warrant
22 is fruit of an illegal search of the first search
23 warrant. The search warrant itself is not -- so the
24 first search warrant is an illegal search warrant. I
25 think the State has to show inevitable discovery. I

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1 anticipate their argument on inevitable discovery is,
2 we could have done -- we could have fixed the search
3 warrant at any time, and the second search warrant is
4 good, therefore everything is okay, there's no
5 constitutional violation.

6 But without having realized the evidentiary
7 value of the phone records, there would have never
8 been a second or subsequent search warrant. So the
9 second search warrant, in and of itself, is fruit of
10 the poisonous tree because there was -- they had no
11 idea as to the evidentiary value. It's not an
12 inevitable discovery situation.

13 The Court's indulgence, Your Honor.

14 THE COURT: Take your time.

15 [Whereupon, Mr. Cooper reviews documents]

16 MR. COOPER: As I stated, the second search
17 warrant is fruit of the poisonous tree under the
18 wrong -- and would not have been obtained but for the
19 product of prior ability to search.

20 Your Honor, I did an exhaustive search on this
21 issue and I have several cases I would like to cite
22 just to support my position on the inevitable
23 discovery rule. And there's very little directly on
24 point here in South Carolina.

25 The first case I cite to the Court is State v.

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1 Oregon -- I mean, State of Oregon v. John Allen
2 McKlasky, Court of Appeals, Oregon. And it's 259
3 Oregon Appeals 531, 314 P3rd 721 from 2013. And, Your
4 Honor, I will hand a copy of these cases to the Court
5 after -- I'll read all of them into the record.

6 THE COURT: Thank you.

7 MR. COOPER: Yes, ma'am.

8 People of the State of New York v. Cristobal
9 Perez, the Supreme Court of New York, Appellant
10 Division Second Department, 88 A.D.3d 1016, and then a
11 parallel cite is 931 N.Y.S.2d 411 from 2011. And then
12 finally, United States of America v. Larry Dwayne
13 Connor and John Charles Tilton, United State Court of
14 Appeals for the Eighth Circuit, 127 F.3d 663 and the
15 Lexis cite on this is 1997 U.S. Appellate Lexis 27680
16 from 1997.

17 May I approach the bench?

18 THE COURT: You may.

19 MR. COOPER: Thank you.

20 [Whereupon, Mr. Cooper proffers documents to the
21 Court]

22 MR. COOPER: And in each of these cases, Your
23 Honor, what is at issue is a constitutional violation
24 and an illegal search.

25 It's the State's argument that inevitable

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1 discovery rule applies. And the Court's ruling in
2 each of these cases that once the illegal search has
3 taken place, when you discover the evidentiary value
4 based on that illegal search -- on the illegal search,
5 it cannot then be cured. And they are a variety of
6 factual scenarios, Your Honor, but not directly
7 related to the issue of the phone.

8 MR. KIDD: May it please the Court?

9 THE COURT: Yes, sir.

10 MR. KIDD: So there are a variety of reasons why
11 his arguments don't really hold up, the first of which
12 is that his claim that his fourth amendment violation
13 -- his fourth amendment rights were violated in the
14 search is just not the case. We're talking about
15 records maintained by a cell phone service provider.
16 They are records maintained by a third party.

17 Our United States Supreme Court recently came
18 out with the opinion in I think it was Smith -- in
19 Riley, excuse me, which required search warrant for an
20 individual's cell phone. And that's for the physical
21 phone in your pocket. But the Court surmised that so
22 much of our lives are now maintained on your cell
23 phone that surely for an officer to look into the
24 phone in your pocket, they need a search warrant. But
25 they intentionally come sort of the cell phone

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1 provider.

2 And all the case law does fall short. In fact,
3 when I was doing some research, I saw a couple of
4 Courts that went so far as to require a warrant but
5 then they retracted their opinion as to cell phone
6 requests because the idea is that when you then
7 transmit or give your information to a third party, it
8 then destroys the reasonable expectation of privacy
9 that you may have in that information so that records
10 maintained by a third party you have no fourth
11 amendment privacy, you have no reasonable expectation
12 of privacy in information that's maintained by a third
13 party. So my first point is that he has no reasonable
14 expectation of privacy, so he has no fourth amendment
15 interest in that property.

16 And to further bolster that, sort of the
17 maintaining and distribution of that information by
18 cell phone providers is governed by the Security
19 Communications Act, the Federal Security
20 Communications Act, which is 18 USCA 2701L. And as to
21 cell phone tower information and records maintained by
22 cell phone providers, a warrant isn't even required to
23 obtain that information. There is no probable cause
24 showing that it is required in order for law
25 enforcement to obtain that information. Now, it does

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1 require a court order, but it holds short of probable
2 cause. So, in fact, no search warrant is even
3 necessary. So their argument that the affidavit in a
4 search warrant falls short of probable cause really
5 shouldn't even be of issue because probable-cause
6 showing isn't necessary in order to obtain records
7 maintained by a third party.

8 So the first argument, we don't even need a
9 search warrant. They went above and beyond getting
10 one. But if you just looked at it like a court order
11 or a subpoena, that would have been sufficient anyway.
12 So that's my first argument, and we should prevail on
13 that argument.

14 But my second argument, if you don't buy that,
15 is that this defendant lacks standing to object. The
16 standing issue is that this phone was -- the
17 subscriber information that was produced from this
18 warrant showed the phone in the name of an individual
19 by the name of Eric Gilliard. So the phone is
20 subscribed in someone else's name, and he abandons it
21 during the failure-to-stop chase. So by abandoning
22 the phone, and you have a phone that is subscribed in
23 someone else's name, I don't believe he has standing
24 to object to the government's then requesting of those
25 records. So he -- once again, he has no fourth

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1 amendment privacy interest in those records because
2 the phone is not registered in his name and he has
3 abandoned the physical property. So I do not believe
4 he has standing to make his motion.

5 Furthermore, I do not believe that the first --
6 if I had been contacted on the drafting of that
7 warrant, I would have added additional information.
8 The officers had a plethora of information which they
9 could have included in that warrant, which they
10 didn't. So I'm not going to sit here and say that
11 it's a great warrant, because it is obviously a
12 little short. However, it does identify the
13 defendant, it does identify the fact that a witness
14 saw him murder -- let me make sure I'm not misstating
15 this -- that Kadrin Singleton was positively
16 identified by a witness as the person responsible for
17 the shooting. So it identifies him as the shooter.
18 It identifies the records that we want. And so it's
19 not conclusory as to the fact this is saying the
20 defendant was the shooter or like the cases that he
21 supplied. It actually does that. Even though it does
22 it very briefly, it does make that leap as to why we
23 believe he is the defendant, that a witness saw him
24 responsible for the shooting.

25 So I believe, while slim, that the initial

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1 warrant should be sufficient. But even if you find
2 that it wasn't, what we did is prepare a subsequent
3 warrant, which I don't even believe he argues is
4 ineffective or that -- I mean, on its face is
5 insufficient. And then so even if there was any
6 shortcomings in this warrant; it has surely been cured
7 by the subsequent search warrant that my office
8 prepared and executed and had done on T-Mobile where
9 they then didn't just give us a -- they resubmitted
10 new records to us, which were the same records but
11 they didn't just, you know, hit re-send. They
12 actually re-gathered them from our [phonetic] system
13 and submitted them to us.

14 So I believe that should the initial search
15 warrant be lacking, it was surely cured by the
16 subsequent search warrant that was done by my office,
17 a search warrant that I was sure to make sure that no
18 information was included in that warrant that wasn't
19 already in the officer's possession at the time the
20 initial warrant was executed so that any information
21 that was put forth in this warrant signed by Judge
22 Steinberg would have been knowledge that the North
23 Charleston Police Department had at the time the
24 initial warrant was executed.

25 So I think those are my main bolstering points.

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1 However, I also think it's important to talk a little
2 bit about his arguments just in that the fruit of the
3 poisonous tree -- if the Court will bear with me one
4 second. The fruit of the poisonous tree doctrine
5 provides evidence must be excluded if it would not
6 have come to light but for the illegal actions of
7 police and the evidence has been obtained by the
8 exploitation of that illegality.

9 There's nothing illegal that was done here.
10 What we have here is a good-faith officer relying
11 on -- you know, while it wasn't the best search
12 warrant in the world, a good-faith belief that that
13 search warrant was sufficient, a submission of that
14 search warrant to an unbiased, impartial magistrate
15 who signed it, and in the reviewing of those records.
16 So I don't believe fruit of the poisonous tree is
17 applicable.

18 I also believe that -- the Court's indulgence --
19 I believe that -- I lost my train of thought.

20 I believe that the exclusionary rule is a very
21 drastic remedy, one that is designed to curtail police
22 conduct, to keep them from doing things that are
23 stomping all over people's rights. It's a very
24 drastic remedy that's supposed to be used only in the
25 worst of circumstances. What we have here is an

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1 officer relying on information, just not maybe putting
2 enough into the warrant. It's not the type of -- it's
3 not the type of activity that the exclusionary rule is
4 necessary to curtail or to keep him from doing that
5 further. All we need to do is instruct him to write a
6 better affidavit.. It's not him stomping on the rights
7 of any individual.

8 But I think those are the bases of my arguments,
9 Your Honor. Obviously, I believe my strongest points
10 are standing and abandonment, not to -- I'm not going
11 to argue it any longer, Your Honor. I just think
12 under the good-faith exception, I think the
13 exclusionary rule is a drastic remedy, it's
14 unnecessary in this case, especially when it's -- you
15 know, I have a quote on the exclusionary rule that
16 indicates that: the jury is charged with the duty of
17 searching for the truth to determine the innocence or
18 guilt of the accused within the appropriate legal
19 standard, denial of probative evidence detracts from
20 that search so exclusion should be applied only where
21 deterrence is clearly subverted. And that is at State
22 v. Sox, 254 S.C. 541. And basically it's just saying
23 that denial of justice over a what would be really
24 just a shortcoming on an affidavit is not the answer
25 and that -- especially in a case like this when it was

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1 properly cured by a subsequent warrant, it wouldn't be
2 appropriate for suppression at this time. Thank you.

3 THE COURT: Mr. Cooper?

4 MR. COOPER: Thank you, Your Honor.

5 I'll just begin by addressing the good-faith
6 argument. In State v. Weston, the Supreme Court
7 directly commented on good-faith exception by citing
8 State v. Johnson, which is 302 S.C. 233, 395 S.C.2d
9 167. The Court does a good-faith analysis in Weston.
10 The third part is that: reviewing Courts will not
11 defer to a warrant based on affidavit does not provide
12 a magistrate's substantial basis for determining the
13 existence of probable cause. They go on to say that
14 the Supreme Court, only in the first of these
15 situations, which is probable cause inquiry that
16 knowing a reckless falsity of an affidavit on which
17 the determination was based. It's basically a hanks
18 issue. So only in the first situation has the Court
19 set forth rational to suppress the evidence obtained.
20 In other areas, it has simply excluded such evidence
21 without considering whether the fourth amendment
22 interest will be advanced.

23 In State v. Johnson, we interpret -- precluding
24 application of good-faith exception when an affidavit
25 fails to provide a magistrate with a substantial basis

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1 for finding probable cause. It's on point. The good-
2 faith exception doesn't apply when a search warrant is
3 insufficient to establish probable cause to a
4 magistrate. And that's what we have here in the first
5 search warrant.

6 The State cites the federal standard for
7 obtaining electronic communication. That has no
8 bearing on the admissibility of the electronic
9 communications. The federal statute on whether or not
10 to get the phone records has nothing to do with the
11 admissibility of it. We have the fourth amendment, we
12 have Article I of the South Carolina Constitution, we
13 have a South Carolina Code Section that bears on
14 search warrants. Those issues bear on admissibility
15 of the evidence, not whether or not the State can
16 obtain it or who can obtain it.

17 Additionally, Your Honor, the State takes dual
18 positions here. They argue, yes, it's Kadrin
19 Singleton's phone and by looking at that phone and the
20 records, we are able to put him at the scene. But yet
21 they argue, no, Kadrin Singleton, it wasn't his phone
22 and therefore he has no standing to object, when
23 clearly it is -- when clearly their position is it's
24 his phone, he had it. They used the phone to tie him
25 to the cocaine, to tie him to the marijuana. He's in

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1 possession of the phone. And clearly their position
2 is that it's his phone. So the standing -- I don't
3 understand where the standing argument comes from, but
4 it's pretty clear that they allege that it's his
5 phone. And he had a privacy interest in it.

6 And I guess to address Riley v. California.
7 That case is not applicable here. Riley v. California
8 dealt with search incident to arrest of the phone and
9 established that you do have to have a search warrant
10 to obtain the contents of the phone. And part of the
11 United States Supreme Court's analysis to rationale
12 was that your phone also had location information. So
13 it not only had like call log information and it had
14 your personal calendar and photos, but it also had
15 location information and they said that the location
16 information is protected interest as well.

17 THE COURT: What other motions are still
18 pending, Mr. Cooper?

19 MR. COOPER: Court's indulgence.

20 We still have -- we still have to determine the
21 admissibility of Mr. Singleton's prior convictions. I
22 think the Court indicated that we will address that
23 before he testifies. So after the State rests, I
24 guess we'll take up that issue.

25 THE COURT: Say that one more time, Mr. Cooper.

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1 I apologize.

2 MR. COOPER: The admissibility of Mr.
3 Singleton's prior convictions --

4 THE COURT: Yes. We'll address --

5 MR. COOPER: -- we'll address that --

6 THE COURT: -- that when it becomes --

7 MR. COOPER: -- after the State rests?

8 THE COURT: -- applicable. Yes. When I advise
9 your clients of his rights, we'll --

10 MR. COOPER: Yes, Your Honor.

11 THE COURT: -- go through that analysis.

12 Is your client ready to plea? To enter into his
13 plea?

14 MR. COOPER: Yes, ma'am, he is.

15 And I don't remember. Did the Court rule on our
16 motion to sequester?

17 THE COURT: I did.

18 MR. COOPER: Thank you.

19 THE COURT: I granted your motion to sequester,
20 with the exception of the State's investigator.

21 MR. COOPER: Thank you. Yes, ma'am.

22

23

24

25

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PLEA ON THREE CHARGES

THE COURT: I have the plea sheets if your client is ready to enter into his plea. My plan is to accept the plea --

MR. COOPER: Yes, ma'am.

THE COURT: -- and then withhold sentencing to do at the end of trial. Any objection to handling it that way?

MR. KIDD: No, ma'am.

THE COURT: Thank you.

Please place Mr. Singleton under oath.

THE CLERK OF COURT: Please raise your right hand.

[Whereupon, Mr. Singleton is duly sworn by the clerk of court as follows: do you swear or affirm the testimony you give the Court will be the truth, the whole truth, and nothing but the truth, so help you God]

MR. SINGLETON: Yes, sir.

THE CLERK OF COURT: Thank you, sir. Please state your first and last name and spell your last name for the record.

MR. SINGLETON: Kadrin Singleton. S-I-N-G-L-E-T-O-N.

THE COURT: You stamped it -- this is just a

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1 clerical issue. You stamped it deferred sentence?

2 THE CLERK OF COURT: Correct. It notes that the
3 plea is being accepted and then once imposed, you
4 would sign at the point below it.

5 THE COURT: Just a formality, Mr. Cooper. I was
6 just inquiring.

7 MR. COOPER: Yes, ma'am.

8 THE COURT: Mr. Singleton, you're here to plead
9 guilty on indictment 2013-GS-10-1457, 2603 and 2602.
10 Is that correct?

11 MR. SINGLETON: Yes, ma'am.

12 THE COURT: Sir, you understand we're in the
13 middle of a trial. You do not have to plead guilty
14 here today.

15 MR. SINGLETON: Yes, ma'am.

16 THE COURT: These three indictments could still
17 go in front of the jury.

18 MR. SINGLETON: Yes, ma'am.

19 THE COURT: You wish to give up your right to a
20 jury trial on these three indictments?

21 MR. SINGLETON: Yes, ma'am.

22 THE COURT: You have the right to a jury trial.
23 You have the right to have a jury determine your guilt
24 beyond a reasonable doubt, based upon the evidence the
25 State presents, as well as any evidence you may

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1 introduce, your right against self-incrimination, your
2 right to say nothing at all, your right to confront
3 and to be confronted by the witnesses against you, as
4 well as the right to call witnesses on your behalf.
5 By pleading guilty here today, you give up any defense
6 you have to these three indictments. Do you
7 understand those rights?

8 MR. SINGLETON: Yes, ma'am.

9 THE COURT: Mr. Singleton, I'm going to listen
10 to the facts from the State and then I have a few more
11 questions for you.

12 Let me hear the facts as to these three
13 indictments.

14 MR. KIDD: Thank you, Your Honor.

15 THE COURT: And I've heard a lot of facts, but
16 if you'll just keep them just cleanly for the record
17 as to these three indictments.

18 MR. KIDD: I'll be brief, Your Honor.

19 On October 25th, two thousand and -- excuse me.
20 On November 25th, 2012, Deputy Midgett initiated blue
21 lights on Mr. Singleton for reckless driving. He then
22 stopped on the corner on East Berry and Randolph
23 Street in Lincolnville, South Carolina, in Charleston
24 County, and fled on foot. Deputy Midgett gave chase,
25 apprehending Mr. Singleton with his K-9.

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1 The vehicle which Mr. Singleton was driving came
2 back stolen, with stolen plates, hence the possession
3 of stolen motor vehicle charge as Deputy Midgett
4 testified in the Denno hearing. Shortly after Mr.
5 Singleton's arrest, he admitted knowing that the
6 vehicle was stolen.

7 During the chase, Mr. Singleton threw a bag
8 containing two cell phones, approximately eleven grams
9 of cocaine, and a small amount of marijuana over a
10 fence. Officer didn't notice it that night during the
11 chase. Individual who owned the property, an
12 individual by the name of James Wagner, found the bag
13 the following day and called the Charleston County
14 Sheriff's Office, who came out and collected it. The
15 drugs were sent for testing and came back to be
16 approximately eleven grams of cocaine, hence the
17 trafficking ten to twenty-eight grams of cocaine
18 charge.

19 And so those -- I think that is a sufficient
20 factual basis to support those three charges he's
21 basically -- he's pleading to do.

22 THE COURT: Mr. Singleton, you have the right to
23 appeal this plea and the sentence that I do impose.
24 And as I indicated to you, I will not impose the
25 sentence here at this time. We are going to wait

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1 until the completion of your trial. Do you
2 understand?

3 MR. SINGLETON: Yes, ma'am.

4 THE COURT: But you would have the right to
5 appeal the sentence that I do impose upon you.

6 MR. SINGLETON: Yes, ma'am.

7 THE COURT: Do you understand?

8 On the trafficking in cocaine, ten to twenty-
9 eight grams, I can sentence you from a minimum of
10 three years up to ten years in the department of
11 corrections, fine you up to \$25,000, or both. Do you
12 understand that's the possible punishment?

13 MR. SINGLETON: Yes, ma'am.

14 THE COURT: Mr. Cooper, did you explain to your
15 client that this is classified as a violent offense?

16 MR. COOPER: Yes, ma'am.

17 THE COURT: Mr. Singleton, you understand what
18 that means as far as your classification?

19 MR. SINGLETON: Yes, ma'am.

20 THE COURT: Knowing that, do you still wish for
21 me to accept this plea here today?

22 MR. SINGLETON: Yes, ma'am.

23 THE COURT: Did you also explain to your client
24 the enhancement features of our drug laws?

25 MR. COOPER: Honestly, I don't remember doing

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1 so. If I may take a minute, Your Honor?

2 THE COURT: Take the time. It's important that
3 he enters into this plea freely, voluntarily,
4 knowingly, and intelligently.

5 MR. COOPER: Yes, ma'am.

6 [Whereupon, Mr. Cooper and Mr. Singleton confer]

7 MR. COOPER: Thank you, Your Honor.

8 THE COURT: All right. You advised your client?

9 MR. COOPER: Yes, ma'am. We covered the
10 sentencing enhancement potential for subsequent drug
11 offenses, as well. I mean, specifically trafficking,
12 which then the maximum penalty goes significantly
13 higher than the ten years and becomes an eighty-five
14 percent charge, mandatory minimums, et cetera and so
15 on.

16 THE COURT: Mr. Singleton, you still wish to
17 enter into this plea?

18 MR. SINGLETON: Yes, Your Honor.

19 THE COURT: I can sentence you on a failure to
20 stop for a blue light ninety days up to three years in
21 the department of corrections. Do you understand
22 that's the possible punishment?

23 MR. SINGLETON: Yes, ma'am.

24 THE COURT: Knowing that, do you still wish to
25 enter into this plea?

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1. MR. SINGLETON: Yes, ma'am.

2. THE COURT: How long have you been in custody?

3. MR. SINGLETON: Twenty-six months.

4. MR. COOPER: Since the date of arrest, Your
5. Honor.

6. THE COURT: So he has significantly completed
7. the minimum on the failure to stop for a blue light
8. ninety days; correct?

9. MR. COOPER: Yes. I think he's basically maxed
10. it, yes, ma'am.

11. THE COURT: Mr. Cooper, did you also explain to
12. your client, oddly enough, the enhancement features of
13. a failure to stop for a blue light?

14. MR. COOPER: I apologize. I don't think I did
15. on that one.

16. THE COURT: It's one of those ones most --

17. MR. COOPER: I know.

18. THE COURT: -- attorneys do not, so I always try
19. to make sure. And loss of his driving privileges.

20. MR. COOPER: Yes, ma'am.

21. [Whereupon, Mr. Cooper and Mr. Singleton confer]

22. MR. COOPER: We also reviewed the property crime
23. aspect of possession of stolen motor vehicle.

24. THE COURT: Thank you.

25. Mr. Singleton, you understand -- what I just

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1 need for you to understand is there are potential
2 consequences to you outside the entering into this
3 plea, besides the fact that you're facing a potential
4 of up to ten years on the trafficking, up to five
5 years on the possession of a stolen motor vehicle, and
6 up to three years on the failure to stop for a blue
7 light. Do you understand what I'm explaining to you?

8 MR. SINGLETON: Yes, ma'am.

9 THE COURT: You heard the facts as indicated by
10 the State. Is that what you did, sir?

11 MR. SINGLETON: Yes, ma'am.

12 THE COURT: I find a substantial factual basis
13 for your plea. Your decision to plead guilty on the
14 three indictments, trafficking cocaine, possession of
15 stolen motor vehicle two to \$10,000, and a failure to
16 stop for a blue light has been freely, voluntarily,
17 knowingly, and intelligently made.

18 Mr. Singleton, have you been satisfied with the
19 services of Mr. Cooper?

20 MR. SINGLETON: Yes, ma'am.

21 THE COURT: You've indicated to the Court you've
22 had the advice and counsel of a competent attorney
23 with whom you've told the Court you are satisfied. I
24 hereby accept your plea of guilt. That leaves the
25 remaining indictment that we are on trial -- having

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1 trial for here today. Will withhold sentencing until
2 the end of the trial.

3 Anything further?

4 MR. KIDD: Nothing as to the plea.

5 MR. COOPER: No, ma'am. Can we take a comfort
6 break?

7 THE COURT: We're going to take a comfort break.

8 I'm going to gather my thoughts and issue my
9 ruling on the --

10 MR. COOPER: Search warrant.

11 THE COURT: -- on your motion to suppress and
12 then we'll bring the jury in. Okay?

13 MR. COOPER: Thank you, Your Honor.

14 THE COURT: Take about ten minutes.

15 MR. COOPER: Okay. Thank you, ma'am.

16 THE COURT: Thank you.

17 [Whereupon, a recess is taken from 10:33 a.m. to
18 10:49 a.m.]

19 MR. KIDD: Your Honor, may I approach the court
20 reporter? I'm just having her pre-mark some exhibits.

21 THE COURT: Certainly.

22 [Whereupon, State's Exhibit Numbers 1 through 13
23 are marked by the court reporter]

24 THE COURT: Mr. Cooper, are you ready?

25 MR. COOPER: I apologize, Your Honor. I didn't

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1 mean to --

2 THE COURT: I think we were ahead of schedule,
3 Mr. Cooper, actually.

4 MR. LIETZOW: May I approach the court reporter,
5 Your Honor?

6 THE COURT: You may.

7 They're just marking some exhibits, Mr. Cooper.

8 MR. COOPER: I guess I should probably do that,
9 too. I was going to go ahead and mark them --

10 THE COURT: Let's just go ahead. Mr. Cooper,
11 I'm trying to -- let's go ahead and get moving. I'll
12 give you -- I had rather get the jury in the box and
13 give you time.

14 MR. COOPER: All right. Thank you.

15 THE COURT: Thank you.

16 MR. COOPER: Yes, ma'am. I apologize for not
17 having done that sooner.

18 THE COURT: A lot has been going on, Mr. Cooper.
19 It's all right.

20 MR. COOPER: All right.

21 THE COURT: So the remaining issue is your
22 motion to suppress.

23 Mr. Kidd, I don't mind y'all standing. Are you
24 listening?

25 MR. KIDD: Yes, ma'am.

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RULING ON MOTION TO SUPPRESS

1
2 THE COURT: The defendant argues that the April,
3 2013 search warrant is not sufficient to constitute
4 probable cause and that the cell phone records and
5 subsequent evidence should be suppressed as products
6 of a warrentless search.

7 The State contends that the cell phone records
8 and evidence were properly searched under the search
9 warrants issued in April of 2013 and then in May of
10 2014. The State argues that both search warrants
11 issued were sufficient to constitute probable cause to
12 obtain the cell phone and even if the 2013 search
13 warrant was insufficient, the 2014 search warrant
14 cured any insufficiencies and deficiencies in the
15 April 2013 warrant.

16 I find that the affidavit submitted by Detective
17 Hughes adequately describes the information sought and
18 includes sufficient information to constitute probable
19 cause for obtaining the cell phone records in
20 question. I further find that the April 16th, 2013
21 search warrant was properly issued and executed and
22 deny the defendant's motion to suppress the cell phone
23 records and the evidence obtained therein. I find
24 further that the May 21st, 2014 search warrant was a
25 valid search warrant and the evidence obtained was

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1 legally obtained evidence.

2 I deny the defendant's motion to suppress the
3 evidence obtained under the April 16th, 2013 search
4 warrant, as it was amply supported by probable cause.

5 Note your exception to my ruling.

6 With that, is there anything further before we
7 bring in the jury? From the State?

8 MR. KIDD: Judge, the only thing: because he
9 pled to those three warrants, I just want to make sure
10 there's no assumption that that would limit us in our
11 ability to argue those issues in our opening to the
12 jury.

13 THE COURT: Mr. Cooper, I cannot imagine that
14 there would -- I mean, within the confines of the
15 applicable rules of evidence, of course, Mr. Kidd, but
16 I cannot imagine -- there has been sufficient
17 discussion, even before he pled guilty, that most of
18 that testimony would come in anyway.

19 MR. COOPER: Yes, ma'am.

20 We held a pretrial hearing on the bifurcation
21 issue and part of that analysis by the Court was under
22 sort of a similar Lyle 404(b) analysis in applying the
23 motion to sever those charges. And the Court's
24 ruling, it went through that sort of analysis and
25 denied our motion.

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1 . Again, at this time we would renew or make a
2 different objection under 404(b) and Lyle, but we
3 understand the Court has already analyzed those
4 arguments and we're just presenting a separate motion
5 from the severance issue on the indictments as to the
6 bad character evidence of the trafficking. And we've
7 exhausted those arguments pretrial and I think that
8 factoring in what we argued there, as long as I can
9 incorporate those arguments now, would suffice.

10 THE COURT: I think, Mr. Kidd, you understand?

11 MR. KIDD: Yes, ma'am.

12 I just wanted to be clear, because we analyzed
13 it under a severance issue and not clearly under a
14 404(b), that there was no -- I just didn't want to
15 have a mistrial if we didn't -- weren't clear on the
16 record about that. I just wanted to make sure.

17 THE COURT: And I believe there's ample
18 discussion that -- and even you said that it's more of
19 a 404(b) analysis, not a severance issue. So I think
20 the record is clearly delineated for whatever purposes
21 it needs to be delineated for.

22 MR. COOPER: Yes, ma'am.

23 And I guess I -- basically, I'm just renewing
24 those objections. And I will renew them in the trial.
25 But I understand that he can argue that in opening.

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1 THE COURT: Thank you.

2 All right. I'm going to bring in the jury.

3 [Off the record momentarily]

4 THE COURT: Please rise for the jury.

5 [Whereupon, the jury enters the courtroom at
6 10:49 a.m.]

7 THE BAILIFF: All jurors are present, Your
8 Honor.

9 THE COURT: Thank you. Please be seated.

10 Good morning, ladies and gentlemen. I
11 appreciate your patience.

12 Ladies and gentlemen, we are now going to
13 administer the oath for you to try this case. If you
14 would please stand.

15 Mr. Clerk?

16 THE CLERK OF COURT: Please stand. All jurors
17 please raise their right hand to be sworn.

18 [Whereupon, the jury is duly sworn by the clerk
19 of court as follows: do you swear or affirm that you
20 shall well and truly try and a true deliverance make
21 between the State of South Carolina and the defendant
22 at bar, who you shall have in charge, and a true
23 verdict render according to the evidence and the laws,
24 so help you God]

25 THE CLERK OF COURT: If so, please say I do.

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1 [Whereupon, Jurors respond]

2 THE CLERK OF COURT: Thank you. If there is any
3 juror that cannot adhere to this oath, if you please
4 would remain standing.

5 You may be seated.

6 Please let the record reflect that all jurors
7 are sworn.

8 THE COURT: Thank you, Mr. Clerk.

9 Ladies and gentlemen, just a few housekeeping
10 matters before I give you my general introduction.

11 Once again, I am Judge Kristi Harrington. I'm a
12 resident circuit judge for the ninth circuit in
13 Charleston and Berkeley. I have the pleasure this
14 week of having Judge Prioleau, a judge from Berkeley
15 County, that through the Chief Justice's program is
16 sitting with me this week. So I have the pleasure
17 this week. So if you see me lean over to talk to him,
18 we're not talking about our lunch plans or dinner
19 plans or anything like that. We're actually
20 discussing the progress of this case. So I appreciate
21 you welcoming him and allowing him to sit here with me
22 this week.

23 This is my law clerk, Ramsey Watson. She just
24 got married a couple of weeks ago, so it's hard for me
25 to get used to her new name. But she is my law clerk.

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1 She is a licensed attorney in the state of South
2 Carolina. And she is not playing Words with friends
3 or looking at facebook. She is researching the law as
4 we are progressing through. That's one of the
5 questions jurors always ask me: what are you doing on
6 your laptops. I want to assure you that we are
7 working diligently up here and not shopping or doing
8 anything of that nature.

9 Once again, this is my court reporter,
10 Ms. Perron. As I indicated to you, we are a court
11 of record and so she is responsible for taking down
12 everything that is occurring in the courtroom. So
13 ladies and gentlemen, these are part of my staff. And
14 you've met my bailiffs and my deputies that are
15 keeping the courtroom in order. I just thank them for
16 taking care of you.

17 Mr. Foreman, if you, again, need anything, if
18 you'll let one of the bailiffs that are seated next to
19 you -- if you need anymore breaks or water, or
20 anything of that nature, please let them know.

21 We have handed out to you notepads, which
22 indicates to me and to you that you may take notes
23 throughout the progress of this trial. I caution
24 jurors some of us are much better note-takers than
25 others. Those notes are for your use. One juror's

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1 notes are no more correct or accurate than another
2 juror's notes. We will collect your notepads at
3 breaks and then over the evening hours and lock them
4 up, no one will have access to them, and then we will
5 pass them out to you in the morning.

6 Ladies and gentlemen, while you are retired to
7 consider your deliberations, if you need to hear
8 additional testimony played back to you, we will bring
9 you back in the courtroom and do that for you. I tell
10 you that so that you don't feel you have to write down
11 word for word what is happening. I caution jurors,
12 because I do the very same thing. When I'm taking
13 notes, I have a tendency to look down. You may
14 actually miss what is happening before you. So with
15 all those caveats, you are allowed to take notes, but
16 please keep all those precautionary details in mind.

17 Ladies and gentlemen, did all members of the
18 jury panel comply with my admonitions and instructions
19 over the evening hours? If you were unable to comply
20 with all of my instructions, please stand. Thank you.

21 All fourteen jurors complied with the Court's
22 instructions over the evening hour.

23 Ladies and gentlemen, before we begin the trial,
24 I wanted to take this opportunity to explain to you
25 what is happening. Most people don't have the

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1 opportunity to come to court as you are doing now and
2 most people get their idea of what happens in a
3 courtroom from television or reading books or movies.

4 Ladies and gentlemen, those trials are always
5 full of high drama and tense action and riveting
6 circumstances. While that may be true sometimes, what
7 may be happening in this courtroom today, please
8 remember this trial is not for your entertainment.
9 This trial is a fundamental part of our democracy.
10 Making sure that justice is done is, as you have found
11 out, often slow, repetitive, deliberate, the opposite
12 of what you may have seen in movies or read in books
13 or seen on television. This courtroom is a place of
14 honor. It is dedicated to the protection and the
15 preservation of citizen's rights through what many
16 have called the greatest justice system ever created.

17 The attorneys that appear before you are
18 advocates for the parties that they represent but,
19 first and foremost, they are officers of this Court.
20 They are sworn to uphold the law and the integrity and
21 the fairness of our judicial system. You should
22 expect them to be professional, competent and ethical
23 in the representation of their clients' interest.
24 Thank you for accepting the important responsibility
25 of jury service and for your contribution to our

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1 justice system here today.

2 What I now say is intended to serve as the
3 introduction to the trial of this case. Please
4 remember these remarks are not a charge on the law. I
5 will instruct you on the law applicable to this case
6 throughout the trial and at the close of all the
7 evidence, after you have heard closing arguments on
8 behalf of counsel. Ladies and gentlemen, this is the
9 explanation of the procedure that we will follow so
10 that you would better be able to understand what is
11 happening.

12 The defendant is charged by an indictment,
13 simply a piece of paper that is filed in this court.
14 He is charged with the crime of murder. I will
15 explain the elements to you later. The indictment is
16 simply the charge by which this case is brought into
17 court. It is not in any sense evidence of the
18 allegations it contains. The defendant has pled not
19 guilty to this indictment. The State has the burden
20 of proving each of the elements of the indictment
21 beyond a reasonable doubt. It is your duty, ladies
22 and gentlemen, to determine whether the State has met
23 its burden. Your purpose as jurors is to find and
24 determine the facts. You are the sole judges of the
25 facts in this case. If at any time I make any comment

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1 regarding the facts, you must disregard my comments.
2 You are to determine the facts from the testimony you
3 hear from the witness stand, as well as any other
4 evidence that is introduced into this case. Ladies
5 and gentlemen, there will be documents and other items
6 introduced into evidence. Once they are admitted into
7 evidence, they will go back with you in your jury
8 deliberation room when you retire to consider your
9 verdict. So, again, if you do not have the
10 opportunity to view a document or something of that
11 nature, do not be concerned. You will have adequate
12 time during your deliberation.

13 It is important that you perform your duty of
14 determining the facts diligently and conscientiously
15 because ordinarily there is no way to correct an
16 erroneous determination of the facts by a jury. On
17 the other hand, and with equal emphasis, the same law
18 that makes you the judges of the facts makes me the
19 judge of the law. The law as given by this Court is
20 the only law that you may accept. You may not agree
21 with it but you must accept it and follow it. Your
22 job is to take the law as I give it to you and apply
23 it to the facts as you find them from the testimony of
24 the witnesses and any other exhibits that are
25 introduced into court. After doing that, you will

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1 render your verdict, a true and just verdict, under
2 the solemn oath that you just took as jurors.

3 As I indicated to you before you left yesterday,
4 do not begin your deliberations until I tell you to do
5 so. Do not discuss this case with anyone. That
6 includes your friends, your fellow juror members,
7 anyone. And as I indicated to you, you may not
8 discuss it in any manner: again, face-to-face
9 conversations or any texting, anything of -- any
10 electronic forms of communication. Do not read,
11 watch, listen to any news accounts regarding this
12 case, should there be any, and you may not do any
13 independent investigation. If you become aware of
14 another juror's violations, you must report that to me
15 immediately.

16 It is important that you keep an open mind and
17 not decide any issue in this case until all of the
18 evidence has been presented, the parties have made
19 their closing statements, and I have instructed you on
20 the law applicable to this case. It is your solemn
21 responsibility to determine the guilt or innocence of
22 the defendant and your verdict must be based solely
23 upon the evidence as it is presented to you in this
24 trial and on the law as I instruct you during and at
25 the close of the trial.

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1 In just a moment, the solicitor will make what
2 is called an opening statement in which the solicitor
3 will explain to you the issues in this case or at
4 least what he believes the issues will be. The
5 attorney for the defendant may also make an opening
6 statement, although the defendant is not required to
7 do so. Please remember what the attorneys tell you in
8 opening statements, as well as what they will tell you
9 in their closing arguments, is not evidence in this
10 case. It is merely their contention as to what the
11 evidence will show you and, in closing arguments, what
12 the evidence has shown you. The evidence in this case
13 will be presented to you by testimony of sworn
14 witnesses from the witness stand, as well as the
15 exhibits that have been made part of the record in
16 this case.

17 Ladies and gentlemen, from time to time the
18 attorneys may ask to approach the bench or I might
19 find it necessary to excuse you for a short while. If
20 I have the attorneys approach the bench, please do not
21 try to read our lips or overhear us. If I have you
22 excused from the courtroom, please do not think we're
23 trying to hide anything. As I indicated to you, the
24 law does not allow me to have an opinion about the
25 facts in this case and sometimes I find it necessary

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1 to comment on the facts in order to issue a ruling on
2 the law, so I may excuse you from the courtroom for a
3 short while so that in no way anything that I say or
4 do throughout the progress of this trial will
5 influence you upon your finding of the facts.

6 In determining what the true facts are in this
7 case, you must decide whether or not the testimony you
8 hear is believable. It is my responsibility to rule
9 as a matter of law whether certain testimony is
10 admissible at all. But once the testimony is
11 admitted, whether or not you believe it is solely for
12 you to determine.

13 In deciding whether to believe a witness, you
14 have the right to consider the interest of the
15 witness, the bias of the witness, the prejudice of the
16 witness, the opportunity for that witness to have seen
17 and heard the things about which the witness may
18 testify, as well as the way the witness acts on the
19 witness stand. You do have a right to consider
20 anything in the record that will help you evaluate the
21 testimony of the witnesses. Ladies and gentlemen,
22 that means it's your duty to pay close attention to
23 the witnesses. Do not let your thoughts wander. Pay
24 close attention, listen to the witnesses, observe the
25 witnesses, and to the attorneys and, more importantly,

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State vs. Kadrin Singleton
Ruling on Motion to Suppress
January 6, 2015

1 to the Court.

2 Ladies and gentlemen, I may stop for just a few
3 moments and look at you or ask y'all to stretch for a
4 few moments. Sometimes, especially in late afternoon,
5 we tend to kind of doze off or I may look over and see
6 one or more of you with your eyes closed, and I just
7 want to make sure that you're paying close attention
8 so I may ask you to stand up and stretch. Please do
9 not think I'm being rude. It's just that I need to
10 make sure that you are paying close attention to
11 everything that is happening in the courtroom here
12 today.

13 Ladies and gentlemen, it is important that at
14 the end of the testimony, after the arguments of
15 counsel and I have instructed you on the law
16 applicable to this case, that you will then be in the
17 position to determine what the true facts are, apply
18 those facts to the law as I give it to you, and render
19 a verdict.

20 Ladies and gentlemen, please give your strict
21 attention. Mr. Kidd? Mr. Lietzow?

22 MR. LIETZOW: Your Honor, may it please the
23 Court?

24 THE COURT: Yes, sir.

25 MR. LIETZOW: Mr. Cooper, Mr. Solicitor.

State vs. Kadrin Singleton
Opening Statement by Mr. Lietzow
January 6, 2015

OPENING STATEMENT

1
2 MR. LIETZOW: Good morning, y'all. My name is
3 Chris Lietzow. I'm an assistant solicitor that's
4 helping Mr. Kidd prosecute this case.

5 Before we even get started, I want to take this
6 opportunity to thank each and every one of you for
7 your service. I'm almost positive that there's
8 probably a few other things you had rather be doing
9 right now than sitting in this jury room, but I want
10 you to know that all of us take this very seriously,
11 and we really do appreciate that.

12 Something that Judge Harrington said yesterday I
13 thought was really important and I just want to
14 reemphasize that real quickly. This was before you
15 lucky fourteen had even been picked for this jury but
16 when there was a big panel when y'all were sitting in
17 the back. When we read the witness list, Judge
18 Harrington said, now, y'all don't freak out when you
19 hear this list because there's a lot of names but not
20 every single person that you heard on that list is
21 going to testify. And the reason for that is if we
22 had every single witness in here this week, it
23 wouldn't take just a week. We would be here for
24 weeks.

25 Now, anytime there's a murder investigation, a

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Opening Statement by Mr. Lietzow
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1 lot of different officers, a lot of different
2 agencies, get involved because they want to make sure
3 they track down all the leads so that they identify
4 the correct suspect. You're not going to hear from
5 every single officer this week. You're not going to
6 see every single piece of evidence that's collected.
7 The State has sat down numerous times and has gone
8 through all the witnesses and all the evidence and we
9 have determined exactly the evidence that you need --

10 MR. COOPER: Objection.

11 THE COURT: Ladies and gentlemen, please
12 remember as I indicated to you, what's contained in
13 opening statements is merely the attorney's contention
14 as to what the evidence will show you.

15 Mr. Lietzow?

16 MR. LIETZOW: The evidence that we are going to
17 present you is what you are going to need at the
18 conclusion of this trial to find the defendant guilty
19 of murder.

20 So as you've heard, Mr. Singleton is charged
21 with murder. Before we start presenting the facts,
22 and before you start hearing the testimony, Judge
23 Harrington mentioned that at the conclusion of the
24 trial she will instruct you on the law. But I want to
25 take just a quick second to kind of inform you guys of

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1 what the law is before we get to the end of the trial.

2 And if anything I say --

3 MR. COOPER: Again, objection. We're not
4 arguing yet.

5 THE COURT: I'm going to give him a little
6 leeway. Thank you.

7 MR. LIETZOW: If anything I say is different
8 than what Judge Harrington says at the end of the
9 trial, Judge Harrington is the judge of the law.
10 Defer to her.

11 In murder, there's four main important elements.
12 We consider it as checking the box. The first element
13 of murder is killing. The second element of murder is
14 a human being. Third is with malice. Fourth is with
15 aforethought. Killing a human being with malice
16 aforethought.

17 I think the first two elements speak for
18 themselves: killing a human being. But just quickly,
19 malice can be comprised of a few different things. It
20 can be a specific intent to kill, it can be an intent
21 to inflict grievous or serious bodily harm. It can be
22 extreme reckless indifference to another human being's
23 life. Or it can be the intentional killing of another
24 human being during the intent to commit a felony. And
25 aforethought: aforethought can be -- aforethought is

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1 the time when the evil is conceived. It can be formed
2 in an instant. It can literally be formed at the
3 moment the fatal blow is struck.

4 Ladies and gentlemen, this case is about an
5 armed robbery that went wrong and also led to a
6 murder. On November 20th, 2012, at Cambridge
7 Avenue, Kadrin Singleton went there under the guise of
8 conducting a drug deal, but his real intent was to
9 commit an armed robbery. And like I said, that armed
10 robbery went awry and it ended up with the murder of
11 Sharrell Williams.

12 You're going to hear testimony throughout the
13 trial that the victim, Sharrell Williams, was a drug
14 dealer, that Sharrell Williams sold marijuana,
15 probably sold cocaine. We're not here to tell you
16 guys that Sharrell Williams is a perfect, upstanding
17 citizen, but selling marijuana or selling cocaine does
18 not deserve a death sentence, which is what he got.

19 We have several witnesses that we are going to
20 present to you. The first is an individual named
21 Kenny Fludd. Kenny Fludd is one of our most important
22 witnesses. He was involved from this incident from
23 the beginning to the very end. He will be able to
24 tell you exactly what happened. Kenny Fludd was first
25 cousin to the victim, Sharrell Williams. A few days

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1 prior to this incident occurring, an individual called
2 Kenny Fludd saying, hey, man, I'd like to buy some
3 marijuana, do you know somebody who can sell me that
4 marijuana. Kenny Fludd said, yeah, I do know
5 somebody, my cousin, he sells marijuana, I'll put you
6 guys in touch.

7 Kenny Fludd will explain how he met with another
8 individual and the defendant, Kadrin Singleton, and
9 drove over to the victim's house. They went inside
10 the house where the drug transaction was to occur.
11 But before the drug transaction occurred, Kenny Fludd
12 witnessed Kadrin Singleton pull out a gun to the
13 victim and say, give it up. Kadrin Singleton then
14 shot the victim, reached over to steal Kenny Fludd's
15 keys, grabbed up the marijuana and everything else
16 that was on the counter, and on the way out he shot
17 the victim, Sharrell Williams, again before he exited
18 the house.

19 You'll see an FBI surveillance video that was
20 set up right outside the house facing the front of the
21 house, and that video will corroborate exactly what
22 you'll hear from the other witnesses who testify. And
23 in that video you'll see the victim, Sharrell
24 Williams, walking into the house moments before the
25 incident occurred. You'll see Kenny Fludd walking in

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1 behind. And then you'll see another individual and
2 Kadrin Singleton go in after those. You'll see four
3 individuals go in, and eventually you'll only see
4 three come out. Then, after that, you'll hear Kenny's
5 frantic 911 call immediately after the murder occurs.
6 And in that, you'll hear him tell exactly to the 911
7 operators what happened.

8 Let's fast forward five days, November 25th,
9 2012. Deputy Adam Midgett, of the Charleston County
10 Sheriff's Office, was on routine patrol when he
11 noticed a car driving recklessly. At that point, he
12 turned on his blue light in an attempt to pull that
13 vehicle over. The vehicle did initially pull over but
14 immediately sped back into traffic and took off.
15 Eventually, the defendant who was driving that vehicle
16 got out of the vehicle and continued to flee on foot.
17 Got out, ran into the woods. Deputy Midgett deployed
18 his K-9, who then tracked out the defendant.

19 While the defendant was running, he took two --
20 he took a Ziploc bag that had two cell phones,
21 marijuana and cocaine, and he threw it because he
22 didn't want to be caught with that.

23 Later, when he was apprehended, Deputy Midgett
24 asked him, why did you run and he said, I ran because
25 I knew the car I was driving was stolen.

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1 As I mentioned, in one of those Ziploc bags that
2 the defendant threw away while he was running from the
3 deputy contained a cell phone. And during the course
4 of the investigation, the investigators were able to
5 determine that one of the cell phones in the bag that
6 he discarded was a number that the defendant was known
7 to use as his personal cell phone. After that,
8 investigators got a valid search warrant for T-Mobile
9 so that they could look at the contents of that phone
10 and they would be able to know what we call historical
11 cell phone data analysis.

12 We contacted an expert in this field who was
13 able to track the defendant's whereabouts through his
14 cell phone call that he made and in that testimony
15 you'll see the defendant driving from Summerville,
16 meeting up with Kenny Fludd, and then driving over to
17 Cambridge Avenue where the incident occurred, right
18 around the time the incident occurred, and later
19 you'll see the defendant leaving that area and going
20 back to Summerville after it had occurred. And then
21 the next day you'll see what the defendant did and
22 where he went, as a result of the location analysis.

23 At the end of the trial, when you've heard all
24 the evidence and been able to check all the boxes, we
25 are confident that you will be able to return a

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1 verdict of guilty and find that Kadrin Singleton did
2 murder Sharrell Williams. Thank you.

3 THE COURT: Mr. Cooper.

4 MR. COOPER: Thank you, Your Honor. May it
5 please the Court.
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State vs. Kadrin Singleton
Opening statement by Mr. Cooper
January 6, 2015

OPENING STATEMENT

MR. COOPER: Good morning, ladies and gentlemen.
This is my client, Kadrin Singleton, and he is not a
murderer

UNIDENTIFIED: Oh yeah?

MR. COOPER: Excuse me, Your Honor. Can we
approach?

THE COURT: You may.

[Whereupon, an off-the-record bench conference
is held]

THE COURT: To the members of the gallery, this
is an open courtroom and you do have the right to be
here. But as I just indicated to the jury in the
opening, the courtroom is a place of honor and respect
and if you cannot conduct yourself in that manner, you
need to leave now.

I have just instructed my court personnel that
if we hear any outburst of any kind from anyone, you
will be escorted immediately and I will deal with that
at the next appropriate time. There will be no
questions asked. So now is the appropriate time for
you to leave if you do not feel you can conduct
yourself in an appropriate manner.

Mr. Cooper, I apologize. I assumed that
everyone would be able to control themselves. I'm

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1 sorry that your opening was interrupted. You may
2 continue. Fell free to start from the beginning if
3 you need to.

4 MR. COOPER: Thank you, Your Honor. May it
5 please the Court.

6 As I was saying, this is my client, Kadrin
7 Singleton, and he is not a murderer. I also want to
8 introduce his mother, Marcia Weaver [phonetic]. And
9 these are all his family and his friends and these are
10 the people that love Kadrin.

11 Kadrin is not a murderer. He was faced with a
12 choice, and not a choice that any of us should ever
13 have to make: kill or be killed, shoot or be shot.
14 Kadrin defended himself and he decided he wouldn't be
15 killed and he wouldn't risk serious bodily injury,
16 just like any reasonable person would.

17 Now, I want to tell you about what really
18 happened that night at Cambridge Avenue. See,
19 we'll talk a lot -- you'll hear a lot about this house
20 on Cambridge. And people refer to it as the blue and
21 white house. Okay? The blue and white house is what
22 is referred to as a trap house. A trap house has no
23 beds. A trap house has no food. You don't live in a
24 trap house. A trap house is where you trap drugs:
25 cocaine, crack cocaine, marijuana, and whatever else

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1 is going to pad the pockets.

2 So the house on Cambridge was a trap house, and
3 it was being watched by police. But this house was so
4 dangerous that a joint task force between the FBI, the
5 federal government, and the North Charleston Police
6 Department set up twenty-four surveillance video to
7 watch this house, the blue and white house, the trap
8 house, on Cambridge. It was a dangerous place and
9 this is where Sharrell Williams, Relly B., or Rel
10 trafficked narcotics out of a dangerous place and he
11 was a dangerous person.

12 So Kadrin and what the State refers to as
13 another individual who's his friend, Chris Felder,
14 wanted to purchase a quantity of marijuana. And, see,
15 those two guys are from Summerville. They played
16 basketball like way back in the eighth grade together,
17 but they were about twenty, twenty-two at the time.
18 They don't know any Summerville -- they don't know
19 anyone in Summerville who can sell them the amount of
20 marijuana they want to get. And so the friend, Chris,
21 he reaches out to his older and bigger cousin, Kenny,
22 Kenneth Fludd. Kenny knows where they can get what
23 they need because Rel is Kenny's first cousin. They
24 grew up together. They are close. They hang out all
25 the time.

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1 Kadrin never met Kenny. He never met Rel. He
2 had never been to the house on Cambridge. He's from
3 Summerville. He's not connected to North Charleston.
4 But Kenny and Rel, they're North Charleston. And the
5 house on Cambridge is North Charleston. So Kenny
6 arranged for Sharrell -- I mean, excuse me. Kenny
7 arranges for Chris and Kadrin to meet him at Pizza Hut
8 to do the drug deal. And Kadrin thought that they
9 were going to Pizza Hut to buy the marijuana there.
10 He didn't bring a gun. He just wanted to buy weed.
11 But they were there for about an hour waiting on
12 Sharrell.

13 And when it's time, Kenny tells Chris and Kadrin
14 to follow them -- follow him in their car. So there's
15 two cars. Kenny is in his car and Chris and Kadrin
16 are in their car. And when they get to the
17 neighborhood, Kenny stops and he tells the guys, go
18 leave your car over there by the dumpster, the house
19 is hot, we don't need two cars over there in front of
20 the house. And the guys don't want to leave their
21 car. They don't know the area. They're from
22 Summerville. And they also don't know who they're
23 dealing with. It seems sort of strange.

24 Well, ultimately, they do leave their car
25 like -- and they ride in Kenny's car to the trap

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1 house. 'Kenny's in control. He's holding all the
2 cards. He's the one brokering the deal. So once they
3 get inside, though, things are tense. Sharrell gets
4 the marijuana and he weighs it out. And Kenny walks
5 off to the back of the house. And then the friend,
6 Chris, that the State calls the other person, he gets
7 a call from his girlfriend and so he walks outside.
8 And as I say, you can see all of this on the video.

9 Well, what happens is Kadrin is left alone
10 inside this house with two strangers in an unfamiliar
11 place. And it's a dangerous place. And then things
12 start to go south. Sharrell gives Kadrin the weed and
13 Kadrin inspects it. And he looks at it, and he asks
14 Sharrell to put it back on the scale. And the scale
15 shows that it's 90 grams and not the 112 grams that he
16 paid for. And so Kadrin asked for the full amount and
17 Rel tells him, you better take this and go about your
18 business. And then Rel says to Kenny, what's wrong
19 with this fool. So Kadrin just asked for his money
20 back then. And when he does, Sharrell inserts
21 violence into the situation. And what happens next is
22 Sharrell takes a gun out of his waistband and sits it
23 on the counter and says, well, you better get what you
24 paid for.

25 And at this point, Kadrin is beginning to fear

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1 for his life. And for good reason. Because when a
2 man like Sharrell Williams pulls a gun out of his
3 waistband, there is no doubt that he is a man that is
4 willing to use it. And so Kadrin jumps up and he
5 grabs the gun, so that way Sharrell cannot use it.
6 And then Kenny, it turns out he's the muscle. He
7 pulls the gun and points it at Kadrin. Kenny says, I
8 wouldn't do that, boy. And when Kadrin looks over at
9 him, Sharrell rushes at Kadrin. Fearing the worst,
10 Kadrin reacts. It's kill or be killed, shoot or be
11 shot. It's their house, it's their neighborhood, it's
12 two against one, and it's their house.

13 And Kadrin does what any reasonable person would
14 have done and he instinctively protected himself. But
15 now a man has died. And just as easily, all those
16 people that love Kadrin could be sitting on this side
17 of the courtroom and Sharrell Williams could be
18 sitting at that table.

19 Now, the State's account of events is Kenny
20 Fludd's account of events. Kenny Fludd is a liar.
21 And you will hear this from his testimony. He lies to
22 the 911 operator. Then he lies to Officer Vantime,
23 one of the first officers on the scene. And then he
24 lies to Detective Rebecca Bailey in her patrol car on
25 the scene. Kenny Fludd even writes those lies down on

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1 paper. She knows he's lying, so they take him back to
2 police headquarters and interview him at North
3 Charleston headquarters and then Kenny Fludd lies to
4 Detective Hughes. And he lies and he lies, and they
5 confront him with lies, but now he's going to come in
6 and put his hand on that Bible and lie to you because
7 he wants to protect himself.

8 Kadrin did not want to kill Sharrell Williams.
9 This is an unfortunate event, but it is not murder.
10 Sharrell forced Kadrin to act, and he did so
11 reasonably. And you will see at the close of the
12 evidence that he is not guilty of murder. Thank you.

13 MR. KIDD: The State calls Kenny Fludd.

14 [Whereupon, Mr. Fludd comes forward]

15 THE CLERK OF COURT: Sir, if you'll please put
16 your left hand here and raise your right.

17 [Whereupon, Mr. Fludd is duly sworn by the clerk
18 of court as follows: do you swear or affirm the
19 testimony you will give the Court and the jury in the
20 trial of this case will be the truth, the whole truth,
21 and nothing but the truth, so help you God]

22 THE WITNESS: Yes, sir.

23 THE CLERK OF COURT: You may be seated. Sir,
24 once seated, if you could please state your first and
25 last name. Spell your last loudly and clearly into

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1 the microphone, please.

2 [Whereupon, Mr. Fludd takes the witness stand]

3 THE WITNESS: Kenneth Fludd. F-L-U-D-D.

4 MR. KIDD: Good afternoon, Kenny.

5 THE WITNESS: How are you doing?

6 MR. KIDD: Doing well. Thank you.

7 THE COURT: Hold on one --

8 Mr. Fludd, remember I'm going to need you to
9 speak loudly --

10 THE WITNESS: Yes, ma'am.

11 THE COURT: -- and into the microphone.

12 THE WITNESS: I got you.

13 THE COURT: All right. Thank you.

14 MR. KIDD: Thank you, Your Honor. May it please
15 the Court.

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Kenneth Fludd
Direct Examination by Mr. Kidd
January 6, 2015

KENNETH FLUDD,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. KIDD:

Q. Kenny, I just want to go over some background information a little bit so the jury can get a little bit of an idea about who you are.

How old are you?

A. Thirty-seven.

Q. Thirty-seven years old?

A. Yes, sir.

Q. Where are you from?

A. North Charleston.

Q. Lived there your whole life?

A. Yes, sir.

Q. Where is your current address?

A. Dorchester Road.

Q. And are you currently employed?

A. Yes, sir.

Q. Where do you work?

A. Nature's Call.

Q. Nature's Call? What is that?

A. That's a septic waste company.

Q. Like Porta-Potties?

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Kenneth Fludd
Direct Examination by Mr. Kidd
January 6, 2015

- 1 A. Yes, sir.
- 2 Q. And how long have you worked there?
- 3 A. February will be a year.
- 4 Q. What about in 2012? Where did you work then?
- 5 A. Pizza Hut.
- 6 Q. Pizza Hut?
- 7 A. Yes, sir.
- 8 Q. Where is that Pizza Hut located?
- 9 A. At the corner of Leeds and Dorchester.
- 10 Q. The corner of Leeds and Dorchester --
- 11 A. Yes, sir.
- 12 Q. -- near the jail?
- 13 A. Yes, sir. It's right up the street from it.
- 14 Q. Right up the street from the jail?
- 15 A. Yes, sir.
- 16 Q. On the corner of Leeds and Dorchester. Got you.
- 17 All right. Now, obviously you know why you're
- 18 here today?
- 19 A. Yes, sir.
- 20 Q. And it's for the death of Sharrell Williams;
- 21 right?
- 22 A. Yes, sir.
- 23 Q. Can you describe who Sharrell Williams is to
- 24 you?
- 25 A. He's my first cousin.

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Kenneth Fludd
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January 6, 2015

1 Q. He's your first cousin?

2 A. Yes, sir.

3 Q. What was your relationship like with Sharrell?

4 A. We was close.

5 Q. You were close?

6 A. Yes, sir.

7 Q. On a given week, how often did you see Sharrell,
8 do you think, back in 2012?

9 A. I would see him I'll say about once a week on
10 most.

11 Q. So you saw him about weekly? You talked on the
12 phone with him?

13 A. Yes, sir.

14 Q. All right. And he's family?

15 A. Yes, sir.

16 Q. And so explain the relationship. You say you're
17 first cousins --

18 A. Yes, sir.

19 Q. -- but sometimes that can get confusing. So how
20 is the blood relationship? How does that work?

21 A. His mother and my mother are cousins through my
22 grandfather and his grandfather.

23 Q. So what -- did you know Sharrell to sell drugs?

24 A. Yes, sir.

25 Q. And what about yourself. Did you do drugs back

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Kenneth Fludd
Direct Examination by Mr. Kidd
January 6, 2015

- 1 then?
- 2 A. Yes, sir.
- 3 Q. What did you do?
- 4 A. Marijuana.
- 5 Q. Smoked marijuana?
- 6 A. Yes, sir.
- 7 Q. A lot?
- 8 A. Yes, sir.
- 9 Q. And I want to talk about Chris Felder.
- 10 A. Yes, sir.
- 11 Q. Who was Chris Felder to you? He's a cousin
- 12 through marriage?
- 13 A. Yes, sir.
- 14 Q. So not blood --
- 15 A. Yes, sir.
- 16 Q. -- a little bit more of distance of a cousin, I
- 17 guess?
- 18 A. Yes, sir.
- 19 Q. Can you tell the jury a little bit about what
- 20 sort of relationship you had with Chris Felder back in
- 21 2012?
- 22 A. It wasn't as close as mine and Sharrell's.
- 23 Q. Okay. So your family would -- you weren't close
- 24 like you were with Sharrell?
- 25 A. Yes, sir.

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Kenneth Fludd
Direct Examination by Mr. Kidd
January 6, 2015

1 Q. Would you see him very often?

2 A. Only when I went to Summerville.

3 Q. So like if you went through Summerville, you
4 might drop by? That sort of thing?

5 A. Yes, sir.

6 Yeah. You know, he still was living with his
7 parents at that time so, you know, if I go to see my
8 cousin, you know, he's usually there.

9 Q. Okay. So your cousin is one of his parents?

10 A. Yeah. His stepfather.

11 Q. His stepfather?

12 A. Yes, sir.

13 Q. His stepfather is a cousin of yours?

14 A. Is my cousin. Yes, sir.

15 Q. If you went through Summerville and stopped by
16 your cousin's house, or his stepfather, he was living
17 there --

18 A. Yes, sir.

19 Q. -- you would run into him there?

20 A. Yes, sir.

21 Q. But that was about --

22 A. Yes, sir.

23 Q. -- the extent of your relationship?

24 Q. So about a week prior to Sharrell -- to the
25 incident we're here about, did Mr. Felder reach out to

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Kenneth Fludd
Direct Examination by Mr. Kidd
January 6, 2015

1 you?

2 A. Yes, sir.

3 Q. For what?

4 A. He was trying to purchase a quarter-pound of
5 marijuana.

6 Q. And what was your response?

7 A. I said I'll make some phone calls.

8 Q. Did you?

9 A. Yes, sir.

10 Q. Did he contact you more often about that?

11 A. It went on for about a week and a half or so,
12 you know, because he got real -- he just kept calling
13 about it, so --

14 Q. Okay. So he was persistent? Is that fair to
15 say?

16 A. Yes, sir.

17 Q. And who did you procure to -- or who did you --
18 using these big words.

19 Who did you find to be able to provide that
20 marijuana?

21 A. My cousin, Sharrell Williams.

22 Q. You found Sharrell. Did you know where Sharrell
23 lived?

24 A. Which address?

25 Q. Area. Street.

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1 A. I know where his house is at. I don't know the
2 street name.

3 Q. Did he live at that blue house on Cambridge?

4 A. Not to my knowledge.

5 MR. KIDD: May I approach the witness, Your
6 Honor?

7 THE COURT: You may. You have continuing
8 permission.

9 MR. COOPER: Thank you, Judge.

10 Q. [Mr. Kidd] I want to show you what's been
11 marked as State's Exhibit Number 5. Do you recognize that
12 photograph?

13 A. Yes, I do.

14 Q. What is that photograph?

15 A. That's the residence where my cousin was killed
16 at.

17 Q. And that's that house we were just referring to
18 on Cambridge?

19 A. Yes, sir.

20 Q. Does it fairly and accurately represent what it
21 looked like that evening?

22 A. Yes, sir.

23 MR. KIDD: Your Honor, the State would offer
24 State's Exhibit 5 into evidence.

25 THE COURT: Any objection?

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1. MR. COOPER: No, ma'am.

2. THE COURT: State's 5 into evidence without
3. objection.]

4. [Whereupon, State's Exhibit Number 5 is admitted
5. into evidence by the Court]

6. THE COURT: You may publish.

7. [Whereupon, Mr. Kidd and Mr. Cooper confer

8. Q. [Mr. Kidd] So that's the residence we're
9. talking about on Cambridge Avenue?

10. A. Yes, sir.

11. Q. Correct?

12. And were you -- this occurred on November 20th,
13. 2012?

14. A. Yes, sir.

15. Q. Were you working that evening?

16. A. Yes, I was.

17. Q. And can you tell the jury a little bit about the
18. lead-up to that evening while you were at work at Pizza
19. Hut?

20. A. Well, I got the phone call from Chris, you know,
21. and I told him I would make the call. So I called
22. Sharrell. He got back to me and said he could get it so I
23. called Mr. Felder back, you know, and tell him to meet me
24. at my job, which is the Pizza Hut. You know, they came.
25. I was at work, so it was about 9:00, 9:30, somewhere up in

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1 that area. And they came. We sat in the parking lot. We
2 waited, because my cousin was at Walmart.

3 Q. And I just want to clarify. I just want you to
4 use names instead of cousin.

5 A. Oh. I'm sorry.

6 Q. So when you say your cousin --

7 A. Yeah. Sharrell Williams.

8 Q. -- was at Walmart --

9 A. He was at Walmart --

10 Q. -- Sharrell --

11 A. -- that night. So I had to wait on him to call
12 me back so we could actually go to the address.

13 Q. So when they arrived at Pizza Hut, Sharrell was
14 sort of unavailable --

15 A. Yes, sir.

16 Q. -- right then --

17 A. Yes, sir.

18 Q. -- so y'all had to wait around for a little
19 while?

20 A. Yes, sir.

21 Q. How long would you say you were waiting at Pizza
22 Hut?

23 A. We waited for about an hour, hour and a half,
24 somewhere in that area.

25 Q. And so where were you -- where were you waiting?

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1 A. In the parking lot, right in --

2 Q. Whose car were you in?

3 A. We was in Chris Felder's car.

4 Q. Okay. So Chris Felder arrived. And who's in
5 the car at that point?

6 A. It's Chris Felder, Mr. Singleton, and myself.

7 Q. Who was sitting in what seat?

8 A. Chris Felder was the driver, Mr. Singleton was
9 the passenger, I'm in the back seat behind Mr. Singleton.

10 Q. So you came out of Pizza Hut, hopped in the back
11 seat --

12 A. Yes, sir.

13 Q. -- of Chris' car and y'all just kind of sat
14 there for a while until Sharrell --

15 A. Yes, sir.

16 Q. -- was available?

17 A. Yes, sir.

18 Q. Fair to say?

19 A. Yes, sir.

20 Q. How did you know when Sharrell was available?

21 A. He called me back and let me know.

22 Q. He called you back and let you know?

23 A. Yes, sir.

24 Q. And what did y'all do next?

25 A. We started to go towards the address on

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1 Cambridge.

2 Q. Did he tell you where to meet him or --

3 A. Yes, sir. Yes, sir.

4 Q. So Sharrell told you where to meet him?

5 A. Yes, sir.

6 Q. So y'all started heading towards that address?

7 A. Yes, sir.

8 Q. Did you make a stop on the way?

9 A. Yes, we did.

10 Q. Why?

11 A. They said they wanted to be close to the
12 interstate, so we parked the car -- we parked Mr. Felder's
13 car by a building. I don't know the street name but, you
14 know, there was a building and we parked right there and
15 went to the address.

16 Q. I'm going to show you what's been marked for
17 Court's ID as State's Exhibit 3 and see if you recognize
18 this.

19 [Whereupon, the witness reviews documents]

20 A. Yes, sir.

21 Q. [Mr. Kidd] You do? What is that?

22 A. This is Azalea, Cosgrove. That general area.

23 Q. But that's a map that you were shown at some
24 point?

25 A. Yes, sir.

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1 Q. Who showed you that map? Do you remember?

2 A. I think one of the detectives.

3 Q. So someone in North Charleston Police
4 Department?

5 A. Yes, sir.

6 Q. And did you make any markings on that map?

7 A. I'm pretty sure I did. I can't see it right
8 now.

9 [Whereupon, the witness reviews documents]

10 A. Oh. Right here.

11 Q. [Mr. Kidd] Right here?

12 A. Yes, sir.

13 Q. And what does that indicate?

14 A. That's the area where the car was parked at.

15 Q. And did you sign that?

16 A. Yes, I did.

17 MR. KIDD: Your Honor, at this time the State
18 would offer State's Exhibit 3 into evidence.

19 THE COURT: Any objection?

20 MR. COOPER: No, ma'am.

21 THE COURT: State's 3 into evidence without
22 objection.

23 [Whereupon, State's Exhibit Number 3 is admitted
24 into evidence by the Court]

25 MR. KIDD: And I'm going to attempt to show this

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1 on the overhead.

2 Q. [Mr. Kidd] But that circle right there on that
3 screen, you can see it in front of you?

4 A. Yes, sir.

5 Q. I think that screen is a touch screen.

6 A. All right.

7 Q. So because that pin mark doesn't really show up
8 well, could you --

9 A. [Witness complies]

10 Q. Okay. So that little blue x right there. So
11 that's where you indicated to North Charleston Police
12 Department that Chris Felder's vehicle was dropped off on
13 the way to Cambridge?

14 A. Yes, sir.

15 Q. And is this close to the Cambridge address?

16 A. It's actually right up the street from it.

17 Q. Right up the street?

18 A. Yes, sir.

19 Q. How many -- can you tell which street is
20 Cambridge here?

21 A. No, sir, not by this map.

22 Q. I agree it's hard. I'm going to show you right
23 here. Can you --

24 A. There you go.

25 Because if you look back toward where I marked

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1 the x at --

2 Q. Do you see where my --

3 A. -- and you go straight forward, this is Andree.

4 You make a left, that'll be Cambridge.

5 Q. Right. So that's Andree where --

6 A. Yes, sir.

7 Q. -- we're talking about right there?

8 A. Yes, sir.

9 Q. And this is Cambridge right here?

10 A. Yes, sir.

11 Q. Correct? Okay.

12 And as you see right here -- keep this in the
13 screen. Do you see where my pin tip is?

14 A. Yes, sir.

15 Q. That's 2364 Cambridge right there.

16 A. Yes, sir.

17 Q. Is that correct?

18 A. Yes, sir.

19 Q. And just so we can have a relationship to where
20 the car was parked, was right there?

21 A. Yes, sir.

22 Q. Right -- so we're talking about two blocks away?

23 A. Somewhere in that area.

24 Q. Is that fair to say? I'm sorry that was sort of
25 disjointed.

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1 So you drop Chris Felder's car off. And tell
2 the jury again why.

3 A. They said they wanted to be close to the
4 interstate.

5 Q. So they left their car there?

6 A. Yes, sir.

7 Q. Were there any disagreements going on at the
8 point when you left the car at --

9 A. The disagreement happened before they actually
10 even got into my car.

11 Q. And what was that about?

12 A. I guess Mr. Singleton was nervous. So I
13 actually left and, you know, Chris called me and I came
14 back, you know.

15 Q. So let me -- and let me get this straight. So
16 when y'all -- when they wanted to leave the car there --

17 A. Uh-huh.

18 Q. -- you actually drive away and leave them?

19 A. Yes, sir.

20 Q. And why did you do that?

21 A. He said -- I don't know what -- I forgot what it
22 was about, but he was acting nervous and I told him, you
23 know, nobody at this house is going to do anything to you.
24 So that's why I left. And then I doubled back.

25 Q. Were you frustrated?

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1 A. Yes, sir.

2 Q. Why?

3 A. Because he made me -- I just had got off work,
4 you know. I was ready to go home. And, you know, they
5 made me come all the way over here and then, you know, he
6 started acting like that.

7 Q. So you actually drove away from them while their
8 car is parked at that exit we just --

9 A. Yes, sir.

10 Q. -- marked on that? And did you come back?

11 A. Yes, sir.

12 Q. Why did you come back to them?

13 A. You know, Chris called and said they was ready.

14 Q. So you got a call on your cell phone --

15 A. Yes, sir.

16 Q. -- saying, like, never mind, come on back,
17 we're ready?

18 A. Yes, sir.

19 Q. So then you go back to that spot on Cosgrove --

20 A. Yes, sir.

21 Q. -- to where they left their car. And what
22 happens then?

23 A. And I said, who's riding with me, and both of
24 them got in the car.

25 Q. Who got in the front seat?

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1 A. Chris did.

2 Q. Who got in the back seat?

3 A. Mr. Singleton.

4 Q. I'm going to show you what's been marked as
5 State's Exhibit Number 2. Do you recognize that CD?

6 A. Yes, sir.

7 Q. And how do you recognize it?

8 A. I signed my initials on it.

9 Q. And did you put a date on there, too?

10 A. Yes, I did.

11 Q. So you know what's on this CD?

12 A. Yes, sir.

13 Q. What is it?

14 A. It's a surveillance of the house.

15 Q. Did you see yourself on that surveillance?

16 A. Yes, sir.

17 Q. Does it fairly and accurately represent what
18 took place in front of this residence at that time?

19 A. Yes, sir.

20 MR. KIDD: At this time, the State is offering
21 State's Exhibit 2 into evidence.

22 MR. COOPER: Your Honor, I do have an objection.

23 THE COURT: All right. Please approach.

24 [Whereupon, an off-the-record bench conference
25 is held]

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1 THE COURT: State's 2 into evidence over your
2 objection.

3 [Whereupon, State's Exhibit Number 2 is admitted
4 into evidence by the Court]

5 MR. KIDD: Permission to publish, Your Honor?

6 THE COURT: You may.

7 Q. [Mr. Kidd] Mr. Fludd, I'm going to have you
8 watch the video. I'm going to stop it a few times and
9 then I'll ask you a few questions and then --

10 A. Yes, sir.

11 [Whereupon, State's Exhibit Number 2, CD, is
12 played with questions from Mr. Kidd]

13 [Whereupon, State's Exhibit Number 2, CD, is not
14 transcribed by the court reporter]

15 MR. KIDD: Stop it right there.

16 Q. [Mr. Kidd] So this -- and I just want to kind
17 of talk about it real quick.

18 So this is the -- obviously, the video that you
19 had watched?

20 A. Yes, sir.

21 Q. You've watched it before?

22 A. Yes, sir.

23 Q. This house, although there is no color, is this
24 that same house we --

25 A. Yes, it is.

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1 Q. -- saw? So this is 2364 Cambridge?

2 A. Yes, sir.

3 MR. KIDD: Stop it right there.

4 Q. [Mr. Kidd] Do you recognize that car right
5 there?

6 A. Yes, sir.

7 Q. Whose car is that?

8 A. That's the car what I was driving that night.

9 Q. What kind of car was it?

10 A. It's a burgundy Ford Taurus.

11 Q. Burgundy Ford Taurus?

12 A. Yes, sir.

13 Q. This is the car you talked about earlier that
14 you're driving --

15 A. Yes, sir.

16 Q. -- Mr. Felder is in the passenger seat and
17 Mr. Singleton is in the back?

18 A. Yes, sir.

19 MR. KIDD: Stop it.

20 Q. [Mr. Kidd] So you actually drive past the house
21 at first?

22 A. Yes, sir.

23 Q. For what reason?

24 A. He wasn't there yet. My cousin --

25 Q. He who?

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1 A. -- Sharrell Williams. Sharrell Williams, he
2 wasn't at the address yet.

3 Q. So you pull up at the house, Sharrell is not
4 there yet --

5 A. Yes, sir.

6 Q. -- so you sort of drive past it?

7 A. Yes, sir.

8 MR. KIDD: Stop.

9 Q. [Mr. Kidd] And can you describe what happened
10 right there?

11 A. I seen him coming down the road -- I seen my
12 cousin, Sharrell Williams, coming down the street so I
13 backed up.

14 Q. So you backed back --

15 A. Yes, sir.

16 Q. -- up in front of the house?

17 A. Yes, sir.

18 MR. KIDD: Stop.

19 Q. [Mr. Kidd] Were you able to see the car that
20 pulled up right there? "

21 A. Yes, sir.

22 Q. Do you know whose vehicle that was?

23 A. That was the vehicle Sharrell Williams pulled up
24 in.

25 Q. He pulled up -- and was he driving?

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- 1 A. No, sir.
- 2 Q. Do you know who was driving?
- 3 A. It was his girlfriend.
- 4 Q. His girlfriend? Do you know who that is?
- 5 A. I don't know her name, sir.
- 6 Q. So do you know what kind of vehicle that was?
- 7 A. It's a green Expedition.
- 8 Q. A green Expedition?
- 9 A. Yes, sir.
- 10 Q. So the green Expedition drives up. And who gets
- 11 out?
- 12 A. Sharrell Williams.
- 13 Q. And who we're looking at right there --
- 14 A. Sharrell Williams.
- 15 Q. -- is Sharrell Williams?
- 16 A. Yes, sir.
- 17 MR. KIDD: Stop.
- 18 Q. [Mr. Kidd] And who is that right there?
- 19 A. That's me.
- 20 Q. That's you?
- 21 A. Yes, sir.
- 22 Q. And you were just exiting the driver's side
- 23 door --
- 24 A. Yes, sir.
- 25 Q. -- of your four doors?

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1 A. Yes, sir.

2 MR. KIDD: Stop it.

3 Q. [Mr. Kidd] All right. So we kind of see all
4 four of you in this still here.

5 A. Yes, sir.

6 Q. So closest into the door or maybe with one step
7 into the house, who is that?

8 A. This is Sharrell Williams.

9 Q. And right behind --

10 A. This is me.

11 Q. -- that, that's you?

12 A. This is Mr. Singleton, this is Mr. Felder.

13 Q. And how can you tell them apart?

14 A. By the height.

15 Q. By their height?

16 A. Yes, sir.

17 Q. So Chris is significantly smaller than Kadrin?

18 A. Yes, sir.

19 MR. KIDD: Just going to clear up a part a
20 little bit.

21 Q. [Mr. Kidd] So at this point, all four of you
22 are inside the residence?

23 A. Yes, sir.

24 Q. If you could tell the jury -- and I want to go
25 over as slow as possible, okay --

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1 A. Yes, sir.

2 Q. -- with as much detail as possible. I want you
3 to tell the jury what happens from the time you walked
4 through that front door.

5 A. As soon as we walk in, you know, we talking.
6 Everyone is talking. So, you know, Sharrell, he goes
7 around. There's a refrigerator right behind the bar. He
8 goes behind the bar to get the marijuana out of the
9 refrig.

10 Q. I'm going to stop you for one second. Okay?

11 A. All right.

12 Q. So it's safe to say that everyone knows why
13 they're there?

14 A. Yes, sir.

15 Q. And I also want to show you a couple of
16 photographs, too.

17 I'm going to show you State's Exhibits 6, 7, 8,
18 9, 10, 11, and 4.

19 MR. COOPER: May we approach?

20 THE COURT: You may.

21 [Whereupon, an off-the-record bench conference
22 is held]

23 Q. [Mr. Kidd] Kenny, I'm going to show you what's
24 been marked for ID as State's 5, 6, 7, 8, 9, 10 and 11.
25 If you would look at those photographs and see if you

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1 recognize them.

2 A. Yes, sir. Exhibit --

3 Q. Go ahead and look through all of them.

4 [Whereupon, the witness reviews documents]

5 A. Yes, sir.

6 Q. [Mr. Kidd] Specifically, State's 4, 6, 7, 8, 9,
7 and 11, do they fairly and accurately represent how the
8 inside of that Cambridge residence looked?

9 A. Yes, sir.

10 Q. On the night of Sharrell's death?

11 A. Yes, sir.

12 Q. And as to Number 10, does that fairly and
13 accurately represent your vehicle?

14 A. Yes, sir.

15 MR. KIDD: Your Honor, at this point the State
16 would offer State's -- I'll go through the numbers one
17 more time -- State's 4, 6, 7, 8, 9, 10 and 11 into
18 evidence.

19 THE COURT: 4, 6, 7, 8, 9, 10 and 11; is that
20 correct?

21 MR. KIDD: 4, 6, 7, 8, 9, 10 and 11. Yes,
22 ma'am.

23 MR. COOPER: Your Honor, I just want to note
24 that my objection was timely as to the specific photo.

25 THE COURT: As to 8.

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1 MR. COOPER: Yes, ma'am.

2 THE COURT: You are only objecting as to 8.

3 MR. COOPER: As to 8.

4 THE COURT: All right. State's 4, 6, 7, 9, 10,
5 11 into evidence without objection. I am noting your
6 objection to State's 8. It will be admitted into
7 evidence over your objection.

8 MR. COOPER: Thank you, Your Honor.

9 THE COURT: I will allow you to articulate -- we
10 had a conference at the bar, at the bench, and I will
11 allow you to fully articulate outside the presence of
12 the jury at our first available time.

13 MR. COOPER: Thank you, Your Honor.

14 THE COURT: Thank you. You may publish.

15 MR. KIDD: Thank you, Your Honor.

16 [Whereupon, State's Exhibit Number 4 is admitted
17 into evidence by the Court]

18 [Whereupon, State's Exhibit Numbers 6 through 11
19 are admitted into evidence by the Court]

20 Q. [Mr. Kidd] First, I'm going to show you State's
21 Exhibit Number 9.

22 MR. KIDD: I guess that's okay. It's got a
23 little glare on it.

24 Q. [Mr. Kidd] This is State's Exhibit Number 9.
25 Does this -- what are we looking at here?

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1 A. We're looking at the inside of the house, right
2 behind the bar area.

3 Q. So when the four of you first walk into this
4 residence, what door do you come in?

5 A. We come in through this door right here.

6 Q. You come in through that door. That's the front
7 door of the residence?

8 A. Yes, sir.

9 Q. And when you come -- and I believe you just
10 testified that Sharrell goes straight to the refrigerator?

11 A. Yes, sir.

12 Q. And so then that leaves yourself, Chris Felder
13 and Kadrin Singleton; right?

14 A. Yes, sir.

15 Q. Where are the three of you while mister -- or
16 Sharrell is at the refrigerator?

17 A. We're in this general area right here.

18 Q. In the kitchen side or on the livingroom side?

19 A. On the livingroom side of the bar.

20 Q. On the livingroom side?

21 A. Yes, sir.

22 Q. So there are three of y'all in the living room
23 and Sharrell is at the --

24 A. Yes, sir.

25 Q. -- refrigerator?

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1 A. Mr. Williams is in this area right here.

2 Q. And so what does Sharrell do after he leaves the
3 refrigerator?

4 A. It's a scale and some bags on the counter, so he
5 started to weigh out the weed.

6 Q. When he is weighing out the marijuana, is he
7 standing on the kitchen side of the bar or on the
8 livingroom side of the bar?

9 A. He's on this side right here.

10 Q. So the kitchen side of the bar?

11 A. Yes, sir.

12 Q. So I'm going to show you what's been marked and
13 entered as State's Exhibit Number 4. This is the bar that
14 he's standing at weighing the marijuana?

15 A. Yes, sir.

16 Q. And so he would be kind of standing as this
17 picture is facing and the three of you would be on the
18 opposite side of that bar?

19 A. Yes, sir.

20 Q. And what happens as that process goes on?

21 A. As he's weighing out the weed -- excuse me. As
22 he's weighing out the weed, you know, we're still talking
23 at this time, you know. So he finishes. He puts it in a
24 bag. And, you know, he said, oh, almost forgot to get the
25 money. That's when Mr. Singleton sends Mr. Felder

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1 outside. So I said, I'm going to take a leak right quick.

2 Q. So let me stop you.

3 So he finishes weighing out the marijuana. Is
4 he still on the kitchen side or --

5 A. Yeah, he's still on this side of the bar --

6 Q. He's still --

7 A. -- on the opposite side.

8 Q. -- on the kitchen side?

9 A. Yes, sir.

10 Q. And he said -- so he almost handed it to him,
11 something like that?

12 A. Yeah. He said, I almost give it to you without
13 getting the money.

14 Q. Okay. And then what's said at that point?

15 A. Mr. Singleton sends Mr. Felder to get the money.

16 Q. Outside?

17 A. Yes, sir.

18 MR. KIDD: Can you switch back to --

19 Q. [Mr. Kidd] Now, I want to stop and ask one
20 question before I go any further.

21 When you entered the residence, did you have a
22 firearm?

23 A. No, sir.

24 Q. Did you notice a firearm when you entered --

25 A. Yes, sir.

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1 Q. -- the residence?

2 A. Yes, sir.

3 Q. Where did you notice the firearm?

4 A. On the bar. In the bar area.

5 Q. In the bar area?

6 A. Yes, sir.

7 Q. So like where Sharrell was weighing out the
8 weed, kind of?

9 A. You'll have to put the picture back up. But he
10 was -- from where the refrigerator is at --

11 Q. Was it on the refrigerator counter or --

12 A. It's on the opposite side by the bathroom area.
13 Yes, sir.

14 Q. So I'm going to show you what's been marked
15 State's Exhibit 11. On that side of the counter?

16 A. Yeah. Right up in this [indicates] area.

17 Q. So there was a firearm sitting on that side of
18 the bar?

19 A. Yes, sir.

20 Q. Can you tell the jury what that firearm looked
21 like?

22 A. It looked like a B.B. gun.

23 Q. But what color was it?

24 A. It was black with a brown handle.

25 Q. So it was black with a brown handle?

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1 A. Yes, sir.

2 Q. It looked like a B.B. gun. You don't know
3 whether it was a B.B. gun or not?

4 A. No.

5 That's the first thing I said, you know, what
6 you doing with that B.B. gun?

7 Q. And you said that to who?

8 A. To Sharrell Williams.

9 MR. KIDD: We'll switch back over --

10 Q. [Mr. Kidd] Do you recognize that person?

11 A. Yes, sir.

12 Q. Who is that?

13 A. Chris Felder.

14 Q. Okay. And I think you testified just a minute
15 ago that -- correct me if I'm wrong when I rehash that --
16 but that when he finished weighing out the marijuana he
17 said, I almost gave it to you without getting the money.
18 And then the defendant told Chris to go get the money?

19 A. Yes, sir.

20 Q. And that's when Chris exited --

21 A. Yes, sir.

22 Q. -- the house? What did you do then?

23 A. I went to the bathroom.

24 Q. You went to the bathroom?

25 A. Yes, sir.

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1 Q. Where is the bathroom in that house located in
2 reference to kind of that kitchen-livingroom area?

3 A. It's to the lefthand side.

4 Q. To the lefthand side of that bar?

5 A. Yes, sir.

6 Q. Like when you walked in the front door, it would
7 have been on your lefthand side?

8 A. It would be right on -- exactly. On your left.

9 Q. And what did you see when you came out of the
10 bathroom?

11 A. As I was coming out of the bathroom, I was --
12 I'll be behind the bar at this time. Sharrell Williams
13 walks around the bar. So him and Kadrin are in the living
14 room. Or Mr. Singleton.

15 Q. I'm going to slow you down one more time.

16 MR. KIDD: Switch back to the photograph. I
17 think I might have a better one that --

18 [Whereupon, Mr. Kidd reviews documents]

19 Q. [Mr. Kidd] So on this picture, when you walk
20 out of the bathroom would you be in this picture or
21 farther to the right?

22 A. I'll be in this general area over here.

23 Q. So kind of you can't see where you would be
24 standing --

25 A. Yes, sir.

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1 Q. -- because of the wall?

2 So it almost -- I'm going to show you State's
3 Exhibit Number 7. Can you indicate on that picture --

4 A. Yes.

5 Q. -- about where you would be standing?

6 A. Be right up in this area right here.

7 Q. Be right there?

8 A. Yes, sir.

9 Q. So where were Sharrell and Kadrin when you
10 walked to that position there?

11 A. Well, Mr. Williams would be exiting this side;
12 Mr. Singleton would still be on this side. So they're
13 almost like face-to-face.

14 Q. In the living room?

15 A. Yes, sir.

16 Q. And so you're in the kitchen, they're in the
17 living room?

18 A. Yes, sir.

19 Q. What happens next?

20 A. Mr. Singleton says, give it up. And we start
21 laughing. And, you know, as we're laughing he pulls out
22 his gun and you hear the gunshot, so I immediately fall
23 behind the bar.

24 Q. All right. So he says, give it up. Do you see
25 him pull out a gun?

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1 A. Yes, sir.

2 Q. Where does he pull a gun out from?

3 A. From his back.

4 Q. From his back?

5 A. Yes, sir.

6 Q. What does that gun look like?

7 A. It's a black pistol.

8 Q. It's a black pistol.

9 A. Yes, sir.

10 Q. That's all you know about it --

11 A. Yes, sir.

12 Q. -- it's a black pistol?

13 And so you see him pull out a black pistol and
14 said give it up?

15 A. No. He said give it up before he pulls out the
16 pistol. Because, you know, we was laughing.

17 Q. So he says give it up and y'all sort of laugh at
18 him?

19 A. Yes, sir.

20 Q. And he pulls out a pistol?

21 A. Yes, sir.

22 Q. How much time between then and when you hear
23 gunshots?

24 A. It was like almost immediately.

25 Q. Almost immediately?

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1 A. Yes, sir.

2 Q. Do you recall how many gunshots you heard right
3 then?

4 A. It happened so fast. You know, I heard it. I
5 just fell behind the bar.

6 Q. So did you hear one, two, three; do you know?

7 A. Uh-huh. I don't -- well, you know, it was just
8 like I said, it was fast so, you know, I don't really know
9 how many came off.

10 Q. And so you then ducked behind the bar?

11 A. Yes, sir.

12 Q. Is that kind of what we're looking at here?

13 A. In this general area right here, sir.

14 Q. So you just kind of crouched down?

15 A. Yes, sir.

16 Q. What did Kadrin do at that point?

17 A. After I heard the shot, you know, he comes on
18 this side of the bar. He's still in the living room. He
19 reaches across the bar and says, give me your keys. So,
20 you know, I'm behind the bar. I throw the keys up and I'm
21 like, just please don't shoot me.

22 Q. What happened to the gun that was on the bar?

23 A. It was gone.

24 Q. When he left, it was gone?

25 A. Yes, sir.

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1 Q. So he put the gun on you and said, give me the
2 keys?

3 A. Yes, sir.

4 Q. You toss them up there?

5 A. Yes, sir.

6 Q. Did he take anything else?

7 A. He took the marijuana that was weighed out.

8 Q. So he took the marijuana that was on the counter
9 or --

10 A. Yes, sir. The marijuana that was in Sharrell's
11 possession.

12 Q. That was in Sharrell's possession?

13 A. Yes, sir.

14 Q. And he took the keys --

15 A. Yes, sir.

16 Q. -- that you tossed up there?

17 A. Uh-huh.

18 Q. And before he left, did you hear anything else?

19 A. I heard several more gunshots.

20 Q. Heard more gunshots?

21 A. Yes, sir.

22 Q. What did you do at this point?

23 A. Just like I said, it felt like forever, but I
24 immediately came from behind the bar. You know, I went
25 over to my cousin. He was like, Cuz, call the people, I'm

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1 dying. So I immediately tried to call 911.

2 Q. Were you able to call 911 right that second?

3 A. I had to go outside to make the call.

4 Q. Why is that?

5 A. My phone wasn't having service in the house.

6 Q. So you didn't have any cell phone service in the
7 house so you had to walk outside --

8 A. Yes, sir.

9 Q. -- to make a 911 call?

10 A. Yes, sir.

11 MR. KIDD: Will you go back to the video.

12 [Whereupon, State's Exhibit Number 2, CD, is
13 played]

14 [Whereupon, State's Exhibit Number 2, CD, is not
15 transcribed by the court reporter]

16 Q. [Mr. Kidd] Do you know who's running out of the
17 house right there?

18 A. Mr. Singleton.

19 Q. And who is this?

20 A. That's me.

21 MR. KIDD: Stop it. Stop it. I'm sorry.

22 Q. [Mr. Kidd] At that point, are you making the
23 911 call?

24 A. Yes, sir.

25 MR. KIDD: You can play it forward a little bit.

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1 Q. [Mr. Kidd] Do you know how much time passes
2 from the time you make the 911 call until the police
3 arrive?

4 A. It felt like forever, man, but, you know, I --
5 so I don't know. Probably fifteen, twenty minutes or so.

6 Q. When police arrive, did you have -- how did you
7 get in contact with the police when they arrived?

8 A. I was standing in the middle of Azalea Drive.

9 Q. Were you trying to flag them down?

10 A. Yes, sir.

11 Q. You can't really see him right there, but do you
12 know who that is?

13 A. Yes, sir.

14 Q. What is that?

15 A. That's my other cousin.

16 Q. What's his name?

17 A. Darnel Williams.

18 Q. What's his relationship to Sharrell?

19 A. That's his brother.

20 Q. That's his brother?

21 A. Yes, sir.

22 Q. When you were on the phone with 911, did you
23 talk to Darnel?

24 A. Yes, sir. He was coming in as I was walking
25 towards Azalea.

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1 Q. Did you tell him what happened?

2 A. Yes, sir.

3 MR. COOPER: Your Honor, may we approach?

4 THE COURT: You may.

5 [Whereupon, an off-the-record bench conference
6 is held]

7 Q. [Mr. Kidd] Mr. Fludd --

8 A. Yes, sir.

9 Q. -- when this is going on at the residence, where
10 are you physically?

11 A. In the middle of Azalea Drive.

12 Q. In the middle of Azalea Drive?

13 A. Yes, sir.

14 Q. Can you see the residence from where you're at?

15 A. It's a ways back down the road, so it's about
16 two or three houses down.

17 MR. COOPER: The same objection, Judge.

18 THE COURT: All right. Sustained at this time.

19 MR. KIDD: I'll move on to --

20 Q. [Mr. Kidd] I'm going to show you what's been
21 marked as State's Exhibit 1. Do you recognize that?

22 A. Yes, sir.

23 Q. And how do you recognize that?

24 A. It's the 911 call and has my initials on it.

25 Q. So you've listened to this?

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1 A. Yes, sir.

2 Q. Does it fairly and accurately represent the 911
3 call you made that night?

4 A. Yes, sir.

5 MR. KIDD: Your Honor, at this time the State
6 would offer State's Exhibit 1 into evidence.

7 MR. COOPER: Again, may we approach?

8 [Whereupon, an off-the-record bench conference
9 is held]

10 THE COURT: Ladies and gentlemen, there is a
11 matter of law that I must take up outside of your
12 presence. Do not begin your deliberations. Do not
13 discuss this case amongst yourselves. You may leave
14 your notepads right in your chairs or take them with
15 you. It will be your preference.

16 Please stand for the jury. Mr. Fludd, stay
17 seated.

18 [Whereupon, the jury exits the courtroom at
19 12:15 p.m.]

20 THE COURT: Do y'all need your comfort break now
21 or after the argument?

22 MR. COOPER: We can do it after. I'm fine.

23 THE COURT: All right.

24 MR. COOPER: Thank you, Your Honor. May it
25 please the Court.

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1 I'm objecting to the 911 tape as a previously
2 consistent statement. It is hearsay evidence under
3 Rule 801. It is not a -- the only exception to that
4 would be excited utterance. However, the Court's have
5 been clear, especially recently, that the -- in terms
6 of analyzing 911 calls, that that statement -- or the
7 description should be while -- the 911 call is
8 admissible while the emergency is taking place. And
9 this is after the emergency. It's not an ongoing
10 emergency.

11 And I apologize. I'm drawing a blank on the
12 case. Recently, the Court cited and separated CDV
13 cases and in terms of CDV context. And I can't
14 remember the name of the case, but they said if you
15 call 911 and that the altercation is happening and
16 it's ongoing emergency, it's non-testimonial and that
17 it would be, you know, subject to the statutes of
18 hearsay, but if it's after the emergency or the
19 altercation has taken place, then it is subject to
20 hearsay and then that -- this is hearsay evidence and
21 is a prior consistent statement.

22 THE COURT: Mr. Kidd, what is contained and
23 what's the purpose of the -- Mr. Fludd has already
24 testified.

25 Are you comfortable? Do you want to step down

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1. for a little bit?

2. THE WITNESS: I'm fine.

3. MR. KIDD: Well, it's a variety of reasons. My
4. first comment would be that he, in his opening, talked
5. about him lying on his 911 call so I think that
6. probably opens the door to it, anyway.

7. But besides that fact, to argue then that
8. the emergency is over because the deceased is
9. presumably -- I guess he's saying that he's dead
10. at that point, there's no need for emergency --

11. THE COURT: How long is the 911 tape?

12. MR. KIDD: Maybe sixty seconds.

13. THE COURT: All right. Let me hear it.

14. [Whereupon, State's Exhibit Number 1, CD of 911
15. call, is played]

16. [Whereupon, State's Exhibit Number 1, CD, is not
17. transcribed by the court reporter]

18. THE COURT: All right. I'll be happy to hear
19. any further argument. Mr. Kidd?

20. MR. KIDD: There is a variety of reasons it's
21. important. First is that he has already questioned
22. Mr. Fludd's truthfulness. I think from a present
23. sense impression standpoint, seeing panic, clear panic
24. in his voice at that time and what he observed, I
25. think the timing of the call is especially crucial.

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1 The fact that it occurred immediately after.

2 This wasn't like something that he was
3 conspiring in that went wrong in which he had to, you
4 know, decide whether or not he was going to call the
5 police. I think it's very important to show that from
6 the second his cousin was shot, that he was on board
7 and trying to solve this crime, to figure this out, to
8 get law enforcement involved, that it wasn't -- he
9 wasn't on the other side. He wasn't on the lawless
10 side, he was on the get law enforcement involved side.

11 I think from excited utterance, from a present
12 sense impression, I think it's very clear that the
13 emergency wasn't over. Sharrell said, I'm dying, call
14 the people. I mean, I think that's a pretty clear
15 indication that the emergency has not ended.

16 And I think, you know, although we haven't laid
17 a foundation as far as the business record exception,
18 it still is a business record exception maintained by
19 the consolidated dispatch.

20 THE COURT: All right.

21 MR. COOPER: Thank you, Your Honor.

22 The objection is not based on business record.
23 I think it is a business record. It's a hearsay
24 within hearsay sort of situation.

25 Specifically, the 911 tape, though, doesn't

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1 establish when he called 911. The CAD report hasn't
2 been entered, so we don't know if he immediately
3 called 911 at this point. So I don't think the Court
4 can consider those arguments. It's just based off of
5 the contents of the tape.

6 And, as well, it's still ultimately a prior
7 consistent statement to what he testified to. While
8 he's more agitated when he said it, it's still simply
9 a prior consistent statement and not an exception to
10 hearsay.

11 THE COURT: You don't believe that it was an
12 excited utterance?

13 MR. COOPER: I think that there's case law about
14 the 911 tapes. And I think State v. Hendrix. But, I
15 mean, he called 911 and --

16 THE COURT: Well, the Court in Hendrix said that
17 it was an excited utterance, that 911 call was an
18 excited utterance; correct?

19 MR. COOPER: Ma'am?

20 THE COURT: Hendrix stated that it was --

21 MR. COOPER: Right. Right.

22 THE COURT: The issue in Hendrix became because
23 it was a CSC case and whether it was a bolstering-type
24 statement.

25 MR. COOPER: Right.

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1 THE COURT: But as of to the --

2 MR. COOPER: And, similarly --

3 THE COURT: But as of to the excited utterance,
4 the Court found that it was.

5 MR. COOPER: Right.

6 And, similarly, we're in a situation where even
7 though it could be an excited utterance, it could
8 still be inadmissible as a prior consistent statement.

9 THE COURT: Based upon my review of the Hendrix
10 case and what the testimony has been so far in my
11 review in listening to the 911 tape, I do find, first
12 of all, that it is an excited utterance. A statement
13 related to a startling event or condition made while
14 the declarant was under the stress of the excitement
15 and the stress of the excitement was caused by the
16 startling event or condition.

17 Note your exception. I find it will be
18 admitted.

19 MR. COOPER: Thank you, Your Honor.

20 THE COURT: We'll take our break. How much
21 longer --

22 You may step down. We're going to take a little
23 break, Mr. Fludd. Do not discuss your testimony with
24 anyone.

25 How long do you anticipate with this witness?

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1 MR. KIDD: Your Honor, I've still got a ways to
2 go, so --

3 THE COURT: Thirty minutes? Hour?

4 MR. KIDD: Thirty, forty-five minutes.

5 THE COURT: We'll plan to get -- lunch will
6 be here at about 1:00, so we'll plan to get through
7 Mr. Fludd's direct and then we'll break at cross.

8 MR. COOPER: Thank you.

9 THE COURT: Assuming that you go at least thirty
10 minutes, Mr. Kidd. All right? And then we'll just
11 continue on.

12 All right. Thank you. Take about seven
13 minutes]

14 [Whereupon, a recess is taken from 12:28 p.m. to
15 12:40 p.m.]

16 THE COURT: Thank you. Be seated.

17 Ms. Ehrlich, y'all please approach briefly.

18 Anything before we -- where is Mr. Fludd?

19 MR. KIDD: I believe he's out in the hall.

20 [Whereupon, an off-the-record bench conference
21 is held]

22 [Off the record momentarily]

23 THE COURT: Anything before we bring in the
24 jury? Mr. Kidd?

25 MR. KIDD: No, ma'am.

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1 THE COURT: Mr. Cooper?

2 MR. COOPER: Not at this time.

3 THE COURT: All right.

4 MR. KIDD: Judge, one issue.

5 My lead detective, Detective Hughes, is here and
6 I would ask that as lead detective, the motion to
7 sequester wouldn't apply to him.

8 THE COURT: Any objection, Mr. Cooper? I
9 believe the rules do provide for him to be in here,
10 but I'll just allow -- if you object, I'll allow you
11 to articulate why.

12 MR. COOPER: No, ma'am, I have no objection to
13 Mr. Hughes being in here. However, I think the rule
14 against sequestration prevents witness coaching while
15 the jurors have been sworn during the trial. So I
16 just want to make sure while even though Mr. Hughes be
17 in here, just make sure that there's no improper
18 communications outside just his presence in the
19 courtroom.

20 THE COURT: Mr. Kidd, I'm assuming that during
21 your witness preparation you go over all of that with
22 your witnesses; correct?

23 MR. KIDD: Correct. I mean, I believe I'm
24 allowed to talk to him about testimony, I just can't
25 improperly --

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1 THE COURT: I don't need a whole litany.

2 There's a whole --

3 MR. KIDD: Sure.

4 THE COURT: You know what the rule means.

5 MR. KIDD: I do.

6 THE COURT: I just want to make sure that your
7 witnesses understand.

8 Mr. Fludd, did you speak to anybody concerning
9 your testimony while on break?

10 THE WITNESS: No, ma'am.

11 THE COURT: All right. When we bring the jury
12 back in, I remind you that you're still under oath.
13 Okay?

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Are you comfortable? Do you need
16 anything?

17 THE WITNESS: I'm all right.

18 THE COURT: All right. Let's bring in the jury.

19 If everyone in the gallery would take the
20 opportunity to check and make sure your cell phones
21 are on silent. Thank you.

22 [Whereupon, the jury enters the courtroom at
23 12:44 p.m.]

24 THE BAILIFF: All jurors are present, Your
25 Honor.

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1 THE COURT: Thank you. Please be seated.
2 You may continue, Mr. Kidd.
3 MR. KIDD: Thank you, Your Honor.
4 THE COURT: Hold on one second.
5 [Whereupon, the Court and the bailiff confer]
6 THE COURT: Mr. Fludd, I remind you that you
7 need to speak loudly.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Loudly.

10 Mr. Foreman, if at any time members of the panel
11 are having a hard time hearing or seeing, or anything
12 of that nature, if you'll just let me know, please,
13 like you did. Thank you.

14 MR. KIDD: Your Honor, at this time the State
15 would offer State's Exhibit Number 1 into evidence.
16 And that would be the 911 CD.

17 THE COURT: And pursuant to our hearing outside
18 the presence of the jury, State's 1 into evidence over
19 your objection. Thank you.

20 MR. COOPER: Thank you, Your Honor.

21 [Whereupon, State's Exhibit Number 1 is admitted
22 into evidence by the Court]

23 MR. KIDD: Permission to publish?

24 THE COURT: You may.

25 [Whereupon, State's Exhibit Number 1, CD of 911

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1 call, is played]

2 [Whereupon, State's Exhibit Number 1, CD, is not
3 transcribed by the court reporter]

4 Q. [Mr. Kidd] Kenny --

5 A. Yes, sir.

6 Q. -- when did you make -- first make -- when did
7 you make that phone call?

8 A. Almost immediately.

9 Q. When you were exiting the residence?

10 A. Yes, sir.

11 Q. And safe to say it was a frustrating
12 interaction?

13 A. Yes, sir.

14 Q. Now, who else lives on Cambridge in that area
15 right there?

16 A. Sharrell has a nephew who lives a couple houses
17 down.

18 Q. Couple of houses down? That's where -- the
19 direction you went?

20 A. No, sir.

21 Q. Which direction did you go?

22 A. I went toward Azalea.

23 Q. Towards Azalea?

24 A. Yes, sir.

25 Q. Why did you go that way?

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1 A. Because I didn't know the address.

2 Q. So you were just trying to -- what were you
3 trying to do?

4 A. I was trying to flag the officers.

5 Q. Were you ultimately able to flag down the
6 officers?

7 A. Yes, sir.

8 Q. And so that brings me to your interaction with
9 police. You spoke with police that night?

10 A. Yes, sir.

11 Q. Did you then go back to City Hall?

12 A. Yes, sir.

13 Q. Ultimately, were you arrested for something?

14 A. Yes, sir.

15 Q. What were you arrested for?

16 A. Conspiracy to violate South Carolina narcotics
17 law.

18 Q. Conspiracy to violate drug laws --

19 A. Yes, sir.

20 Q. -- you were charged with that?

21 A. Yes, sir.

22 Q. Is that charge still pending?

23 A. Yes, sir.

24 Q. And you went to jail?

25 A. Yes, I did.

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1 Q. How long did you spend in jail?

2 A. A month.

3 Q. About a month? And then, presumably, you bonded
4 out?

5 A. Yes, sir.

6 Q. After you were released, did you then talk to
7 police again at some point?

8 A. Yes, sir.

9 Q. And did they show you a -- do you recall seeing
10 a photographic line-up --

11 A. Yes, sir.

12 Q. -- at the city hall in North Charleston?

13 A. Yes, I did.

14 MR. COOPER: Your Honor, I'll just take this
15 time to renew my pretrial objections.

16 THE COURT: All right. They're noted for the
17 record.

18 MR. KIDD: Mark this as a State's Exhibit.

19 [Whereupon, State's Exhibit Number 14 is marked
20 by the court reporter]

21 [Whereupon, State's Exhibit Number 15 is marked
22 by the court reporter]

23 Q. [Mr. Kidd] I'm going to show you what's been
24 marked as State's Exhibit 14 and State's Exhibit 15, and
25 see if you recognize those.

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1 A. Yes, sir.

2 Q. And what are those?

3 A. It's a photo line-up.

4 Q. That was shown to you by the North Charleston
5 Police Department?

6 A. Yes, it was.

7 Q. Does it fairly and accurately depict the photo
8 line-up that was shown to you on January 15th, 2013?

9 A. Yes, it does.

10 MR. KIDD: Your Honor, at this point the State
11 would offer State's 14 and 15 into evidence.

12 MR. COOPER: Same objections.

13 THE COURT: State's 14 and 15 into evidence.

14 [Whereupon, State's Exhibit Number 14 is
15 admitted into evidence by the Court]

16 [Whereupon, State's Exhibit Number 15 is
17 admitted into evidence by the Court]

18 Q. [Mr. Kidd] And when you were shown this line-
19 up, were you able to -- well, first, can you go over the
20 admonition form that's on the front?

21 A. Yes, sir.

22 Q. North Charleston Police Department went over
23 that with you?

24 A. Yes, they did.

25 Q. What's that first admonition number 1?

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1 A. It says: I'm going to show you a series of
2 individuals on an array of six photographs.

3 THE COURT: Mr. Fludd, speak up, please.

4 THE WITNESS: Yes, ma'am.

5 Q. [Mr. Kidd] So they're going to show you six
6 photographs. And you initialed that section?

7 A. Yes, I did.

8 Q. And the second set, what does that say?

9 A. These photographs may or may not be the person
10 who committed the crime. It is just as important to clear
11 innocent people as identify possible suspect.

12 Q. All right. And then you initialed that one?

13 A. Yes, I did.

14 Q. And the third line?

15 A. After you are done, I will not be able to
16 provide you with any feedback or comment on the results of
17 the process.

18 Q. The next one?

19 A. Do not discuss this identification procedure or
20 results with other witnesses in this case.

21 Q. And the next one?

22 A. Focus on the event, the place, view, lighting,
23 your frame of mind. Take as much time as you need.

24 Q. And the next one?

25 A. People may not appear exactly as they did at the

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1 time of the event because features such as clothing style,
2 hair color, hairstyle, may change even in a short period
3 of time.

4 Q. And final?

5 A. As you look at the photographs, tell me if you
6 recognize the person and if you do, please tell me how you
7 know the person and in your own words how sure you are of
8 their identification.

9 Q. And I believe --

10 MR. KIDD: Are they already admitted?

11 THE COURT: Which ones?

12 MR. KIDD: 14 and 15.

13 THE COURT: Yes. They're into evidence.

14 Q. [Mr. Kidd] And then so you were shown six
15 photographs?

16 A. Yes, sir.

17 Q. These six photographs here?

18 A. Yes, sir.

19 Q. Were they on pages like this, or how were they
20 presented to you?

21 A. There were several photographs on the table.

22 Q. So they were kind of -- you were able to kind of
23 spread them out?

24 A. Yes, sir.

25 Q. Did the police suggest in any way to you which

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1 photograph to select?

2 A. No, sir.

3 Q. They just said select the person you see?

4 A. Yes, sir.

5 Q. Did you pick a -- one of these photographs?

6 A. Yes, I did.

7 Q. Which one did you pick?

8 A. Number 4.

9 Q. Number 4.

10 And on there, did you write an explanation of
11 why you picked number 4?

12 A. Yes, I did.

13 Q. What does it say?

14 A. It says: person in -- person number 3 is the
15 shooter; I'm 150 percent sure.

16 Q. So you're 150 percent sure that person in
17 photograph number 4 is the shooter?

18 A. Yes, sir.

19 Q. And how can you be so sure?

20 A. I'll never forget the face of a man who put a
21 gun to my face.

22 Q. And I kind of want to just go back a little bit,
23 clear a few things up.

24 I'm going to show you what's been marked and
25 entered as State's Exhibit Number 10. Do you recognize

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1 that vehicle?

2 A. Yes, I do.

3 Q. Is that -- whose vehicle is that?

4 A. That's my sister-in-law's car.

5 Q. Is that the vehicle you were driving that night
6 on November 20th?

7 A. Yes, it was.

8 Q. And do you recognize the location this vehicle
9 is at right now?

10 A. Yes, sir.

11 Q. What location is that?

12 A. That's the spot where they initially parked at.

13 Q. So, initially, that's where --

14 A. Mr. Felder.

15 Q. -- Mr. Felder left his car?

16 A. Yes, sir.

17 Q. Is that the spot that you identified on this map
18 earlier?

19 A. Yes, it is.

20 Q. How was Mr. Felder's car parked in that parking
21 lot?

22 A. He was backed in.

23 Q. He was backed in?

24 A. Yes, sir.

25 Q. I also want to talk about State's Exhibit Number

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1 -- I want us to talk about State's Exhibit Number 2. And
2 that's that video surveillance that we watched earlier.
3 Okay?

4 A. Yes, sir.

5 Q. And you identified it earlier by your initials
6 and the date.

7 A. Yes.

8 Q. What's the date that you --

9 A. 7/11/14.

10 Q. 7/11/14.

11 So that was approximately five months and some
12 change ago --

13 A. Yes.

14 Q. -- maybe?

15 Before 7/11/14, had you ever seen this video?

16 A. No, sir.

17 Q. So on July 11th of 2014, you didn't know that
18 surveillance existed outside the residence --

19 A. No, I did not.

20 Q. -- of Cambridge?

21 A. No, I did not.

22 Q. And so statements and things like that that you
23 gave police -- and you met with me a number of times --

24 A. Yes, sir.

25 Q. -- is that fair to say?

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1 A. Yes, sir.

2 Q. And you met with me before July 11th, 2014?

3 A. Yes, sir.

4 Q. And so anything that you told myself or to the
5 police --

6 MR. COOPER: Objection. Leading

7 THE COURT: Rephrase your question so as not to
8 elicit -- not to be a leading question. Thank you.

9 Q. [Mr. Kidd] Did your testimony -- did your
10 statements to myself or North Charleston Police
11 Department, were they made knowing that that video
12 existed?

13 A. No, sir.

14 Q. And Kadrin Singleton, had you ever met him
15 before?

16 A. Not before that night, sir.

17 Q. Not before that night. So that's the first time
18 you had ever seen him?

19 A. Yes, sir.

20 Q. How was he introduced to you?

21 A. Chris just said it was a friend of his.

22 Q. Did you shake his hand, did you do anything like
23 that --

24 A. I don't -- I don't recall --

25 Q. -- at the Pizza Hut?

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1 A. I don't recall doing all that, sir.

2 Q. Did he give you any sort of name to go by?

3 A. I don't even remember.

4 Q. I want to back up a little bit more. When
5 you're inside the house when you first go inside --

6 A. Yes, sir.

7 Q. -- and you testified you saw a gun on the
8 counter --

9 A. Yes, sir.

10 Q. -- did anyone comment on that gun when y'all
11 entered the residence?

12 A. Yeah. I did.

13 Q. You did?

14 A. Yes, sir.

15 Q. Did anyone else say anything about it?

16 A. No, sir.

17 Q. Finally, I know it's difficult, but I'm going to
18 show you State's Exhibit Number 8. Is that how you
19 remember leaving the residence that day?

20 A. Yes, sir.

21 Q. Where, in reference to where Sharrell is there,
22 was the defendant standing when he shot the first time?

23 A. They was almost like face-to-face, so, you know,
24 he was I guess like in this area right here, sir.

25 Q. Did you take anything from the house at all when

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1 you left?

2 A. No, sir.

3 Q. Did you touch Sharrell when you left?

4 A. No, sir.

5 Q. Did you take marijuana?

6 A. No, sir.

7 Q. Did you take any money?

8 A. No, sir.

9 Q. Did you take any guns?

10 A. No, sir.

11 Q. Have you spoken to Chris at all since this
12 happened?

13 A. Not until yesterday, sir.

14 Q. You spoke to him yesterday?

15 A. Yeah. He walked past me in the hallway and said
16 hi.

17 MR. KIDD: Court's indulgence.

18 [Whereupon, Mr. Kidd reviews documents]

19 Q. [Mr. Kidd] Did you ever see Kadrin again after
20 that night?

21 A. No, sir.

22 Q. Not until today?

23 A. Yes, sir. Yesterday.

24 Q. Yesterday?

25 A. Yes, sir.

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1 Q. When you were exiting the residence, you
2 testified earlier that Sharrell said, I'm dying, call the
3 people.

4 A. Yes, sir.

5 Q. Where were you in reference to him at that
6 point?

7 A. Like standing like right over him almost.

8 Q. Standing over him? Did you bend down over him?

9 A. No, sir.

10 Q. Just standing up?

11 A. Just standing straight up.

12 MR. KIDD: Please answer any questions that
13 Mr. Cooper may have.

14 THE WITNESS: Could you repeat that?

15 THE COURT: Hold on one second. We're going to
16 go ahead and take our lunch break. All right?

17 Ladies and gentlemen, the food has arrived and
18 it's an appropriate time for us to break.

19 Ladies and gentlemen, please remember all of my
20 admonitions. Do not begin discussing this case, do
21 not read, watch, listen to any news accounts regarding
22 this case.

23 We're going to take a forty-five minute lunch
24 break. Your food and everything should already be in
25 the room waiting on you. You may take your notepads

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1 or leave them. We'll lock them up. But if you wanted
2 to take them with you, you may do so as well.

3 Please rise for the jury.

4 [Whereupon, the jury exits the courtroom at
5 1:04 p.m.]

6 THE COURT: Thank you. Please be seated.

7 Anything before we take our lunch break?

8 Mr. Kidd?

9 MR. KIDD: No, ma'am.

10 THE COURT: Mr. Cooper?

11 MR. COOPER: No, ma'am.

12 I would like to remind Mr. Fludd that he's
13 sequestered, still.

14 THE COURT: I'm going to make that -- I just
15 want to make sure before we --

16 MR. COOPER: No matters.

17 Oh. I think we were going to argue the State's
18 Number 8 on the record.

19 THE COURT: Not argue. I'm just going to allow
20 you to articulate it on the record.

21 MR. COOPER: Yes, ma'am.

22 THE COURT: Let me let Mr. Fludd go and then
23 we'll do that. Thank you.

24 Mr. Fludd, we're going to take a forty-five
25 minute lunch break. All right?

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1 THE WITNESS: Yes, ma'am.

2 THE COURT: So you need to step down. Please
3 remember all of my admonitions. You may not discuss
4 this case with anyone. That includes the prosecutor
5 or the defense attorney. Do you understand?

6 THE WITNESS: Yes, ma'am.

7 THE COURT: All right. Have a nice lunch.
8 Thank you.

9 [Whereupon, Mr. Fludd is excused and exits the
10 witness stand]

11 THE COURT: As to State's 8, Mr. Cooper?

12 MR. COOPER: Yes, ma'am.

13 I would ask the Court to clarify. The Court has
14 already ruled, and we had a short bench conference on
15 the matter, but just to put my arguments on the record
16 that State's 8 is the photograph of Mr. Williams lying
17 on the floor in the living room. That photograph I
18 think -- the State has -- they've had numerous photos
19 taken in this case and there is almost the exact photo
20 that was taken by crime scene investigators that does
21 not have the body on the floor. So in terms of
22 references and describing where people are and how
23 things are happening, the photo with the body is
24 unduly prejudicial and they have equally adequate
25 evidence. And that's just my argument.

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1 THE COURT: Thank you.

2 Mr. Kidd, we had the conversation at the bench,
3 but I'll allow you to articulate what you indicated to
4 the Court.

5 MR. KIDD: Yes, Your Honor.

6 I think from a spacial relationship it's
7 incredibly important to be able to judge the size of
8 the room and things like that, the nature of how the
9 body is positioned.

10 Additionally, while not only relevant to this
11 witness' testimony, the picture is going to be very
12 important in relation to crime scene, specifically
13 because like one shell casing is found underneath the
14 body, and where some other shell casings are found in
15 reference to the body. I think it is incredibly
16 important for the jury to be able to see that picture.
17 And there are much more closer, more gruesome pictures
18 that we are not going to put into evidence. I think
19 this was sufficiently far away as to not, you know,
20 use to inflame the passions of the jury or anything
21 like that.

22 THE COURT: And I believe that is enough
23 articulation on that point. I have admitted it over
24 your objection.

25 Anything else, Mr. Cooper?

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1 MR. COOPER: Thank you, Your Honor. No, ma'am.

2 Not at this time.

3 THE COURT: Mr. Kidd?

4 MR. KIDD: No, ma'am.

5 THE COURT: Back at 2:00. I anticipate we'll go
6 until 6:00 this evening.

7 MR. COOPER: Thank you, Judge.

8 THE COURT: Thank you.

9 [Whereupon, a recess is taken from 1:07 p.m. to
10 1:59 p.m.]

11 [Whereupon, Mr. Fludd retakes the witness stand]

12 THE COURT: All right. Mr. Fludd, I'll remind
13 you that you are still under oath.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Did you comply with the Court's
16 instructions?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Mr. Fludd, please remember you're
19 going to need to speak loudly.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Anything before we bring in the
22 jury? Mr. Kidd?

23 MR. KIDD: No, ma'am.

24 THE COURT: Ms. Ehrlich?

25 MS. EHRLICH: No, Your Honor.

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1 THE COURT: All right. I'm going to bring in
2 the jury.

3 [Off the record momentarily]

4 [Whereupon, the jury enters the courtroom at
5 2:00 p.m.]

6 THE BAILIFF: All jurors are present, Your
7 Honor.

8 THE COURT: Thank you. Be seated.

9 Did every member of the jury comply with my
10 instructions? If you complied with my instructions,
11 please raise your right hand.

12 Please let the record reflect all fourteen
13 jurors complied with the Court's instructions over the
14 lunch hour.

15 Mr. Cooper, your witness.

16 MR. COOPER: Thank you, Your Honor. May it
17 please the Court.

18 Good afternoon, Mr. Fludd.

19 THE WITNESS: How are you doing?

20 MR. COOPER: Very well. Think you for asking.
21 How are you doing?

22 THE WITNESS: Making it.

23 MR. COOPER: I want to start out with stuff that
24 might seem a little bit off the wall. Is that okay?

25 THE WITNESS: Yes, sir.

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CROSS-EXAMINATION

BY MR. COOPER:

Q. What hand do you write with?

A. I'm left-handed.

Q. You're left-handed?

A. Yes, sir.

Q. And then we -- how big are you?

A. In reference?

Q. How tall are you?

A. About five nine, five ten.

Q. Five nine --

A. Yes, sir.

Q. -- five ten?

Will you stand up? Will you put your arms out
like that?

[Whereupon, the witness complies]

MR. COOPER: Okay. Thank you, sir.

Q. [Mr. Cooper] Now, Mr. Fludd, you also go by
Boss Hogg Fludd?

A. Yes, sir.

Q. And you were charged with conspiracy to violate
narcotics laws in this case?

A. Yes, sir.

Q. You haven't pled guilty to that charge yet?

A. No, sir.

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1 Q. And even though that case is more than two years
2 old?

3 A. Yes, sir.

4 Q. I mean, it's pretty clear. You admit that you
5 violated narcotics laws?

6 A. Yes, sir.

7 Q. And you conspired to do that?

8 A. How you mean conspired to do it?

9 Q. I mean you set up the drug deal.

10 A. Yes, sir. Yes, sir.

11 Q. And so Chris and Kadrin, they had never met
12 Sharrell?

13 A. No, sir, not to my --

14 Q. That was --

15 A. -- not to my knowledge.

16 Q. Right. Sharrell was your first cousin?

17 A. Yes, sir.

18 Q. And then you're cousins by marriage with Chris?

19 A. Yes, sir.

20 Q. Chris didn't know Sharrell?

21 A. Not to my knowledge.

22 Q. He's from Summerville?

23 A. Yes, sir.

24 Q. I think you testified that when you see him
25 you've got to go up to Summerville to see him?

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1 A. Yes, sir.

2 Q. So he doesn't really be around North Charleston?

3 A. Not to my knowledge.

4 Q. And it's your knowledge Kadrin didn't know
5 Sharrell at all?

6 A. Not to my knowledge. Excuse me. Not to my
7 knowledge.

8 Q. And the only reason y'all met up that night is
9 to do the drug transaction?

10 A. Yes, sir.

11 Q. And so like we said, you're the person that gets
12 everybody in the house?

13 A. Yes, sir.

14 Q. And despite this, you haven't pled guilty to
15 that charge?

16 A. I haven't been to court for my charges yet, sir.

17 Q. Because you don't want the drug conviction, do
18 you?

19 A. What do you mean about want the drug conviction?

20 Q. I mean you don't want to be convicted of
21 conspiracy to violate narcotics laws.

22 A. I really don't know the outcome in mine. I
23 haven't been to court yet.

24 Q. Right.

25 But you hope the solicitor's office will

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1 actually outright dismiss your case?

2 A. I don't know if they're going to dismiss it or
3 not, sir.

4 Q. But that's a --

5 A. It's still pending.

6 Q. That's a possibility, isn't it?

7 A. I'm not too sure.

8 Q. You haven't pled guilty.

9 A. I haven't been to court.

10 Q. Okay. So it's a possibility that they would
11 dismiss your case?

12 A. It could be, but to my knowledge I don't know
13 yet.

14 Q. You don't have a deal with them?

15 A. No, sir.

16 Q. All right. But you don't want to go to jail?

17 A. No, sir.

18 Q. Right?

19 A. Nobody wants to go to jail, sir.

20 Q. Exactly.

21 I mean, like you told the detectives when they
22 were interviewing you, you said, I'm concerned about me.

23 A. Yes, sir.

24 Q. And you told them, you said, you know, that --

25 MR. KIDD: Objection, Judge. Hearsay. If he

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1 rephrases his question --

2 THE COURT: Make sure, Mr. Cooper, that you
3 phrase your question not to elicit hearsay unless
4 there's an exception.

5 MR. COOPER: Yes, ma'am.

6 Q. [Mr. Cooper] You were worried about getting the
7 charges off?

8 A. I was worried about my safety, sir.

9 Q. About your safety?

10 A. Yes, sir.

11 Q. Let me ask you a little bit about that, because
12 when you say you were worried about your safety, you were
13 worried about Darnel?

14 A. I was just worried about, you know, just in
15 general because anybody in the street can say, hey, Kenny
16 had something to do with this. So that was what I was
17 more concerned about.

18 Q. Is it not true that you told the solicitor's
19 office that you were worried about Darnel?

20 A. It could be some -- yes.

21 Q. That's true.

22 A. Yes, sir.

23 Q. You were afraid of Darnel?

24 A. Yes, sir.

25 Q. Who is Sharrell's cousin?

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1. A. That's his brother.
2. Q. That's his brother?
3. A. Yes, sir.
4. Q. Darnel is a scarey dude?
5. A. Yes, sir.
6. Q. Right? You don't want to mess with him?
7. A. Yes, sir.
8. Q. And, actually, while you testified today that
9. you were close with Sharrell --
10. A. Yes, sir.
11. Q. -- when you spoke to the police, you denied that
12. you were close to Sharrell.
13. A. I never denied that, sir.
14. Q. You never denied that you were close to
15. Sharrell?
16. A. I never denied that, sir.
17. Q. You were interviewed on video when you were
18. interviewed by police; right?
19. A. I'm not too sure. I never saw the video, so I
20. can't answer that.
21. Q. You're telling me that -- you've met with the
22. solicitor's office, what, five times about this case?
23. A. I don't know how many times.
24. Q. Four times about this case?
25. A. I didn't -- I really don't know, sir. I just

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1 met with them a few times.

2 Q. Several times?

3 A. Yes, sir.

4 Q. And you met with your attorney, Martha Kent
5 Runey, about this case?

6 A. Yes, sir. She was present.

7 Q. And so you want this jury to believe that in the
8 two years that this charge has been pending, you never,
9 ever watched the video of your statement to the police and
10 you confess, you confess, to a conspiracy?

11 A. But, sir, I never see -- I never saw a video, so
12 how could I answer that?

13 Q. No. I'm asking you to give me a yes or no
14 question about --

15 A. I never saw a video, sir.

16 Q. You're telling me that your attorney, Martha
17 Kent Runey, committed malpractice by not showing you the
18 evidence after two years --

19 A. I never saw a video, sir.

20 Q. Never saw a video?

21 A. Never saw a video.

22 MR. KIDD: Objection, Your Honor. Ask and
23 answered.

24 THE COURT: Counsel --

25 MR. COOPER: Yes, ma'am.

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1 THE COURT: -- please make sure you're not
2 speaking over Mr. Fludd. Thank you.

3 MR. COOPER: Yes, ma'am. The Court's
4 indulgence.

5 THE COURT: Take your time.

6 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

7 Q. [Mr. Cooper] All right. Mr. Fludd, you spoke
8 to police?

9 A. I was at City Hall. Yes, sir.

10 Q. At City Hall?

11 A. Yes, sir.

12 Q. Would reviewing your transcript help refresh
13 your memory?

14 A. What's a transcript, sir? What's that?

15 Q. Well, your statement was video-recorded.

16 A. Well, I never saw a video, so --

17 Q. Okay. Well, I'm telling you.

18 A. Okay.

19 Q. And would reviewing a transcript of that video
20 help refresh your recollection?

21 THE COURT: Let's approach.

22 [Whereupon, an off-the-record bench conference
23 is held]

24 [Whereupon, Court's Exhibit Number 6 is marked
25 by the court reporter]

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1 Q. [Mr. Cooper] If I showed you a copy of the
2 transcript of the video, would it refresh your
3 recollection as to what you told the police?

4 A. Probably not.

5 Q. You mean if I showed to you what you said, it
6 won't refresh your recollection?

7 A. I've never seen that before, so I can't answer
8 that question.

9 Q. Well, let's just try. Okay. Right down here on
10 line 18; okay, starting there. Read that for me and see
11 if that refreshes your recollection.

12 [Whereupon, the witness reviews documents]

13 A. It says: I talked with Sharrell and Darnel.
14 You know, I called them to see how they doing. But as far
15 -- I keep my distance.

16 Q. [Mr. Cooper] Do you remember why you told them
17 that you keep your distance?

18 A. It says: because I know what they do. I try
19 not to get into trouble.

20 So, yes, sir.

21 Q. Okay. Thank you.

22 THE COURT: Mr. Fludd, remember I asked you to
23 speak loudly.

24 THE WITNESS: Yes, ma'am. Yes, ma'am.

25 THE COURT: Thank you.

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1 Q. [Mr. Cooper] Do you remember telling the police
2 that you said you were just trying to be nice by setting
3 up the drug deal?

4 A. No, sir.

5 Q. But you did set up the drug deal?

6 A. Yes, sir.

7 Q. And it was for a quarter pound of marijuana?

8 A. Yes, sir.

9 Q. But jail was your concern?

10 A. Say it one more time.

11 Q. You're concerned about going to jail?

12 A. At what time?

13 Q. Now.

14 A. I can't tell you that. I haven't been to court
15 for my charges, so I can't answer that question.

16 Q. When you were being interviewed, you were
17 concerned about going to jail?

18 A. I didn't know I was going to jail that night,
19 either.

20 Q. Well, I mean, were you worried about it?

21 A. It wasn't on my mind. My cousin just got
22 killed.

23 Q. It wasn't on your mind?

24 A. Not -- I didn't know I was going to jail that
25 night.

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1 Q. Now, again, if I showed you a copy of this
2 transcript of your video, would it refresh your
3 recollection?

4 A. Just like I said, I haven't seen it, so --

5 Q. Okay. Well, let's just try again. All right?

6 Okay. And the detective is asking you about
7 whether or not you might be charged. Do you see right
8 there?

9 MR. KIDD: Objection, Judge.

10 THE COURT: What is your basis?

11 MR. KIDD: I feel like it's an improper way to
12 impeach --

13 THE COURT: I agree.

14 MR. COOPER: I apologize.

15 THE COURT: Thank you.

16 Q. [Mr. Cooper] Does reading that refresh your
17 recollection about what you told the police?

18 A. It was two years ago, sir. So, no, it doesn't.

19 Q. You don't remember what you told the police?

20 A. It was two years ago, sir.

21 Q. But you don't remember because it's not
22 consistent with what you testified to a minute ago; right?

23 A. What's your question.

24 Q. That's good. That really wasn't a question.

25 All right. You're facing five years on that

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1 conspiracy charge; correct?

2 A. I don't know that, sir. I haven't been to
3 court.

4 MR. KIDD: Objection, Judge.

5 THE COURT: As to that previous question,
6 overruled.

7 Q. [Mr. Cooper] You're facing five years --

8 MR. KIDD: Objection. May we approach.

9 THE COURT: You may.

10 [Whereupon, an off-the-record bench conference
11 is held]

12 THE COURT: If everybody will once again check
13 your phones, make sure they're on silent. Thank you.

14 Q. [Mr. Cooper] Mr. Fludd, I was incorrect.

15 Conspiracy does not carry five years, it carries two and a
16 half.

17 A. I didn't know.

18 Q. You were never told that?

19 A. No, sir.

20 Q. So you're telling me again that your attorney,
21 Martha Kent Runey, who's appointed to represent you and
22 has been your attorney for two years, never told you what
23 conspiracy carried?

24 A. We never went to court, sir, so I never knew the
25 charge -- the time for the charge.

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1 Q. She never told you that at all?

2 A. No, sir.

3 Q. So you're telling me that Ms. Runey committed
4 malpractice again?

5 A. How is that malpractice?

6 Q. Because as a lawyer, we have an obligation to
7 tell you, tell the client, what they're facing --

8 A. Don't you have to --

9 Q. -- from the very beginning.

10 A. Don't you have to go to court first in order to
11 know that?

12 Q. No, you don't.

13 A. Well, I don't know, sir.

14 Q. Well, I think it's clear that you don't want to
15 go to jail.

16 A. Once again, I haven't been to court, sir.

17 Q. That's not what I'm asking. I'm asking do you
18 want to go to jail for the conspiracy.

19 A. I cannot tell you the outcome of that because I
20 have not been to court yet.

21 Q. Again, what I'm asking you is would you like to
22 go to jail for conspiracy?

23 A. Sir, I cannot tell you the outcome of that
24 because I have not been to court.

25 Q. Fair enough. You're not going to answer it.

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1 Okay. But you've been to jail before?

2 A. Yes, sir.

3 Q. You've been to prison before?

4 A. No, sir.

5 MR. KIDD: Objection, Your Honor.

6 Q. [Mr. Cooper] Never?

7 MR. KIDD: Relevance.

8 Q. [Mr. Cooper] Jail is not fun, is it?

9 A. No, it's not.

10 THE COURT: Counsel, please approach.

11 [Whereupon, an off-the-record bench conference
12 is held]

13 THE COURT: Mr. Kidd, your last objection is
14 sustained. Thank you.

15 MR. COOPER: May we approach briefly one more
16 time, please?

17 [Whereupon, an off-the-record bench conference
18 is held]

19 Q. [Mr. Cooper] When you met with the detectives
20 you told them, anything you need, man, and I'll tell you?

21 A. Yes, sir.

22 Q. Now, let's go back. Okay? You and Chris are
23 cousins by marriage?

24 A. Yes, sir.

25 Q. And he was calling you to get the weed?

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1 A. Yes, sir.

2 Q. And you told -- you said today that he called
3 you a bunch of times?

4 A. Yes, sir.

5 Q. Like from weeks ago?

6 A. Yes, sir.

7 Q. But when you met with the police, you initially
8 told them that he just called you that day; correct?

9 A. I never said that.

10 Q. You never said that?

11 A. That's not how it happened.

12 Q. Again, if I showed you your transcript, would it
13 refresh your memory?

14 A. Just like I said, it was two years ago, sir.
15 You keep bringing up the transcript. I never saw that.

16 Q. So you don't remember --

17 A. No, sir.

18 Q. You don't remember what you told the police?

19 A. Not from two years ago, no, sir.

20 Q. Do you know how many grams are in a quarter
21 pound of marijuana?

22 A. No, sir.

23 Q. You don't?

24 A. No, sir.

25 Q. So you never told the police that it was 112

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1 grams?

2 A. No, I did not.

3 Q. So Chris wanted you to get marijuana; right?

4 A. Yes, sir.

5 Q. A quarter pound?

6 A. Yes, sir.

7 Q. And you knew how to do that --

8 A. Yes, sir.

9 Q. -- through Sharrell?

10 A. Yes, sir.

11 Q. Sharrell is a drug trafficker?

12 A. Not to -- I wouldn't say he's a drug trafficker,
13 sir.

14 Q. No? You told the police that Sharrell could get
15 anything you need.

16 A. I never told you that, sir.

17 MR. COOPER: Your Honor, may I have a moment.

18 THE COURT: Take all the time you need.

19 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

20 Q. [Mr. Cooper] Mr. Fludd, if we took a break and
21 watched your interview with police, would that refresh
22 your recollection of what you told them?

23 MR. KIDD: Judge, objection.

24 THE COURT: Let him answer.

25 A. Repeat the question.

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1 Q. [Mr. Cooper] If we took a break and let you
2 watch the video of what you told the police, would that
3 then refresh your recollection of what you actually told
4 them or not?

5 A. It was two years ago, so --

6 Q. So you're telling me that watching yourself on
7 video speaking to police isn't going to help you remember
8 something?

9 A. I never saw the video.

10 Q. Well, I'm asking you -- I'm not asking you if
11 you saw it or not. I'm asking you if you saw it now,
12 would it help your remember what you said before?

13 A. Possibility.

14 MR. COOPER: Your Honor, I would ask for a
15 recess that we may try to rehabilitate Mr. Fludd's
16 memory by the video.

17 THE COURT: I'm not sure rehabilitate is the
18 appropriate word at this point, Mr. Cooper. Perhaps
19 refresh --

20 MR. COOPER: Yes, ma'am.

21 THE COURT: -- but I'm not sure rehabilitate.
22 Mr. Kidd, please approach.

23 [Whereupon, an off-the-record bench conference
24 is held]

25 THE COURT: Ladies and gentlemen, there is a

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1 matter of law that I must take up outside of your
2 presence. It's also a pretty good time for our
3 midafternoon break.

4 Do not begin your deliberations. Do not discuss
5 this case amongst yourselves. As always, take your
6 notepads with you or leave them right there.

7 Please rise for the jury.

8 [Whereupon, the jury exits the courtroom at
9 2:32 p.m.]

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PROFFER

THE COURT: Thank you. Be seated.

Mr. Cooper, you indicated ten minutes, that you have a ten-minute clip.

MR. COOPER: Yes, ma'am.

THE COURT: Mr. Fludd, are you okay? Do you need a comfort break?

THE WITNESS: No. I'm good.

THE COURT: All right. Thank you.

Q. [Mr. Cooper] Mr. Fludd, I'm going to play a portion of the video and see if this refreshes your recollection of meeting with detectives on this case. Okay?

A. Yes, sir.

[Whereupon, video plays]

[Whereupon, the court reporter did not transcribe video]

MR. COOPER: Okay. Hang on. Let me play a little bit more. Okay?

[Whereupon, video is paused]

Q. [Mr. Cooper] Mr. Fludd, does playing that portion of the video help you remember your statements to the police?

A. Which statement, sir? You asked me a few questions about this video.

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1 Q. Right, right, right. Right, I did. I did.

2 What we watched.

3 A. What we watched --

4 Q. Do you recall --

5 A. -- was not one of the questions you asked me.

6 Q. Generally speaking, does this -- do you recall
7 meeting with detectives?

8 A. Yes, sir.

9 Q. And do you remember that you said these things
10 to detectives?

11 A. Yes, sir.

12 [Whereupon, video continues]

13 [Whereupon, video is not transcribed by the
14 court reporter]

15 Q. [Mr. Cooper] Mr. Fludd, after we've played it
16 for you, do you recall stating now that Mr. Singleton
17 picked up the gun after the shooting and then picked up
18 the marijuana and left?

19 MR. KIDD: I just want to know what we're doing
20 here.

21 THE COURT: I'm assuming --

22 MR. COOPER: I mean, I played the clip for him.

23 THE COURT: Mr. Cooper --

24 MR. COOPER: -- now I'm trying to find out --

25 THE COURT: Mr. Cooper.

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1 MR. COOPER: Yes, ma'am.

2 THE COURT: I know it's getting late. It's been
3 a long trial. But the way that it works is somebody
4 makes an objection and then opposing counsel, if I
5 need argument --

6 MR. COOPER: Yes, ma'am.

7 THE COURT: -- I don't need you to respond to
8 Mr. Kidd.

9 MR. COOPER: Yes, ma'am.

10 THE COURT: I'm giving him a little leeway. And
11 I think what he's doing, what I think that he's done,
12 is he's played the video and now he's going to see if
13 that has refreshed his memory as to any
14 inconsistencies. All right? So we'll see. That's
15 what --

16 But our ten minutes are about up, Mr. Cooper.

17 MR. COOPER: Yes, ma'am.

18 Q. [Mr. Cooper] We watched the video; correct?

19 A. Yes, sir.

20 Q. And now do you recall saying that Kadrin, or
21 who you refer to as the shooter, picked up the gun and
22 everything off the counter after the shooting?

23 A. Yes, sir. When he left, the gun was gone.

24 Q. Right.

25 But he picked -- you said in that video that he

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1 picked it up after he shot him.

2 A. My cousin was shot multiple times, sir.

3 Q. Right. But that doesn't answer my question,
4 Mr. Fludd.

5 A. How does that not answer any question? The gun
6 was -- after he fired the shot, he came to the counter.
7 The gun was gone after that. It was more shots.

8 Q. But do you recall telling police -- in that
9 statement that we watched, you don't say anything about
10 more shots. You said he shot and after the shot he
11 grabbed the gun off the counter and the marijuana and
12 left, as we just watched.

13 A. Sir, you just played the video.

14 Q. Right. Do you recall saying that?

15 A. I never heard that. Did you?

16 Q. I did.

17 A. Can I hear it?

18 THE COURT: All right. Mr. Cooper, I think
19 we're getting very far afield --

20 MR. COOPER: Yes, ma'am.

21 THE COURT: -- from what you're attempting to do
22 and the way you're attempting to do it. Okay? So
23 we're going to take our comfort break. I believe that
24 what you have attempted to do is preserved for the
25 record, so when we come back we are going to move on.

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1 MR. COOPER: Yes, ma'am.

2 THE COURT: Five minutes. Thank you.

3 MR. COOPER: Thank you, Your Honor.

4 THE COURT: Mr. Fludd, all of my admonitions.
5 Thank you. You may step down.

6 [Whereupon, a recess is taken from 2:48 p.m. to
7 2:58 p.m.]

8 [Whereupon, Mr. Fludd retakes the witness stand]

9 MR. COOPER: May we approach?

10 THE COURT: You may.

11 [Whereupon, an off-the-record bench conference
12 is held]

13 THE COURT: Let's bring in the witness -- or the
14 jury.

15 [Whereupon, the jury enters the courtroom at
16 3:08 p.m.]

17 THE COURT: Thank you. Be seated. Mr. Cooper?

18 MR. COOPER: Thank you, Your Honor. And I
19 appreciate your patience.

20 Mr. Fludd, I'm going to try and do this as
21 efficiently as we can. Okay?

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CONTINUED CROSS-EXAMINATION

BY MR. COOPER:

Q. All right. Picking up. You called 911?

A. Yes, sir.

Q. And you told the 911 operator that two guys just,
ran into the house and robbed your cousin?

A. That's what I initially said, sir.

Q. That's what you initially said?

A. Yes, I did.

Q. But that's not true?

A. No, it's not.

Q. And the 911 operator even asked you about race
of the suspect and you said, I don't know?

A. Yes, sir, I said that.

Q. Okay. And that's not true?

A. No, it's not.

Q. So you lied to 911 from the very beginning;
right?

A. Yes, sir.

Q. And then you spoke to Officer Vantime on scene?

A. I don't know which officer I spoke to.

Q. But you spoke to an officer on scene?

A. Yes, I did.

Q. Like a patrol officer, initially?

A. I'm not too sure.

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1 Q. And you told him that you and Rel were in the
2 house talking when the two men just entered the house?

3 A. Yes, sir.

4 Q. And they said, give it up?

5 A. Yes, sir.

6 Q. And that Rel argued with them?

7 A. I never said that, sir.

8 Q. You never said that Rel argued with them?

9 A. No, I did not.

10 Q. But you never told Vantime that this had been a
11 drug transaction?

12 A. No, sir.

13 Q. You never told the 911 operator that you knew
14 who did this?

15 A. No, sir.

16 Q. You never told 911 that it was your cousin,
17 Chris Felder?

18 A. No, sir.

19 Q. But you did know that at the time?

20 A. Know what?

21 Q. That it was Chris Felder.

22 A. Yes, I did know it was Chris Felder who was
23 present.

24 Q. You know that Chris Felder was charged with
25 murder, initially?

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1 A. I didn't know.

2 Q. You didn't know that?

3 A. No, sir. I haven't spoken to him until
4 yesterday.

5 Q. You never told Vantime that you took the two
6 people to the house on Cambridge?

7 A. I don't recollect saying that. Maybe I did,
8 maybe I didn't. I don't -- it was two years. I don't
9 really remember.

10 Q. So did you tell Vantime you took them or not?

11 A. I just said I don't remember that, sir. I can't
12 answer that question.

13 Q. You didn't tell Vantime where they left their
14 car?

15 A. No, sir.

16 Q. You knew --

17 A. Not until after we had the interview.

18 Q. Right.

19 You knew where Chris Felder left the car?

20 A. Yes, I did.

21 Q. And you didn't tell Vantime?

22 A. No, sir.

23 Q. And you didn't tell 911?

24 A. No, sir.

25 Q. Which -- and the car was left around the block

Kenneth Fludd
Continued Cross-Examination by Mr. Cooper
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1 from the house; right?

2 A. Yes, sir.

3 Q. And you hid the truth from Vantime?

4 A. Say that again.

5 Q. You hid the truth from Vantime?

6 A. Initially I did. Yes, I did.

7 Q. And then after meeting with Vantime, you met
8 with Detective Bailey?

9 A. I don't remember the detective's name, sir.

10 Q. But you met with a detective on scene?

11 A. I don't -- it was a person, and I was in the
12 car. I don't know if it was a detective or a patrolman.
13 I can't answer that.

14 Q. Well, you don't know their rank, but you met
15 with somebody in the car?

16 A. Yes.

17 Q. And when you met with Detective Bailey, you
18 wrote a statement out to her?

19 A. Yes, I did.

20 Q. All right. And in your written statement, you
21 said that you came to the house to see what kind of pizza
22 Sharrell wanted?

23 A. Yes, I did.

24 Q. That's not true?

25 A. No, it's not.

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1 Q. And you said that you and Sharrell were talking
2 when two guys came in?

3 A. That's what I said.

4 Q. And that's not true?

5 A. No, it's not.

6 Q. And then you said that you stayed in the house
7 with your cousin?

8 A. I left out of the house to call 911, sir.

9 Q. Right.

10 A. I never said that.

11 Q. Sharrell had the keys to the house?

12 A. Yes, he did.

13 Q. He let y'all in?

14 A. Yes, he did.

15 Q. Now, you told the detective that you got -- or
16 you told -- in your written statement, when you met with
17 the officer on scene in the car, you said that you got to
18 the house about fifteen minutes before the shooting?

19 A. I never said that, sir.

20 Q. You never said that?

21 A. We arrived at the same time. You can see it in
22 the video.

23 Q. Right. Right.

24 That's what -- that's what really happened;
25 right?

Kenneth Fludd
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January 6, 2015

1 A. Yes, sir.

2 Q. But that's not initially what you told the
3 police?

4 A. I never told them I got there fifteen minutes
5 before. You can see that in the video, sir.

6 Q. If I show -- you wrote a statement; right?

7 A. Yes, I did.

8 Q. Is that your handwriting?

9 A. Yes, it is.

10 Q. And in your written statement it says, what time
11 did you get to the blue and white house to see what kind
12 of pizza Sharrell wanted. About fifteen minutes before
13 the shooting.

14 A. That statement isn't true.

15 Q. All right. This whole statement is not true?

16 A. No, it's not. The second statement is the true
17 statement.

18 Q. Would you do me a favor and read what it says on
19 the bottom of the page right there?

20 A. I have read the foregoing statement or have had
21 it read to me and it is true and correct to the best of my
22 knowledge.

23 Q. Thank you.

24 And even though it says that on this written
25 statement, it was all a lie?

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Kenneth Fludd
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1 A. Yes, sir.

2 Q. And, in fact, the detective or the person you
3 met with in the car didn't even let you finish the
4 statement?

5 A. I don't even remember. We got -- she took me to
6 City Hall.

7 Q. Yes, she took you to City Hall.

8 A. I think it was a her. I think it was a her. I
9 can't remember.

10 Q. Now, they took you to city hall --

11 A. Yes, they did.

12 Q. -- and put you in an interview room; right?

13 A. Yes, they did.

14 Q. And you got down there about midnight; correct?

15 A. I'm not too sure of the time.

16 Q. Is that close, though?

17 A. I can't -- you know, I don't know.

18 Q. You don't remember?

19 A. No, sir.

20 Q. You were down at City Hall for a little while,
21 though?

22 A. Yeah. Almost a day.

23 Q. All night?

24 A. Almost a day.

25 Q. And initially you tell the detectives the same

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1 story while you're at City Hall that you told 911 and to
2 officers on the scene?

3 A. What story is that?

4 Q. That two guys just waltz --

5 A. Yes.

6 Q. -- in the house --

7 A. Yes, sir.

8 Q. -- and robbed and shot your cousin?

9 A. Yes, sir. That was the first story, yes, sir.

10 Q. Right. And that's what you stayed with?

11 A. Yes, initially.

12 Q. Until about four o'clock in the morning?

13 A. I don't know exactly what time it was.

14 Q. But at some point they confront you with the
15 facts and you say that you'll write down what really
16 happened?

17 A. Yeah. I say, get my mother and I'll tell you
18 the truth.

19 Q. And that was after many lies; correct?

20 A. It was just one statement, sir.

21 Q. Well, you lied to at least three different
22 people at that point. Four different people.

23 A. Which people did I lie to?

24 Q. The 911 operator.

25 A. I never lied to her.

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Continued Cross-Examination by Mr. Cooper
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1 Q. Well, didn't you just admit that you told her a
2 lie that just two guys randomly walked in the house and
3 shot your cousin?

4 A. I said they --

5 Q. They?

6 A. -- shot my cousin. I never mentioned that they
7 ran in the house.

8 Q. You never mentioned they ran in the house and
9 shot your cousin?

10 A. Not to my knowledge.

11 Q. Okay. But you did tell the 911 operator you
12 didn't know even the race of the people?

13 A. I was under stress, sir. I just saw my cousin
14 get shot. Could you answer that question?

15 Q. I think I would know if they were white or
16 black.

17 A. Under stress?

18 Q. Yes.

19 How long -- y'all had been together since about
20 nine o'clock that night; right?

21 A. Approximately, yes.

22 Q. And the shooting happened about 10:30 that
23 night; right?

24 A. I don't know what time it happened, but, yes,
25 sir.

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1 Q. Well, you had been with these guys for a
2 significant period of time?

3 A. Yes, sir.

4 Q. And you don't know what kind of race they were?

5 A. Under stress, sir, come on. I just saw my
6 cousin got murdered.

7 Q. So you forgot, after your cousin was shot,
8 whether they were white or black?

9 A. Didn't you hear the video? I was under stress,
10 sir.

11 Q. Okay. But you admit that you lied at least to
12 the first officer on scene?

13 A. Yes. The first statement was not the truth.

14 Q. And then the next person who interviewed you in
15 the car, you lied to that person?

16 A. I don't even remember taking the statement in
17 the car, sir.

18 Q. Well, you just said that you wrote a statement.

19 A. At City Hall, yes, I did.

20 Q. Well, I showed you your first statement that you
21 wrote in the car.

22 A. I didn't remember taking that statement in the
23 car.

24 Q. But when you get to City Hall and they interview
25 you --

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1 A. Yes, sir.

2 Q. -- you are willing to admit that initially you
3 lied to officers there?

4 A. Yes, sir.

5 Q. And you admitted to them that you were lying to
6 them?

7 A. Yes, sir.

8 Q. And you changed your story when they confronted
9 you with facts that they knew what they knew?

10 A. Yes, I did.

11 Q. You say that the statement that you wrote was
12 completely true; right?

13 A. Which one?

14 Q. The second one that you wrote at City Hall.

15 A. The second one, yes, sir.

16 Q. And this is the statement that you actually
17 signed; right?

18 A. I signed both statements, sir.

19 Q. Now, I'm handing you a copy of the statement
20 that we started out with; right? That's your handwriting?

21 A. Yes, it is.

22 Q. Will you show me on there where you signed it?

23 A. My signature isn't on this one, sir.

24 Q. So your signature is not on that?

25 A. No, sir.

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1 Q. Okay. Thank you. But that is your signature?

2 A. Yes, it is.

3 Q. Let me have this back real quick. I'm sorry.

4 And today you testified that Chris had been
5 calling you for was it weeks or a couple of days?

6 A. It was about a week, yes, sir.

7 Q. But that's not initially what you wrote down;
8 right?

9 A. How you mean not initially what I wrote down?

10 Q. In your written statement you say, I received a
11 phone call today asking if I could find a quarter pound of
12 marijuana.

13 A. Yeah. That was that day, sir.

14 Q. Well, you omitted that he had been calling you?

15 A. Yes, sir.

16 Q. So I want to go through some of the things that
17 you told the police while you were at the detectives'
18 headquarters. Okay?

19 A. All right.

20 Q. Originally you say: the tall dude had a gun of
21 his own. That's the gun he shot my cousin with, his gun.

22 A. Yes, sir.

23 Q. Originally you didn't say that he shot with both
24 guns?

25 A. No, I did not.

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1 Q. And it was only when the police told you that
2 two guns were fired that that becomes part of your story?

3 A. Say that again, sir.

4 Q. Only after the police confront you with the fact
5 that they know that there are two different types of guns
6 fired doesn't become part of your story?

7 A. That was never part of the story because it's
8 never in there.

9 Q. You just said that originally you testified that
10 the tall dude had a gun of his own --

11 A. Yes, sir.

12 Q. -- and that's the gun that he shot my cousin
13 with --

14 A. That's the gun.

15 Q. -- his gun.

16 A. Yes, sir.

17 Q. It's my understanding that you testified earlier
18 that Mr. Singleton shot with both guns.

19 A. I never said that, sir.

20 Q. You didn't say that earlier --

21 A. Never testified --

22 Q. -- on direct?

23 A. -- he fired with both guns. I said there was
24 more gunshots.

25 Q. Finally, okay, I want to end with some of the

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1 truth. Okay?

2 A. Yes, sir.

3 Q. There was a tussle between Kadrin and Sharrell?

4 A. There was never a tussle, never a tussle, sir.

5 Q. You told detectives that there was a tussle
6 between Kadrin and Sharrell?

7 A. Never said that, sir. That's not how it
8 happened.

9 Q. You never said that?

10 A. No, I did not.

11 Q. At all?

12 A. No, I did not.

13 Q. Today you took an oath to tell the truth, the
14 whole truth, and nothing but the truth?

15 A. Yes, I did.

16 Q. Right?

17 A. Yes, I did.

18 Q. Because the whole truth matters, doesn't it?

19 A. Yes, it does.

20 Q. There's what's called a lie of omission?

21 A. Yes, sir.

22 Q. So if you leave something out that matters,
23 that's a lie?

24 A. It wasn't a tussle, sir.

25 Q. There was no tussle at all?

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Kenneth Fludd
Continued Cross-Examination by Mr. Cooper
January 6, 2015

- 1 A. There was only three people in the house.
2 Q. And you never said that there was a tussle?
3 A. No, I never said that, sir.
4 MR. COOPER: Court's indulgence.
5 THE COURT: Take your time.
6 MR. COOPER: Your Honor, permission to play the
7 video portion of Mr. Fludd's statement to detectives.
8 THE COURT: Any objection at this time?
9 MR. KIDD: No objection.
10 THE COURT: And, counsel, how long is this?
11 MR. COOPER: It's not long, Your Honor.
12 THE COURT: All right. Thank you.
13 [Whereupon, the video plays]
14 [Whereupon, the video is not transcribed by the
15 court reporter]
16 MR. COOPER: All right. Will you play it --
17 will you play it again so that we can all be clear
18 about what he did say?
19 [Whereupon, the video plays]
20 [Whereupon, the video is not transcribed by the
21 court reporter]
22 Q. [Mr. Cooper] So you said they're fist-a-
23 cuffing?
24 A. No. I said it was like a tussle.
25 Q. So you did say that it was like a tussle?

Kenneth Fludd
Continued Cross-Examination by Mr. Cooper
January 6, 2015

1 A. Like a tussle. I didn't say it was a tussle.

2 Q. I mean, but just a minute ago you denied ever
3 saying that at all.

4 A. I said it wasn't a tussle. That's what I said,
5 sir.

6 Q. But it was like a tussle?

7 A. Like a tussle.

8 Q. What's the difference between like a tussle and
9 a tussle?

10 A. It's a difference. If you're grabbing them,
11 that's a tussle. If you're not touching them, it's not a
12 tussle.

13 Q. Okay. So he wasn't touching him?

14 A. No, he was not.

15 Q. But there was an altercation?

16 A. They were face-to-face.

17 Q. Right.

18 A. So if you can call that an altercation, sir.

19 Q. It's like a tussle you're describing in --

20 A. I said it's like a tussle, yes, sir.

21 Q. They didn't actually wrestle?

22 A. No, they did not.

23 Q. Right. Because Sharrell rushed Kadrin?

24 A. How did he rush him?

25 Q. It was like a tussle.

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Kenneth Fludd
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January 6, 2015

1 A. He did not rush him, sir. That's not how it
2 happened.

3 Q. It's like a tussle?

4 A. Like a tussle. He never had a chance.

5 Q. Well, you didn't testify on direct that it was
6 like a tussle, did you?

7 A. I wasn't asked that question.

8 MR. COOPER: Court's indulgence, Your Honor.

9 THE COURT: Take your time.

10 [Whereupon, Mr. Cooper reviews documents]

11 Q. [Mr. Cooper] Now, you said: there's a gun
12 sitting on the bar. I really don't know who it belongs
13 to. The tall guy had a gun of his own. That's the gun he
14 shot my cousin with. The other gun, he just took it along
15 with the weed or whatever it was that was sitting on the
16 counter.

17 You said that?

18 A. Yes, sir.

19 Q. And you said: I'm scared for me because I feel
20 like I'm going to get in trouble for something I didn't
21 even do.

22 A. Exactly.

23 Q. And you asked the officer: am I going to jail.

24 A. Yes, I did.

25 Q. Because you were concerned about going to jail

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1 that night?

2 A. Yes, sir.

3 Q. And you're worried about: why does this shit
4 happen to me.

5 A. Exactly.

6 Q. Everybody rode to the crime scene in your car?

7 A. Yes, sir.

8 Q. Now, you are also not allowed to be around guns;
9 right?

10 A. No, I'm not.

11 Q. Right. And you told the police that?

12 A. Yes, sir.

13 Q. And you were very conscious that they know that
14 you don't mess with guns?

15 A. Exactly.

16 Q. Now, I'm showing you what has been previously
17 marked -- or admitted as State's Exhibit 3. Okay?

18 MR. COOPER: Permission to approach the witness?

19 THE COURT: Yes, sir.

20 [Whereupon, the witness reviews documents]

21 Q. [Mr. Kidd] And as we've already testified, the
22 circle on this is where the -- Chris left his car.

23 A. Yes, sir.

24 Q. And they got into your car there?

25 A. Yes, sir.

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Continued Cross-Examination by Mr. Cooper
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- 1 Q. And then 2364 is the house?
- 2 A. Yes.
- 3 Q. Do you remember the address?
- 4 A. I think that's the address.
- 5 Q. It's on Cambridge?
- 6 A. It would be on this side right here, sir.
- 7 Q. Right about there? Right at Cambridge and
- 8 Aintree [phonetic]?
- 9 A. Yes, sir.
- 10 Q. And you testified that y'all left from out of
- 11 the Pizza Hut parking lot?
- 12 A. Yes, sir.
- 13 MR. COOPER: And if I may hold this up. I don't
- 14 know if y'all can see from where you are or not.
- 15 Q. [Mr. Cooper] And you have to be able to see, as
- 16 well.
- 17 All right. So this right here is where the car
- 18 is left?
- 19 A. Yes, sir.
- 20 Q. And then this right here is Cambridge Avenue?
- 21 A. Yes, sir.
- 22 Q. And the house is about right here?
- 23 A. Yes, sir.
- 24 Q. And then this is the interstate?
- 25 A. I believe that's Cosgrove, sir.

Kenneth Fludd
Continued Cross-Examination by Mr. Cooper
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- 1 Q. Here. To be exact, you can look.
2 A. That's Azalea Drive up here, sir.
3 Q. This is Cosgrove here.
4 A. Okay.
5 Q. And this is Azalea there.
6 A. All right.
7 Q. Right? That's what it says.
8 A. Azalea.
9 Q. And Cosgrove.
10 A. Yes, sir. Yes, sir.
11 Q. So Azalea runs that way --
12 A. Yes, sir.
13 Q. -- and Cosgrove runs that way?
14 A. Yes, sir.
15 Q. And that will make that I-26?
16 A. Yes, sir.
17 Q. So looking at this map, okay, Azalea runs this
18 way to Leeds Avenue?
19 A. Yes, sir.
20 Q. And so Leeds Avenue is somewhere like -- I don't
21 even know if the map is big enough. But it's like,
22 positionally, Pizza Hut would be here on the map?
23 A. Yes, sir.
24 Q. And y'all left from Pizza Hut?
25 A. Yes, sir.

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Continued Cross-Examination by Mr. Cooper
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1. Q. So they're following you?

2. A. Yes, sir.

3. Q. And you know how to get to the house?

4. A. Yes, sir.

5. Q. So to get from Pizza Hut to where y'all leave
6. the car. You drive past Cambridge?

7. A. Yes, sir.

8. Q. And they're following you?

9. A. Yes, sir.

10. Q. So you drive past Cambridge to drop off the cars
11. and then go back?

12. A. Yes, sir.

13. Q. And now you said earlier that there was a
14. disagreement; right?

15. A. Yes, sir.

16. Q. And Kadrin was nervous?

17. A. Yes, sir.

18. Q. And you were saying, why are y'all being little
19. punks?

20. A. Actually, I said bitches. I'm sorry for my
21. language.

22. Q. You said, why are y'all being little bitches?

23. A. Yes, sir.

24. Q. All right. You knew how to get to the house,
25. right --

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Continued Cross-Examination by Mr. Cooper
January 6, 2015

- 1 A. Yes, sir.
- 2 Q. -- on Cambridge?
- 3 A. Yes, sir.
- 4 Q. You were familiar with it?
- 5 A. Yes, sir.
- 6 Q. You didn't have to get directions?
- 7 A. No, I didn't have to get any directions.
- 8 Q. You knew where you were going?
- 9 A. Yes, sir.
- 10 Q. Today you testified that the gun looked like a
- 11 B.B. gun?
- 12 A. Yes, it did.
- 13 Q. But isn't it true that you told the solicitor's
- 14 office that the gun looked like a .9mm?
- 15 A. I never said that, sir. I didn't even know what
- 16 kind of gun it was.
- 17 Q. You did a -- you met with them; right?
- 18 A. Yes, sir.
- 19 Q. You met with them on May 19th of 2014?
- 20 A. I don't know exactly which date it was. I met
- 21 with them several times.
- 22 Q. And you told them probably a .9mm but not too
- 23 sure?
- 24 A. Positive.
- 25 Q. You said positive. What do you mean? Did you

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Continued Cross-Examination by Mr. Cooper
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1 say that or not?

2 A. I probably did, sir.

3 Q. You probably did?

4 A. Yes, sir.

5 Q. Okay. So now you say that you did tell the
6 solicitor's office it looked like a .9mm?

7 A. I said -- yes, sir. Yes.

8 Q. But today you said it looked like a B.B. gun?

9 A. It did look like a B.B. gun. The gun that was
10 on the counter looked like a B.B. gun.

11 Q. I thought that's the gun that you described
12 as a .9mm.

13 A. No, I did not. He asked what kind of gun was on
14 the counter. I said it looked like a B.B. gun.

15 Q. You told the solicitor's office there was a gun
16 on the counter --

17 MR. KIDD: Objection, Judge. Asked and
18 answered.

19 MR. COOPER: This is a different question.

20 THE COURT: Give you a little leeway. Let's
21 move on.

22 MR. COOPER: Yes.

23 Q. [Mr. Cooper] Specifically, the gun that you
24 described as a .9mm, you told the solicitor's office that
25 it was the gun on the counter that looked like a .9mm.

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Continued Cross-Examination by Mr. Cooper
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1 A. I said it looked like a B.B. gun, sir.

2 Q. What does that say?

3 A. It says probably a --

4 MR. KIDD: Objection. What's he showing him?

5 THE COURT: Show Mr. Kidd what you have.

6 MR. COOPER: Yeah.

7 [Whereupon, Mr. Cooper and Mr. Kidd confer]

8 MR. KIDD: Judge, I would still object to asked
9 and answered.

10 THE COURT: Ask your question.

11 Q. [Mr. Cooper] The gun on the counter, when you
12 talked -- specifically the gun on the counter, you told
13 the solicitor's office that it looked like a .9mm?

14 A. I said probably a .9mm.

15 Q. Okay. Said probably a .9mm?

16 A. Yes, sir.

17 Q. The B.B. gun thing is totally new today?

18 A. How is that new? I was saying that --

19 Q. You haven't told that to anybody else before
20 today.

21 A. I was saying that since day one, sir. That's
22 the first thing I said when I walked in the house, what
23 are you doing with that B.B. gun on the counter. I just
24 testified to that earlier.

25 Q. So you told the police that the gun was like a

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1 B.B. gun?

2 A. The police never asked about the gun. I don't
3 remember them asking about it.

4 Q. So you didn't tell the police? They didn't ask
5 you, or you didn't tell them?

6 A. I didn't remember -- I don't remember telling
7 them anything about the gun, sir.

8 Q. Okay. Chris is -- you testified Chris is your
9 cousin; right?

10 A. Yes, sir.

11 Q. You know -- you're close to Chris' dad?

12 A. Yes, sir.

13 Q. Because he was worried about you finding out --
14 or you telling his dad that he was selling marijuana?

15 A. Yes, sir.

16 Q. Now, you testified today that after you heard
17 the shots, you dropped to the ground?

18 A. Yes, sir.

19 Q. Were you on your stomach or on your back?

20 A. My back was up against the bar, sir.

21 Q. So you were sort of like on your side up against
22 that -- the back of the kitchen?

23 A. Yes, sir. My back is like right here
24 [indicates].

25 Q. And then you said that Kadrin asked for your

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1 keys?

2 A. Yes, sir.

3 Q. So how did you get your keys to Kadrin?

4 A. Over the counter, sir.

5 Q. Well, I mean, you're dropped to the ground. Are
6 your keys not in your pockets?

7 A. No, sir.

8 Q. You had your keys in your hand the whole time?

9 A. We was about to leave. So after they was going
10 to get the drugs, we was going to leave. So after I came
11 out of the bathroom, why not have the keys in my hand?

12 Q. Okay. Now, today you also testified that you
13 called 911 immediately?

14 A. Yes, I did.

15 I tried to call immediately but I didn't have
16 service in the house.

17 Q. But when you met with the solicitor's office,
18 you told them that you waited ten to fifteen minutes to
19 call the police.

20 A. It felt like ten or fifteen minutes, sir.

21 Q. Okay. But that is what you said initially?

22 A. Yes, I did.

23 MR. COOPER: Court's indulgence, Your Honor.

24 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

25 MR. COOPER: Real quick, Mr. Fludd.

Kenneth Fludd
Continued Cross-Examination by Mr. Cooper
January 6, 2015

1 Q. [Mr. Cooper] The house at Cambridge, that's a
2 trap house; right?

3 A. I can't answer that, sir. I -- you know, I
4 don't know.

5 Q. There's no beds in that house?

6 A. I'm not too sure, sir. I didn't go in there and
7 look around.

8 Q. Did you see a bed?

9 A. I did not go in there and look around, sir.

10 Q. Does anybody live in that house that you know
11 of?

12 A. Not to my knowledge.

13 Q. All right. And there's a bunch of drugs in that
14 house?

15 A. I can't answer that question for you, either,
16 sir.

17 Q. Well, there was a bunch of marijuana that you
18 saw.

19 A. I just saw a bag of marijuana, sir. I can't
20 answer if it was a bunch.

21 Q. It was a large bag of marijuana; right?

22 A. Yes, sir.

23 Q. When you met with police, you described the bag
24 of marijuana as like a sheet of paper?

25 A. Say that again.

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Continued Cross-Examination by Mr. Cooper
January 6, 2015

1 Q. When you met with police, you described the bag
2 of marijuana like a sheet of paper?

3 A. I don't remember saying that, either, sir.

4 Q. But it was at least a quarter pound of
5 marijuana?

6 A. Yes, sir.

7 Q. When you first talked to the officer and you
8 wrote your first statement, you said -- they asked you
9 where Sharrell works and lives; right?

10 A. I don't remember them asking me that, either,
11 sir.

12 Q. This is that written statement that you said is
13 your handwriting; right?

14 A. Yes, sir.

15 Q. It says, right here --

16 A. Yes, sir.

17 Q. Can you read that?

18 A. It says: where does Sharrell work and live.

19 Q. You don't have to read it out loud. Just to
20 yourself, see if you remember.

21 A. Yes, sir.

22 Q. Okay. You remember?

23 A. Yes, sir.

24 Q. And you told them: your guess is as good as
25 mine.

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1 A. Yes, sir.

2 Q. And you also told them that you and Sharrell
3 didn't plan on meeting at the house?

4 A. Say that again.

5 Q. You also told them that you didn't plan on
6 meeting at the house?

7 A. Where else were we going to meet at?

8 Q. Well, I don't know. You just said that --

9 [Whereupon, the witness reviews documents]

10 A. That doesn't really even answer the question.

11 Q. [Mr. Cooper] It does say no right there?

12 A. Yeah.

13 Initially, he ordered some pizzas, sir, so that
14 really doesn't answer the question.

15 Q. So you did plan to meet at the house?

16 A. That's after the fact.

17 Q. Because you brokered the drug transaction?

18 A. Yes, sir.

19 MR. COOPER: Thank you.

20 THE COURT: Mr. Kidd?

21 MR. KIDD: I'll be brief.

22

23

24

25

Kenneth Fludd
Redirect Examination by Mr. Kidd
January 6, 2015

REDIRECT EXAMINATION

BY MR. KIDD:

Q. Mr. Fludd --

A. Yes, sir.

Q. -- it seems like forever, but I'm going to talk a little bit about something that Mr. Cooper said to you early on. He alluded to you serving time in prison?

A. Yes, sir.

Q. Have you ever been to prison?

A. No, sir.

Q. Okay. So you have, what, two misdemeanor convictions?

A. Yes. One.

Q. One?

A. Yes, sir.

Q. What did you get for that? Probation?

A. Yes, sir. A year of probation.

Q. One year of probation. All right.

Now, as to your statements, I want to get -- you were with law enforcement for a long time that night; is that fair to say?

A. I was at City Hall for a day.

Q. For a day?

A. Yes, sir.

Q. And so there was a lot of talking with

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1 detectives going on?

2 A. Yes, sir.

3 Q. Right?

4 And so it's not too far-fetched that you
5 wouldn't remember every word that was said to every
6 detective?

7 A. No, sir.

8 Q. But I do want to be clear about one thing, and
9 that is that first statement that he kept referring to,
10 and the one you admitted was not accurate.

11 A. Yes.

12 Q. What time did you give that statement to police?
13 Do you see it up there on the top?

14 A. It says approximately 10:45.

15 Q. No, no. That's the --

16 A. Wait a minute.

17 Q. That's the time of the shooting. It should
18 be --

19 A. Oh. It's at 11:07, sir.

20 Q. 11:07?

21 A. Yes, sir.

22 Q. So the first statement which you admit was a lie
23 was at 11:07 p.m.?

24 A. Yes, sir.

25 Q. The night of the shooting?

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1 A. Yes, sir.

2 Q. So approximately twenty minutes after the
3 shooting?

4 A. Yes, sir.

5 Q. And then when you sort of reduced everything
6 into writing again for officers, what time was that?

7 A. 4:00 a.m.

8 Q. 4:00 a.m.?

9 A. Yes.

10 Q. So that's, you know, a pretty good bit of
11 time --

12 A. Yes.

13 Q. -- later?

14 Okay. And just so the jury understands, while
15 you did leave some things out from the first statement --

16 A. Yes, sir.

17 Q. -- can you tell them why?

18 A. It was more or less, you know, to cover up for
19 my cousin and, you know, just basically to cover myself
20 because I didn't want my family to think that I had
21 anything to do with it.

22 Q. So you were trying to protect yourself?

23 A. Yes, sir.

24 Q. And your cousin in some way?

25 A. Yes, sir.

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1 Q. And then what was it that made you change your
2 mind and say, I need to lay all my cards on the table?

3 A. That's my cousin, man. Ultimately, I've got to
4 tell the truth about it.

5 Q. And from that 4:00 a.m. statement and from
6 after, you know, hours of being recorded and talking to
7 detectives and laying it all out there, was that a hundred
8 percent the truth?

9 A. Yes, sir.

10 Q. And everything you testified in our direct
11 examination, was that truthful?

12 A. Yes, sir.

13 Q. And the defense attorney also made kind of a big
14 deal about that 911 call.

15 A. Yes, sir.

16 Q. And I don't want to characterize this wrong, so
17 make sure I'm saying this correctly. It was my
18 understanding that you were --

19 MR. COOPER: Leading.

20 THE COURT: Let him finish the question.

21 Q. [Mr. Kidd] How did you feel, what emotions were
22 you going through, when you made the 911 call?

23 A. I was scared, sir.

24 Q. Were you concerned about answering every
25 specific question?

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1 A. No, I was not. I was just trying to get them to
2 come immediately.

3 Q. You just wanted the police to come?

4 A. Yes, sir.

5 My cousin said he was dying, so that's all I was
6 worried about.

7 Q. So when the 911 operator asked you what the race
8 of the shooters were, were you concerned about answering
9 that question?

10 A. No, I was not.

11 Q. You just wanted the police to come?

12 A. Yes, sir.

13 Q. And I want to talk about that like a tussle clip
14 that they played there. When you came out of the restroom
15 and --

16 A. Yes, sir.

17 Q. -- you're standing there in that little kitchen
18 area, as we talked about --

19 A. Yes, sir.

20 Q. -- earlier, how were Sharrell and the defendant
21 standing in that area?

22 A. They were almost face-to-face, sir.

23 Q. Almost face-to-face?

24 A. Yes, sir.

25 Q. How much space would you say was between them?

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1 A. I'd say about -- not too much. I can't really,
2 you know, determine it but --

3 Q. I mean, from me to you here? Closer?

4 A. Probably a little bit more. About right there.

5 Q. About right here? Say three or four feet?

6 A. Yes, sir.

7 Q. So they're standing three or four feet apart.

8 And what's the first thing you hear him say?

9 A. Give it up.

10 Q. When he says give it up, what did that mean to
11 you?

12 A. We started laughing because we thought it was a
13 joke, so --

14 Q. What did Sharrell do when he said give it up?

15 A. We were laughing at that time, sir.

16 Q. Just laughing?

17 A. Yes, sir.

18 Q. And what happens next?

19 A. And that's when the gunshot goes off.

20 Q. But there's something that happened before that.

21 Did you see him pull the gun out?

22 A. Yeah. He's got his hands back. He's like give
23 it up. So, you know, we was laughing like, you know, give
24 it up? And after that, we heard the gunshot.

25 Q. But did you see him pull --

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1. A. Yes, sir.

2. Q. -- the gun out?

3. A. Yes, sir.

4. Q. When he pulled the gun out, did Sharrell do
5 anything?

6. A. He didn't have time to do anything, sir.

7. Q. He didn't have time to do anything?

8. A. No, he did not.

9. Q. He just pulled the gun out and shot right away?

10. A. Yes, sir.

11. Q. Did they ever make physical contact with one
12 another --

13. A. No, sir.

14. Q. -- in any way?

15. A. No, sir.

16. Q. No one got punched?

17. A. No, sir.

18. Q. No one got bear-hugged --

19. A. No, sir.

20. Q. -- tasseled --

21. A. No, sir.

22. Q. Nothing like that?

23. A. No, sir.

24. Q. And when he talked about ten to fifteen minutes
25 before calling 911 -- I realize time is difficult. But

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1 from a relation in time, where were you when you called
2 911?

3 A. I was walking towards Azalea Drive.

4 Q. So when you came out of the house?

5 A. Yes, sir.

6 I went to the left, because Azalea is to the
7 left of the house. So I was walking up the sidewalk
8 dialing 911.

9 Q. So was that immediately as you exited the house?

10 A. It's like it happened so fast, it felt like ten
11 to fifteen. But it was almost immediately.

12 Q. Well, I guess that's what I'm trying to get out.
13 Was that ten to fifteen minutes you're referring to while
14 you were still inside the house?

15 A. Yes, sir, I was in the house at that time.

16 Q. So basically as soon as the shooting happened,
17 you didn't exit the house that second?

18 A. No, I did not.

19 Q. Why did you stay in the house?

20 A. Just like I said, I was scared, you know. I
21 just wanted to make sure they were already gone.

22 Q. So you wanted to make sure he wasn't outside
23 with the guns --

24 A. Yes.

25 MR. COOPER: Objection.

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1 THE COURT: Sustained as to leading.

2 Q. [Mr. Kidd] So why didn't you want to go outside
3 the house immediately?

4 A. Because he just shot my cousin. You know, I --
5 so I didn't want --

6 Q. How did you feel?

7 A. How did I feel about him shooting my cousin?

8 Q. Well, no. I mean, how did you feel? Like why
9 didn't you want to go outside?

10 A. Well, I was scared for my life.

11 Q. So you were scared?

12 A. You know, I pleaded for him not to shoot me
13 already.

14 Q. And so the purpose of waiting an extra period of
15 time before going outside was for what?

16 A. To make sure that he was gone.

17 Q. To make sure they had left?

18 A. Yes, sir.

19 Q. So you waited. And how long did it feel like
20 you were waiting before you walked outside?

21 A. It felt like forever, man. Like ten to fifteen,
22 twenty minutes or so.

23 Q. And in tense situations, does time slow down for
24 you?

25 A. Yes, sir.

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1 Q. And so what could have been seconds felt longer?

2 A. Yes, sir.

3 Q. And you don't know for sure what caliber gun was
4 on the counter?

5 MR. COOPER: Objection. Leading again.

6 Q. [Mr. Kidd] Do you know what caliber gun was on
7 the counter?

8 A. No, I did not.

9 Q. Do you know what caliber gun shot Sharrell?

10 A. No, I do not.

11 MR. KIDD: I don't have any further questions.

12 THE COURT: Mr. Cooper?

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Kenny Fludd
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January 6, 2015

RECROSS-EXAMINATION

BY MR. COOPER:

Q. You did tell the police that it was like a
tussle, correct?

A. Yes, sir.

MR. COOPER: Okay. That's all I have, Your
Honor.

THE COURT: You may step down. Thank you.

[Whereupon, Mr. Fludd is excused and exits the
witness stand]

THE COURT: Call your next witness.

MR. KIDD: Thank you, Your Honor.

If we can excuse him with subject to recall?

THE COURT: All right. You're free to go.

THE WITNESS: All right. Thank you.

THE COURT: You're still under subpoena in case
we need you to come back.

THE WITNESS: All right.

MR. KIDD: The State calls Detective Hughes.

[Whereupon, Mr. Hughes comes forward]

THE CLERK OF COURT: Left hand here, sir. Raise
your right.

[Whereupon, Mr. Hughes is duly sworn by the
clerk of court as follows: do you swear or affirm the
testimony you will give the Court and the jury in the

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1 trial of this case will be the truth, the whole truth,
2 and nothing but the truth, so help you God]

3 THE WITNESS: I do.

4 THE CLERK OF COURT: You may be seated. Sir,
5 once seated, if you could please state your first and
6 last name. Spell your last loudly and clearly into
7 the microphone. And you can adjust that as you need
8 to.

9 [Whereupon, Mr. Hughes takes the witness stand]

10 THE WITNESS: My name is Matthew Ryan Hughes.
11 My last name is H-U-G-H-E-S.

12 THE COURT: Mr. Kidd?

13 MR. KIDD: Thank you, Your Honor. May it please
14 the Court.

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MATTHEW HUGHES,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Detective Hughes, could you tell the jury a little bit of where you're employed?

A. I'm employed with the City of North Charleston Police Department.

Q. And can you tell them what your current duties are at the City of North Charleston are?

A. I'm currently assigned as a supervisor of the special operations narcotics unit.

Q. In 2012, what were your duties with North Charleston?

A. I was assigned to the persons crime unit.

Q. And what are -- what's the persons crime unit?

A. Any violent crime against a person. Homicide, aggravated assault, anything along those lines.

Q. So would that kind -- like kind of be what a layperson would think of as like a detective unit?

A. Oh. Yes, sir, it is a detective unit.

Q. So y'all investigator serious crimes?

A. Yes, sir.

Q. And that's what your job was in November of

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1 2012?

2 A. Yes, sir.

3 Q. And you -- what were your duties in regards to
4 this case?

5 A. I was called the evening of. When I arrived, I
6 was notified shortly thereafter that this would be my
7 investigation to handle.

8 Q. So you were the lead detective on this case?

9 A. Yes, sir.

10 Q. And as lead detective, what do those
11 responsibilities sort of entail?

12 A. Everything from the beginning of the crime scene
13 handling through suspect identification and prosecution.

14 Q. And so while you do a lot of things yourself,
15 you also direct a lot of people --

16 A. Yes, sir.

17 Q. -- sort of to do a lot of other things?

18 A. Yes, sir.

19 Q. Is that fair to say?

20 A. Yes, sir.

21 Q. So just to kind of start from the beginning to
22 help walk the jury through the process in an
23 investigation: did you respond to the crime scene that
24 night?

25 A. I did.

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1 Q. And do you remember about what time you
2 responded?

3 A. It would have been close to midnight.

4 Q. So pretty well after the actual shooting itself?

5 A. Yes, sir.

6 I was at home. Working 9:00 to 5:00 that day,
7 so I was at home for several hours before this incident
8 happened.

9 Q. So are you sort of like on call? Is that how
10 that works?

11 A. Yes, sir. Yes, sir.

12 Q. So if there's a homicide, then you get called
13 out?

14 A. Yes, sir. If it's my turn to go, then we're
15 called out.

16 Q. All right. So you were off. You get called out
17 and you respond to the scene. Could you tell the jury a
18 little bit about how that process takes place and what
19 happens in a crime scene investigation?

20 A. Typically, when you're notified it's relatively
21 quickly after the incident has happened if you're not at
22 work when it happens. You respond to the incident
23 location. Start from the beginning identifying witnesses
24 or suspects right there on the scene. That's what we did
25 this night, began looking for witnesses right there and

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1 then, kind of getting an idea of what the crime scene
2 looked like, what it would be.

3 Q. So crime scene techs come out?

4 A. Yes, sir.

5 Q. Is that fair to say? And what do they do?

6 A. Photograph everything from tire tracks to hair
7 fibers to anything -- anything of any evidentiary value.

8 Q. And then they process the scene for other
9 evidence, too?

10 A. Yes, sir.

11 Q. Do they take fingerprints?

12 A. Fingerprints, dust for fingerprints. Swab for
13 DNA.

14 Q. And they did all those things in this case?

15 A. Yes, sir.

16 Q. And you had one special witness on scene
17 already: Mr. Fludd. Is that correct?

18 A. Yes.

19 When I -- by the time I arrived, Mr. Fludd had
20 been transported from the scene. I didn't see Mr. Fludd
21 on the scene.

22 Q. Okay. So where was he taken?

23 A. He was taken to City Hall.

24 Q. City Hall.

25 Okay. So you're at the original crime scene.

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1 Does that ever shift over to Mr. Fludd's vehicle?

2 A. Yes, sir, it did.

3 Q. Was that sort of kind of right around the same
4 time?

5 A. Yes, sir.

6 Q. And so that vehicle would have been processed,
7 as well?

8 A. Yes, sir, it was.

9 Q. At some point, did you have the opportunity to
10 go back and meet with Mr. Fludd?

11 A. Yes, sir.

12 Q. And can you kind of walk the jury through the
13 process of developing suspects and how you go from there?

14 A. Yes, sir.

15 Typically -- and I'll use this case as an
16 example -- you begin speaking with witnesses or suspects,
17 any victims in any other case. And it's you usually want
18 to start with somebody that they know and start working
19 from there. It makes it easier. It makes them more
20 comfortable to talk about it.

21 In this case it was easy because it was -- one
22 of the people was somebody he knew. So you start from
23 there and just work your way up phone numbers from this
24 person, find out who that person has called, and you work
25 your way up the ladder from there.

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1 Q. And through meeting with Mr. Fludd, were you
2 able to identify Mr. Felder as a suspect?

3 A. Yes, sir.

4 Q. And that was through information provided you to
5 by -- provided to you by Mr. Fludd?

6 A. Yes, sir.

7 Q. And so once Mr. Felder was identified as a
8 suspect, what did y'all try to do to find him?

9 A. We worked through some phone services and with
10 the Summerville Police Department. Once we identified
11 Mr. Felder as a resident of Summerville, I got with the
12 Summerville Police Department and began a search for
13 Mr. Felder in the Summerville area.

14 Q. So you learned that Mr. Chris -- and that's
15 Chris, Chris Felder --

16 A. Yes, sir.

17 Q. -- was a resident of Summerville, so y'all
18 started looking for him?

19 A. Yes, sir.

20 Q. When did y'all find Mr. Felder?

21 A. The following day. Late in the afternoon the
22 following day.

23 Q. And when you found Mr. Felder, what did y'all
24 do?

25 A. The Summerville Police Department found him in a

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1 drive-through of a fast-food restaurant, took him into
2 custody, and we picked him up and transported him to City
3 Hall to our detective bay.

4 Q. And was it through it Mr. Felder that -- well,
5 before you get there. At that point, did you have any
6 suspects in this crime?

7 A. Mr. Felder.

8 Q. Mr. Felder was the only one at that time?

9 A. At the time.

10 We obviously knew there was another one,
11 unnamed, at that time. But the only named suspect we had
12 at that moment was Chris Felder.

13 Q. Because Mr. Fludd was unable to put a name on
14 the other individual?

15 A. Correct. He had said several times he didn't
16 know him.

17 Q. But he knew Mr. Felder?

18 A. Yes, sir.

19 Q. And so based on knowing Mr. Felder, did you then
20 start looking at other individuals?

21 A. Yes, sir.

22 Q. And what sort of steps did you take to do that?

23 A. Again, we'll go through -- phones have been good
24 for us. We go through phones: recent phone calls, text
25 messages, facebook, things like that. Facebook and recent

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1 phones -- recent phone calls and text messages were the
2 key that night.

3 Q. So basically -- and I guess to sum that up I you
4 look at sort of known contacts of Mr. Felder to see who
5 might have been with them?

6 A. Yes, sir.

7 Q. Is that kind of a fair summary?

8 A. Yes, sir.

9 Q. And so during that process, did you develop any
10 suspects? Or not really suspects, but people of interest
11 that you might think could have been with them that night?

12 A. Yes, sir.

13 At the time of Chris Felder's interview, he had
14 mentioned -- and Mr. Fludd, that they had both mentioned
15 the appearance of the second unknown person was a taller
16 African American male with a high haircut that was cut
17 clean on the sides but high on the top. So having not
18 much more to go on, that's where I started looking for
19 with Mr. Felder's associates with someone who would match
20 that description.

21 Q. And I guess before Mr. Felder identified
22 Mr. Singleton as a suspect, you put together a line-up
23 for Mr. Fludd?

24 A. Yes, sir.

25 Q. And did it have the defendant's photograph in

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1. it?

2. A. The first one did not.

3. Q. So the first photographic line-up showed to
4. Mr. Fludd did not?

5. A. No, it did not.

6. MR. KIDD: Apologize. I need to mark these, as
7. well.

8. [Whereupon, State's Exhibit Number 16 is marked
9. by the court reporter]

10. [Whereupon, State's Exhibit Number 17 is marked
11. by the court reporter]

12. MR. COOPER: May we approach, Your Honor?

13. THE COURT: You may.

14. [Whereupon, an off-the-record bench conference
15. is held]

16. Q. [Mr. Kidd] Detective Hughes, I'm going to show
17. you what's been marked as State's Exhibit 16 and 17. And
18. 16 has a back, too. See if you recognize those two.

19. [Whereupon, the witness reviews documents]

20. A. Yes, sir. This is a line-up that I created.

21. Q. [Mr. Kidd] So that's a line-up that you put
22. together to show Mr. Fludd?

23. A. Yes, sir.

24. Q. And does it have the time in which Mr. Fludd was
25. shown that line-up?

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1 A. 1809. Yes, 1809. 6:09 p.m.

2 Q. What date?

3 A. November 21st.

4 Q. So this is -- and just so -- 1809 is 6:09 in the
5 morning?

6 A. 6:09 p.m.

7 Q. P.m. Excuse me, sir. P.m. So this is the day
8 after the shooting?

9 A. Yes, sir.

10 Q. Still at city -- still at City Hall?

11 A. No. He was at the Al Cannon Detention Center at
12 this time.

13 Q. At the detention center at this time. So this
14 is six o'clock at night.

15 Does this -- and this is the line-up that you
16 had shown to him, the first one?

17 A. Yes, sir.

18 Q. The first one.

19 A. I had to show him --

20 MR. KIDD: At this time, the State would offer
21 16 and 17 into evidence.

22 THE COURT: Any objection?

23 MR. COOPER: Briefly --

24 THE COURT: Pursuant to your previous --

25 MR. COOPER: Yes, ma'am.

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1 THE COURT: -- previous --

2 MR. COOPER: Previous objection --

3 THE COURT: -- previous objection in a previous
4 hearing.

5 State's 16 and 17 into evidence with -- over
6 your objection.

7 [Whereupon, State's Exhibit Number 16 is
8 admitted into evidence by the Court]

9 [Whereupon, State's Exhibit Number 17 is
10 admitted into evidence by the Court]

11 Q. [Mr. Kidd] And so just to be clear, the
12 defendant is not one of the people in that line-up?

13 A. No, sir.

14 Q. And was Mr. Fludd able to make a positive
15 identification out of that line-up?

16 A. No, sir.

17 Q. And that's all I want to get out of that.

18 But did you have a person of interest that you
19 put in this?

20 A. I did.

21 Q. And was that person a known associate of
22 Mr. Felder?

23 A. Yeah.

24 He's a known associate of Mr. Felder and
25 Mr. Singleton.

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1 Q. And so it was just sort of almost like a shot in
2 the dark like maybe this is the guy that was with Chris
3 that night?

4 A. Yes, sir.

5 Q. And I just wanted to be clear about that.

6 And then, subsequently, I guess it was about two
7 months later, I'm going to show you what's been marked and
8 entered into evidence as State's Exhibit 14 and 15. Do
9 you recognize those?

10 A. I do.

11 Q. And did you put that line-up together, as well?

12 A. I did.

13 Q. And another one was shown to Mr. Fludd, as well?

14 A. Yes, sir.

15 Q. And that line-up contained Mr. Singleton?

16 A. It does.

17 Q. And Mr. Fludd was able to make a positive
18 identification?

19 A. He did.

20 Q. And who did he pick?

21 A. He picked number 4, the defendant.

22 Q. That's Mr. Singleton?

23 A. Yes, sir.

24 Q. Did he state how sure he was that was him?

25 A. 150 percent sure.

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1 Q. Thank you. All right. So --

2 MR. COOPER: Your Honor, I apologize. I renew
3 my pretrial objection.

4 THE COURT: All right. It's noted for the
5 record. Thank you.

6 MR. COOPER: Yes, ma'am.

7 Q. [Mr. Kidd] All right. So now that we have --
8 and I probably jumped ahead of myself a little bit with
9 that stuff from the line-up. But just to get back to sort
10 of the course of the investigation. Now that Mr. Felder
11 is in custody, do you then interview him?

12 A. Yes, sir.

13 Q. And that's how you obtained Mr. Singleton as a
14 person of interest --

15 A. Yes, sir.

16 Q. -- or as a suspect?

17 A. Yes, sir.

18 Q. And then that's how you put him in the line-up
19 for Mr. Fludd?

20 A. Yes, sir.

21 Q. Now, through those interviews, were you also
22 able to gain telephone numbers of those persons of
23 interest?

24 A. Yes, sir.

25 Q. So, for example, were you able to get

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1 Mr. Felder's phone number?

2 A. Yes, sir.

3 Q. Who did you get it from?

4 A. I got Mr. Chris Felder's phone number initially
5 from Kenneth --

6 Q. From Mr. Fludd?

7 A. Yes, sir.

8 Q. So from Kenny Fludd you get Chris Felder's
9 number.

10 Did you get Kenny Fludd's number?

11 A. Yes, sir. I got it from him.

12 Q. From him?

13 A. Yes, sir.

14 Q. And just to show the progress of the
15 investigation. So you meet with Mr. Fludd. You get his
16 number.

17 A. Yes, sir.

18 Q. He gives you Chris Felder's number?

19 A. Yes, sir.

20 Q. And then you meet with Mr. Felder. Are you able
21 to get the defendant's number from Mr. Felder?

22 A. I did.

23 Q. And based on having that information, did you
24 get search warrants for cell phone records for those
25 telephone numbers?

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1 A. Yes, sir, I did.

2 Q. Specifically, for Mr. Felder and Mr. Singleton's
3 records?

4 A. Yes, sir, I did.

5 Q. Do you have a lot of narcotics experience?

6 A. Yes, sir.

7 I've been at North Charleston for fourteen years
8 and about ten of those fourteen have been working in
9 drugs.

10 Q. Do you know what a zone is?

11 A. Yes, sir.

12 A zone is a street reference for an ounce of
13 drugs.

14 Q. Do you recall the night that Mr. Singleton was
15 arrested?

16 A. Yes, sir.

17 Q. And do you recall requesting the jail phone
18 calls from --

19 A. Yes, sir.

20 Q. -- can you tell the jury what that is, what's
21 that process?

22 A. Anytime anyone is arrested -- in several jails
23 in the local area, but the Al Cannon Detention Center,
24 specifically, they're assigned a number and they'll use
25 that number to make phone calls, outgoing phone calls.

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1 And it lets them know at the beginning, and anyone else,
2 that the phone call will be recorded. So after a period
3 of time, typically what we'll do is go back with a search
4 warrant, request recordings of those phone calls and use
5 them for evidence.

6 Q. And did you do that in this case?

7 A. I did.

8 Q. On Mr. Singleton?

9 A. Yes, sir.

10 Q. And so basically -- or to summarize what you
11 said, the people lodged in the detention center are given
12 a pin number, I guess?

13 A. Yes.

14 Q. So anytime they make a phone call, they have to
15 put in a pin number?

16 A. Yes, sir.

17 Q. And it will record their conversations and tie
18 it to them?

19 A. Unless they get someone else's pin. But, yes,
20 sir, that's the idea behind it.

21 Q. And you retrieved a phone call of Mr. Singleton?

22 MR. COOPER: Objection. Leading.

23 THE COURT: -Basis?

24 MR. COOPER: For leading.

25 THE COURT: Mr. Kidd, watch your leading

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1 questions. But I'm assuming you're just doing the
2 leading to get to the meat of the case.

3 MR. KIDD: In the interest --

4 THE COURT: Thank you.

5 MR. KIDD: In the interest of time, yes, ma'am.

6 And then I'll leave it alone there. I just
7 wanted to --

8 Court's indulgence for one moment.

9 THE COURT: Take your time.

10 [Whereupon, Mr. Kidd reviews documents]

11 Q. [Mr. Kidd] I want to ask you a little bit about
12 the FBI surveillance video. Were you aware that there was
13 I guess sort of a joint -- maybe might call it a joint
14 investigation between North Charleston and the FBI at that
15 Cambridge residence?

16 A. Yes, sir.

17 Q. Can you tell the jury a little bit about the
18 nature of that investigation or whatever you know about
19 it?

20 A. It was a drug investigation specifically for
21 several certain targets within that community. And some
22 of the targets, not including the deceased, other targets
23 that were known to come in that house from time to time,
24 were targets and therefore there was a surveillance camera
25 positioned on that specific residence.

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1 Q. The deceased, Sharrell Williams, was he a target
2 of that investigation?

3 A. No, sir.

4 Q. Do you know who was?

5 A. I know -- there are -- there are several.

6 Q. There are several?

7 A. There's approximately fifty targets.

8 Q. How many?

9 A. Fifty.

10 Q. Fifty?

11 A. Not specifically for that house, but it's in --
12 it's a neighborhood-type issue, so there are approximately
13 fifty out of the two neighborhoods.

14 Q. So it's a large volume?

15 A. Yes, sir.

16 Q. And how is that -- without going into too much
17 detail, how was that camera positioned? How does that
18 work? Does it store remotely, does it store in --

19 A. It's stored -- does not store anything
20 internally. It's just the actual camera itself and its
21 brain. But it does transmit out.

22 And that specific camera was stored in the
23 Columbia office. The data was stored in Columbia.

24 Q. So there's this camera up that's trained on this
25 house, and then whatever recordings are stored in an FBI

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1 office in Columbia?

2 A. Yes, sir.

3 That way, if someone were to find it, they would
4 have no way of reviewing what had been recorded on what
5 they found.

6 Q. When was the first time that you were able to
7 view this surveillance video of the house of that evening?

8 A. The morning after. The morning after the
9 incident.

10 Q. The morning after the murder?

11 A. Yes, sir.

12 Q. Did you tell any of the witnesses you were
13 interviewing about that camera?

14 A. Absolutely not.

15 Q. So is that a tactic that you could use to judge
16 voracity?

17 A. Yes, sir.

18 Q. In what way?

19 A. I already know the answer, basically. Like in
20 that case, I could watch a video and then ask somebody who
21 was there, who I know was there, who's admitting they were
22 there, what happened and then base their response to that
23 on what I've seen on video.

24 Q. And I guess that's kind of a common tactic for
25 police interrogation and investigation is ask questions

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1. you already know the answer to?

2. A. Yes, sir.

3. Q. And you did that in this case?

4. A. I did."

5. Q. And you conducted the interview with Mr. Fludd?

6. A. Yes, sir.

7. Q. And did you use that tactic in that regard?

8. A. I did.

9. Q. And you conducted an interview of Mr. Felder?

10. A. I did.

11. Q. And did you use that tactic in that regard?

12. A. I did.

13. Q. Did you ever disclose to them that that video
14. existed?

15. A. Never.

16. Q. In the course of the investigation, did you
17. learn that two firearms were used to shoot the victim?

18. A. Yes, sir.

19. Q. How was that done? Or how did that conclusion
20. -- how did you reach that conclusion?

21. A. The night of, we believed it to be a -- was
22. going to be the case because we recovered shell casings
23. from two calibers there at the scene, and then it was
24. confirmed after his autopsy.

25. Q. What were the two different calibers of shell

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1. casings?

2. A. To be quite honest with you, I don't recall.

3. Q. But those would have been collected by the crime
4. scene tech that you referred --

5. A. Yes, sir.

6. Q. -- to earlier?

7. A. Yes, sir.

8. Q. Do you know a Kenny B?

9. A. I do.

10. Q. How is he related in this case?

11. A. Kenny B was someone that I identified through
12. the very early stages just on my conversations with
13. Mr. Fludd and Mr. Felder. And using facebook, like I
14. mentioned earlier, I found Kenny B to be an associate of
15. the defendant and Mr. Felder. Found him on facebook and
16. he, at the time, matched the description of someone I
17. might be looking for.

18. Q. Did you take steps to locate him?

19. A. I did.

20. Q. What sort of things did you do?

21. A. Similar to the way we found Chris Felder. Got
22. with Summerville Police Department, who was familiar with
23. Mr. Felder, Mr. Singleton and Kenny B. They showed us
24. typical places where they'll find them when they are
25. looking for them, known hangouts for them. We conducted

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1 surveillance, sent officer along with the Summerville
2 Police Department to try and knock on doors and see if
3 these guys were inside.

4 [Whereupon, State's Exhibit Number 18 is marked
5 by the court reporter]

6 Q. [Mr. Kidd] Detective Hughes, I'm going to show
7 you what's been marked as State's Exhibit Number 18. Do
8 you recognize what those documents are?

9 A. Yes, sir.

10 Q. And I just wanted you to see that.

11 Do you know exactly what time police arrived to
12 the Cambridge residence?

13 A. It would be in here. I believe it was -- it was
14 about 10:45 or maybe -- the first unit arrived at 10:49.

15 Q. 10:49?

16 A. Yes, sir.

17 Q. The first unit arrived at 10:49?

18 A. Yes, sir..

19 Q. Were you able to -- are you able to tell what
20 time the first call came out?

21 A. Yes, sir.

22 The phone picked up at 2245, which is
23 10:45 p.m.

24 Q. So police responded in approximately four
25 minutes?

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1 A. Yeah.

2 That's from the time the first unit was assigned
3 at 10:47. So it was assigned at 247 [phonetic], the first
4 unit arrived at 10:49.

5 Q. So call at 10:45, they get a unit assigned to
6 respond by 10:47, it's there by 10:49?

7 A. Yes, sir.

8 Q. So from the initial 911 call until the police
9 arrived is four minutes?

10 A. Yes, sir.

11 Q. Now, you testified earlier you've seen that
12 surveillance video.

13 A. Yes, sir.

14 Q. Is that correct?

15 I'm going to show you just one quick segment
16 that's been entered into evidence as State's Exhibit
17 Number 2.

18 [Whereupon, State's Exhibit Number 2, CD, plays]

19 [Whereupon, State's Exhibit Number 2, CD, is not
20 transcribed by the court reporter]

21 Q. [Mr. Kidd] Detective Hughes, I just want to --
22 I don't even need to play it. I just want to clear
23 something up.

24 Do you see the ticker on the top?

25 A. Yes, sir.

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1 Q. The time sort -- the time ticker?

2 A. Yes, sir.

3 Q. So that's this, what, 2341?

4 A. Yes, sir.

5 Q. So what time would that be if that were correct?

6 A. That's 11:41 and nine seconds.

7 Q. 11:41 and nine seconds.

8 And we know, based on your testimony just a
9 minute ago, that the police actually arrived at 10:49?

10 A. Yes, sir.

11 Q. Is that correct?

12 A. Yes, sir.

13 Q. What would that lead you to conclude?

14 A. That the time stamp on the camera, on the
15 surveillance camera, is approximately pretty near to one
16 hour off.

17 Q. Fast?

18 A. Yes, sir.

19 Q. So the ticker on the surveillance camera is
20 about one hour ahead of actual time?

21 A. Yes, sir.

22 Q. Any idea why that might be the case?

23 A. The only explanation is daylight savings time.

24 Like I said earlier, the only thing inside this
25 box, inside this unit, that holds that camera is the

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1 camera itself. There's nothing in there, so somebody
2 couldn't find, break into it, review any, or so no one has
3 the ability to change anything that's in there. It's
4 stored remotely in Columbia by -- in a controlled area.
5 So it would be a lengthy process to change something for
6 something like daylight savings time.

7 And, unfortunately, you know, when this camera
8 was put up, it was never -- you know, it was never known
9 that it would capture something like this. It was
10 intended for something much different.

11 [Whereupon, State's Exhibit Number 2, CD,
12 concludes]

13 MR. KIDD: Sorry. Court's indulgence.

14 THE COURT: Take your time.

15 MR. KIDD: Got a little out of order.

16 [Whereupon, Mr. Kidd reviews documents]

17 MR. KIDD: Please answer any questions that
18 defense may have.

19 THE COURT: Mr. Cooper?

20 MR. COOPER: Thank you, Your Honor. May it
21 please the Court.

22 Good afternoon, Detective.

23 THE WITNESS: Good afternoon.

24 - - -

25 - - -

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CROSS-EXAMINATION

BY MR. COOPER:

Q. As case agent, you reviewed -- you're responsible to review all the reports generated in this case?

A. To an extent. At the time, I was not a supervisor. That would be the role of my supervisor to review everything. As the case agent, I would just be the one responsible for making sure certain things happened.

Q. Maybe I wasn't paying attention --

A. At the time, I was just -- I was a detective. I've since been promoted now and am a supervisor of a different unit.

Q. Congratulations.

A. Thank you.

Q. But, ultimately, you're a case agent; right?

A. Yes, sir.

Q. And you're responsible for everything that happened in this case?

A. To a degree.

Q. To a -- you have supervisors. But, generally speaking, as I think you testified earlier you're directing people on some of the stuff that they do?

A. Yes, sir.

I need to -- I need to make sure certain things

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1. happen. But ultimately, responsibility for verifying and
2. making sure all that, would at the time have fallen on my
3. supervisor.

4. Q. So somebody is like double-checking your work?

5. A. Correct.

6. Q. Now, this house that -- it was an FBI task
7. force?

8. A. Yes, sir.

9. Q. It was like a joint task force between North
10. Charleston and the FBI?

11. A. Several agencies. North Charleston is one of
12. them, yes.

13. Q. What were some of the others?

14. A. One of the others is Charleston County Sheriff's
15. Office.

16. Q. Was ATF involved? Or would FBI like assume the
17. ATF?

18. A. No, sir.

19. The ATF is -- was not involved in this portion
20. of the investigation.

21. Q. Okay. And the house is what's called a trap
22. house; right?

23. A. You could call it that, yes.

24. Q. Nobody actually lives there?

25. A. I can't say that for sure. I heard your earlier

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1 questions, and I don't recall seeing a bed.

2 Q. Right. There was no bed.

3 A. There was a couch. That's the only thing I can
4 say. I can't say no one sleeps there.

5 Q. Right.

6 A. There was not a bed there, though.

7 Q. Y'all didn't find any food there?

8 A. I don't recall.

9 Q. Basically, you just found a bunch of drugs?

10 A. No.

11 Actually, if you look at the -- there were
12 closets full of clothes --

13 Q. Right. There's --

14 A. -- shoes --

15 Q. Right.

16 A. And there were things in the kitchen. It wasn't
17 just a --

18 Q. Right.

19 A. -- hollow house with drugs.

20 Q. Right. I apologize if I mischaracterized.
21 There were a bunch of clothes?

22 A. Yes, sir.

23 Q. And like paperwork and stuff like that in there?

24 A. Yes, sir.

25 Q. But specifically in the refrigerator, the

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1 refrigerator was drugs?

2 A. If I remember correctly, there were drugs in the
3 refrigerator, yeah. If I remember correctly, I think
4 there were.

5 MR. COOPER: Let me see. There may be a picture
6 that's already been admitted of the refrigerator.
7 Maybe not.

8 [Whereupon, Mr. Cooper reviews documents]

9 [Whereupon, Defendant's Exhibit Number 1 is
10 marked by the court reporter]

11 [Whereupon, Defendant's Exhibit Number 2 is
12 marked by the court reporter]

13 [Whereupon, Defendant's Exhibit Number 3 is
14 marked by the court reporter]

15 MR. COOPER: All right. Detective, we're ready.

16 Q. [Mr. Cooper] Detective, I'm handing you what
17 has been previously marked, for identification purposes
18 only, as only as Defendant's Exhibits 1, 2 and 3. Can you
19 tell me what those are?

20 A. It is an open refrigerator with -- the first
21 photo shows two Crown Royal bags, and a black bag, and it
22 looks like a twelve-pack of Pepsi can in a brown bag.
23 Inside the Crown Royal bag looks to be white powder.

24 And that's not the refrigerator. That was on
25 the --

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1 Q. No, no, that's not the refrigerator.

2 A. Yeah, that was on the --

3 Q. That's a separate photo.

4 A. That was on the floor.

5 Q. Right.

6 So the first two are from the refrigerator?

7 A. Yes, sir.

8 Q. And do they fairly and accurately represent the
9 scene as law enforcement discovered it?

10 A. Yes, sir.

11 MR. COOPER: Your Honor, at this time I seek to
12 admit Defendant's 1 and 2.

13 THE COURT: Any objection?

14 MR. KIDD: No, ma'am.

15 THE COURT: Defendant's 1 and 2 into evidence
16 without objection.

17 [Whereupon, Defendant's Exhibit Number 1 is
18 admitted into evidence by the Court]

19 [Whereupon, Defendant's Exhibit Number 2 is
20 admitted into evidence by the Court]

21 Q. [Mr. Cooper] And then turning to the third
22 picture, that --

23 A. Yes, sir.

24 Q. -- does that photo fairly and accurately
25 represent what y'all discovered at the scene?

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1 A. Yes, sir.

2 MR. COOPER: And at this time I seek to
3 introduce Defendant's 3.

4 MR. KIDD: No objection, Your Honor.

5 THE COURT: Defendant's 3 into evidence without
6 objection.

7 [Whereupon, Defendant's Exhibit Number 3 is
8 admitted into evidence by the Court]

9 Q. [Mr. Cooper] Okay. Would you please describe
10 to the jury what is in Defendant's 3?

11 A. A brown Gucci bag with what looks like two bags
12 of marijuana.

13 MR. COOPER: Permission to publish, Your Honor?

14 THE COURT: You may.

15 Q. [Mr. Cooper] So that's the refrigerator that we
16 just talked about?

17 A. Yes, sir.

18 Q. Is there any food in the refrigerator?

19 A. Doesn't appear to be.

20 Q. There's a box of Pepsi cans, but that's about
21 it? That's as close as we get?

22 A. Yes, sir.

23 Q. And then there's the Crown Royal bags?

24 A. Yes, sir.

25 Q. And the black trash bag?

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1 A. Yes, sir.

2 Q. And then turning to Defendant's 2, this is a
3 closeup of one of those Crown Royal bags?

4 A. Yes, sir.

5 Q. And in that bag is white powder residue?

6 A. Yeah --

7 Q. Not residue --

8 A. -- your white powder. --

9 Q. -- white powder.

10 A. -- substance.

11 Q. White powder.

12 A. Yeah. Your white powder substance, yes.

13 Q. And that white powder substance would be
14 consistent with cocaine?

15 A. Yes. Yes.

16 Q. You don't have an analyst's report in front of
17 you telling you what it is?

18 A. Exactly.

19 I mean, it could be -- it could be consistent
20 with flour, as well. I don't know.

21 Q. Right.

22 People don't typically store flour in their
23 refrigerator in a Crown Royal bag?

24 A. I would consider it odd.

25 Q. Right. It's consistent with cocaine?

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1 A. I would also consider it odd to find someone
2 storing cocaine in the refrigerator, but in my line of
3 work I don't -- I could say that might be the first time
4 I've ever found cocaine in someone's refrigerator.

5 Q. Is what appears to you in the Crown Royal bag an
6 insignificant amount of -- if that is cocaine, is that an
7 insignificant amount?

8 A. I wouldn't call that insignificant. It's hard
9 to see what all -- like how much is there. But just from
10 what it looks like, I wouldn't call it insignificant.

11 Q. All right. But we don't know exactly how much
12 that weighs?

13 A. No, sir.

14 Q. Right?

15 A. No, sir, not by looking at it. It's hard to
16 tell how much is there.

17 Q. But assuming that's cocaine, that's a pretty
18 decent amount?

19 A. Yes, sir.

20 Q. And then referring to Defendant's 3 -- and
21 that's green plant material consistent with marijuana?

22 A. Yes, sir.

23 Q. It looks basically to be marijuana?

24 A. Yes, sir.

25 Q. And that's not an insignificant amount of

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1 marijuana?

2 A. If you -- if I knew what size plastic bags those
3 were, it's less than I would say -- you know, it's not
4 dust. It's a --

5 Q. Maybe it's not quite a pound?

6 A. I believe it's less than a pound, unless those
7 are gallon-size bags and it's compressed slightly.

8 Q. Well, I'm just guessing. But a half pound,
9 would that be a reasonable guess for that?

10 A. Yeah. A half pound would be safe and fair.

11 Q. In that bag, this Gucci bag, that's like a shoe
12 bag; correct?

13 A. Yes, sir.

14 Q. The bag --

15 A. Yes, sir.

16 Q. -- the bag that y'all found is about yeah long
17 [indicates]? Is that fair to say?

18 A. If memory serves, yes, sir, that's fair.

19 Q. And it's about maybe that [indicates] wide?

20 A. Yes, sir.

21 Q. So we have some general reference to like the
22 size of that ball of marijuana would be bigger than a
23 baseball?

24 A. Yeah, I would say it's probably bigger than a
25 baseball.

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- 1 Q. But less than a football?
- 2 A. Yes, sir.
- 3 Q. All right. It's just hard to tell sometimes --
- 4 A. I understand.
- 5 Q. -- on the photo.
- 6 A. Right.
- 7 Q. Now, you received Chris Felder's phone calls?
- 8 A. [No response]
- 9 Q. You got a search warrant for his phone records;
- 10 correct?
- 11 A. Yes, sir. Yes, sir.
- 12 Q. And in preparation for this case, did you review
- 13 that -- or in your investigation, did you review those
- 14 phone calls?
- 15 A. Not the -- by phone calls, you --
- 16 Q. Chris Felder's list of calls. You got a list
- 17 of --
- 18 A. Yeah.
- 19 Just like a recent call list. Not like -- I
- 20 can't listen to the actual phone calls, but the actual --
- 21 yes, sir.
- 22 Q. Not recordings --
- 23 A. Right.
- 24 Q. -- just call information?
- 25 A. Call information.

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1 Q. What number was called from --

2 A. Yes.

3 Q. -- who had called, what tower it went to, and
4 the duration of the call?

5 A. Yes, sir. Yes, sir, I believe so.

6 Q. And Mr. Felder received a phone call about
7 10:43 p.m.?

8 A. I can't argue that. I would need to look at --
9 it's a lot of information on those search warrant returns,
10 and if I could look at it I could say yes or no. But, I
11 mean, without looking at it, I'll have to take your word
12 for it, I guess.

13 Q. Okay. We might come back to that.

14 A. Okay.

15 Q.. Now, there were several individuals from whom
16 gunshot residue was taken?

17 A. Yes, sir.

18 Q. One of those individuals was Natasha Nelson --

19 A. Yes.

20 Q. -- I mean, Tasha Nelson?

21 A. Yes, sir.

22 Q. Right?

23 A. Yes, sir.

24 Q. And she is Mr. Williams' girlfriend?

25 A. Yes, sir.

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1 Q. Or she was discovered in the house with him when
2 police arrived?

3 A. Yes, sir, I believe so.

4 Like I said, I wasn't -- I didn't arrive there
5 until midnight. When I got there, Mr. Williams was the
6 only person there, other than a law enforcement.

7 Q. Her gunshot residue was taken at the scene?

8 A. Yes, sir. Yes, sir. That's typically how we do
9 it.

10 Q. So it's typically how you would do it?

11 A. Yes, sir.

12 Q. Gunshot residue was obtained from Kenny Fludd's
13 body?

14 A. Yes, sir.

15 Q. There were swabs done; correct?

16 A. Yes, sir.

17 Q. The swabs on Kenny Fludd were not done on the
18 scene?

19 A. I don't believe so. They may not have been.

20 Q. And detective Desheers is the one that did the
21 swabs; correct?

22 A. I would have to look up all that.

23 Q. If I show you a report, would you --

24 A. Absolutely.

25 Q. And Desheers' notes there. Okay?

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1 [Whereupon, the witness reviews documents]

2 Q. [Mr. Cooper] And so what time did Detective
3 Desheers take gunshot residue from Mr. Fludd?

4 A. It says 0323. 3:23 a.m.

5 Q. So 3:23 a.m.?

6 A. Yes, sir.

7 Q. And what time did you get Mr. Fludd -- so the
8 shooting was at 10:45, approximately?

9 A. Ballpark, yes, sir.

10 Q. And Mr. Fludd was at the detectives bureau about
11 midnight?

12 A. Somewhere in there, yes, sir.

13 Q. And so this is about almost five hours? Is that
14 -- my math might be wrong but --

15 A. No. It's a little shy of -- a little shy of
16 that.

17 Q. Five hours?

18 A. Yes, sir.

19 Q. Until you take gunshot residue on Mr. Fludd?

20 A. Yes, sir.

21 Q. But typically you would want to do that on
22 scene?

23 A. Typically, ideally as early as possible. You
24 have a window of time to do it. Typically, the less opps
25 they have to pick it up from somewhere else, like a police

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1. car or somewhere else, anywhere that guns are, typically
2. it's better to get it as soon as you can.

3. Q. Right.

4. So you can pick up gunshot residue like if
5. someone is shot and you go and you touch the body;
6. correct?

7. A. You can. You can pick it up anywhere --

8. Q. Guns have been fired?

9. A. Well, guns have been fired, guns have been
10. placed, guns have -- I mean, if you brushed against
11. somebody who had recently shot a firearm, you could have
12. it on you. There's a number of ways you can have it on
13. you.

14. Q. Right.

15. But gunshot residue is also fragile; correct?

16. A. To a degree.

17. Q. It dissipates pretty easily on the --

18. A. Well --

19. Q. -- on the person?

20. A. I'm answering this as an assumption because I'm
21. not in any manner a firearm's expert. It's just through
22. the course of my -- you know, my experiences.

23. Q. But in your experience, you want to test, as
24. quickly as possible, the gunshot residue?

25. A. I personally would like to have them done as

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1 quickly as possible.

2 Q. And that wasn't done in Mr. Fludd's case?

3 A. No, sir, because I wasn't there.

4 Q. Fair.

5 Now, the solicitor spoke about how you already
6 have the video of what actually happed that morning;
7 right?

8 A. No. I didn't have the video. I had a chance to
9 review it.

10 Q. You reviewed the video?

11 A. Yes, sir. But I didn't have a copy of it, I
12 didn't --

13 Q. You didn't have custody of it?

14 A. No, sir.

15 Q. What time did you review the video? You say
16 morning. This is after midnight.

17 A. By morning in this case, I mean actual sun-up,
18 after 9:00 a.m. when the FBI office opened.

19 Q. So you didn't have the video when you spoke to
20 Kenneth Fludd?

21 A. No.

22 Q. But you had eyewitness -- you had other
23 eyewitness accounts when you spoke to Mr. Fludd?

24 A. Yes. And when you say Mr. Fludd, that was the
25 first time. The very first time; I had spoken with Mr.

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1 Fludd, I hadn't seen the video yet. Subsequent
2 conversations with him, I had seen the video.

3 Q. What do you mean subsequent conversations?

4 A. He was spoken with in the jail, and then he was
5 spoken with again when he was shown another line-up in
6 January, I believe it was.

7 Q. So how many times do you think you met with
8 Mr. Fludd?

9 A. I can say for sure twice I spoke with him. The
10 night of, and then again I spoke with him when he was --
11 when he came in to view the line-up.

12 Q. Now, Mr. Fludd, though, initially when you were
13 interviewing him at the detective bureau, he was lying to
14 you?

15 A. Yes, sir.

16 Q. And you confronted him with facts that you knew
17 that he was lying about?

18 A. Sometimes in those interviews it's not about
19 what I know, it's about what I believe happened.

20 Q. Yes, sir.

21 A. And in the event like Mr. Fludd, not everybody
22 is as good at lying as they think they are. Sometimes
23 it's easy to tell that somebody is not telling the truth,
24 then you kind of go with a different direction letting
25 them -- leading them to believe that I know otherwise.

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1 And that was the case in Mr. Fludd's first interview.

2 Q. Right.

3 You told him: I know. I'm not guessing, I'm
4 not speculating. I know it didn't happen the way you say
5 it happened.

6 I mean, you basically just confronted him that
7 you knew he was telling a false story?

8 A. Correct.

9 Q. And then the idea was that he would then change
10 his story and tell you what you sort of knew or -- or, you
11 know, would get past the initial lies?

12 A. Correct.

13 Q. And I know I'm jumping around a little bit. But
14 the FBI task force, do y'all do that on every house in
15 North Charleston?

16 A. No, sir.

17 Q. That's a pretty significant thing to happen
18 for -- to put a surveillance camera on a residence? Or it
19 was a telephone pole, wasn't it?

20 A. It is not -- it's not a common -- it's not
21 something you could drive through -- I don't know the
22 number, but just say there are seventy-five neighborhoods
23 in North Charleston. There's not seventy-five cameras
24 running in North Charleston.

25 Q. I mean, I don't --

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1 A. It's not a common thing.

2 Q. Right.

3 I don't know if special is the right word. But
4 it's a unique scenario?

5 A. To a degree. It's an investigative tool.

6 Q. Yes, sir.

7 You had Mr. Fludd's phone; correct?

8 A. Yes, sir.

9 Q. And he gave you consent to look through the
10 phone?

11 A. Yes, sir.

12 Q. And did you ever do a search warrant on
13 Mr. Fludd's phone?

14 A. I believe I did. I want to say I did.

15 Q. And so y'all had his call detail records?

16 A. We would have, yes, sir.

17 Q. You would -- Mr. Fludd's: you would have known
18 like who he called when, and what time, and where -- and
19 generally the tower that is routing the call?

20 A. If that information is available.

21 I would -- if I could look -- if I looked at the
22 search warrant, I can tell you exactly what was available.
23 Some carriers will easily give cell tower data, some will
24 not. Some will give text messages, some will not.

25 Q. But at the very least, you would have had who he

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1 was calling when?

2 A. At the very least, I would have had a contact
3 list. That's the very least you can get back. But often,
4 more often than not, you will get a call history.

5 Q. And so then you would be able to confirm or
6 show otherwise, you know, how many times Mr. Fludd and
7 Mr. Felder spoke on the phone or called one another, or
8 things like that?

9 A. Yes, sir. To however far back that memory will
10 hold things.

11 Q. So if you have -- if you only request a month,
12 then you only know how many times they spoke to in those
13 three -- spoke to each other --

14 A. Correct.

15 Q. -- in those three --

16 A. Correct.

17 Q. -- three days?

18 A. Correct.

19 Q. And so you would know potentially how many times
20 Mr. Fludd attempted to call 911?

21 A. Yes.

22 Well, I say that. Let me stop you for one
23 second. If you use your cell phone and dial 911 and it
24 doesn't go through, it's not going to go through to your
25 provider. Like if, say for instance, you have AT&T and I

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1 submit a search warrant to AT&T to see who you called, if
2 you hit send and it doesn't go through, your provider has
3 no way of -- no way of proving that you made that phone
4 call.

5 So if you're sending and it's not transmitting,
6 I'm not going to get that back on a search warrant because
7 it wasn't a transmission.

8 Q. Is it your experience that phones typically have
9 like a special 911 function? I mean --

10 A. I believe so. Yeah, I think --

11 Q. Isn't it true --

12 A. -- that's pretty common.

13 Q. -- I think phones can call 911 easier, or those
14 calls are given priority in terms of routing, as opposed
15 to just like any everyday call?

16 A. I don't know, to be honest with you. That's a
17 good question.

18 I don't know that it was a routing issue. From
19 the discussion that I had with Mr. Fludd, I think
20 Mr. Fludd was saying that he wasn't getting service. It
21 wasn't that it was like circuits were busy or something
22 like that, it was just that he wasn't getting service
23 where he was.

24 Q. So his phone was just showing that he didn't
25 have service? Is that --

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 A. That's what he -- that's what he was telling me.

2 Q. Okay. So that's your understanding? His phone
3 was just showing that it didn't have service?

4 A. The way I understood it was he attempted to make
5 a 911 call and it wouldn't go through. For what reason, I
6 don't know. I'm going off of what Mr. Fludd told me was
7 that, I tried to make a 911 call; I had to go outside to
8 do it because it wasn't going through inside the
9 residence.

10 Q. Okay. Thank you.

11 A. Uh-huh.

12 Q. The solicitor went over the time on the FBI
13 video.

14 A. Yes, sir.

15 Q. It's approximately an hour off.

16 A. Yes, sir.

17 Q. But you don't know exactly what time it is on
18 that video when it's recorded?

19 A. [No response]

20 Q. Like in terms of what time the events like
21 actually took place, in terms of -- you don't know exactly
22 how many seconds the video was off or anything like that,
23 do you?

24 A. No.

25 I don't know that you could go to -- it would be

Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 tough. I don't know that you could go down and pinpoint
2 like to the exact second where you're at. You could get
3 within a number like a few seconds, just based on police
4 response and, you know, the cars pulling up who are saying
5 they're going inside right now, based on the time stamp on
6 the camera.

7 Q. All right. You get an approximation?

8 A. Yeah. A close approximation, yes, sir.

9 Q. And the time recording that goes -- or the video
10 goes to Columbia and is stored?

11 A. Yes, sir.

12 Q. And I guess the time -- that's its own system;
13 right?

14 A. Not the time is not its own system. It's no
15 different --

16 Q. It's a recording system?

17 A. Yes, sir.

18 The recording system is -- whatever data you
19 enter into this system is no different than you would a
20 cell phone or your own handheld camcorder. You know --

21 Q. Right.

22 A. -- you enter your own time, date, set it like
23 that. It doesn't automatically change itself.

24 Q. And so it records time based on how that
25 computer is programed?

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 A. Yes, sir, to the best of my knowledge. And I'm
2 not an FBI camera technician.

3 Q. Well, my point is though -- ultimately, I guess
4 that I should get there -- is that that system is
5 different from the 911 CAD system?

6 A. They're two completely different -- yes, sir.

7 Q. Right.

8 So those times aren't -- they aren't exactly the
9 same in their report or anything like that?

10 A. No, sir. They're not linked, if that's what you
11 mean.

12 Q. Right.

13 A. They're not linked to where, you know, they're
14 hitting second for second lined up, no, sir. They're
15 connected in no way.

16 Q. Now, it is true that Mr. Fludd -- it was Officer
17 Vantime that was -- initially took Mr. Fludd's first
18 statement?

19 A. Based off of looking through the case, I believe
20 that's correct. But, again, like I said, I wasn't there.
21 But I think you're correct.

22 Q. And the statement that he gave to Mr. Time -- or
23 Officer Vantime, excuse me, is different from the
24 statement he ultimately gave to you?

25 A. Yes, sir.

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 Q. And he also met with Detective Bailey after
2 Officer Vantime on scene?

3 A. Yes, sir.

4 Q. And the statement that he gave to Detective
5 Bailey is different from the statement he ultimately gave
6 to you?

7 A. Yes, sir.

8 Q. And Detective Bailey was I guess, if I
9 understand her, is she was the one -- or someone decided
10 that he ought to be interviewed at headquarters because
11 she could tell that he was lying then?

12 A. I don't -- I can't answer that.

13 Unfortunately, I don't know, unless it's --
14 unless she's got a document. She and I didn't speak prior
15 to my arrival at City Hall.

16 Q. Okay. Would reviewing her report refresh your
17 recollection?

18 A. Sure.

19 Q. It's those sort of those last three paragraphs.
20 If you would review those real quick for me.

21 A. Sure.

22 Q. Thank you, sir.

23 [Whereupon, the witness reviews documents]

24 A. Okay.

25 Q. So Detective Bailey confront him about a

Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 falsehood about when he gets off work. There's some
2 discrepancy there --

3 A. Yes, sir.

4 Q. -- about when he gets off work --

5 A. Yes, sir.

6 Q. -- and when he arrives on scene?

7 A. Yes, sir.

8 Q. And that she recommends -- it's clear that she
9 suspects him of lying, and recommends that he be taken to
10 headquarters to be interviewed?

11 A. Yes, sir. According to her statement.

12 Q. Ultimately, when you were interviewing
13 Mr. Fludd, you told him that you knew more than one
14 gun was fired?

15 A. Yes, sir.

16 Q. And you confronted him at that time?

17 A. I believe I did, yes, sir.

18 Q. And it was only at that point that Mr. Fludd
19 said he may have had both guns?

20 A. I don't recall exactly. And when I brought that
21 up to him was based on what -- only what I had found there
22 at the scene, just shell casings.

23 Q. There's more than one shell case -- more than
24 one type of shell casing?

25 A. More than one caliber of shell casing inside the

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 house.

2 Q. And he had given that information?

3 A. I don't know, to be honest with you. I think I
4 may have just told him that there was more than one gun,
5 but I'm not --

6 Q. Right. That's what I mean, that there was more
7 than one gun fired.

8 A. Yes, sir.

9 I don't know that I told him I know --

10 Q. You didn't tell him what type.

11 A. Okay.

12 Q. I'm not saying that. He just knew there was
13 more than one.

14 A. Okay.

15 Q. He also told you two guns -- that they observed
16 a gun sitting on the counter when they walked in?

17 A. Yes, sir. I remember him saying that.

18 Q. And he told you that no one commented on it;
19 right?

20 A. I think -- I remember something along those
21 lines about him saying -- and I think he was referring to
22 the defendant and the victim, like nobody -- it was kind
23 of like the -- I don't know, the elephant in the room,
24 kind of. It was like sitting out and --

25 Q. Nobody said anything about it --

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 A. -- everyone looked at it and just kind of left
2 it alone, like kind of knew it was there but not speaking
3 about it.

4 MR. COOPER: Court's indulgence, Your Honor.

5 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

6 MR. COOPER: Detective, one last question.

7 Q. [Mr. Cooper] Was anyone else charged with
8 murder besides Mr. Singleton?

9 A. Yes, sir.

10 Initially, Chris Felder was. That was a hand of
11 one, hand of all type issue. That's why he was charged.

12 Q. Right. As if he helped plan it, basically?

13 A. Felder, he was present and took part, to a
14 degree, in the planning of getting the defendant there and
15 getting the defendant back from there.

16 Q. Do you know if they -- do you know if they
17 dismissed the charge against Mr. Felder?

18 A. I've spoken to the solicitor's office about the
19 case, yes.

20 Q. And last --

21 [Whereupon, Defendant's Exhibit Number 4 is
22 marked by the court reporter]

23 Q. [Mr. Cooper] Detective, I'm handing you what's
24 been previously marked for identification purposes only as
25 Defendant's Exhibit 4. Can you tell me what that is, sir?

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 A. It appears to be a photograph of what I assume
2 to be the murder location.

3 Q. And does that fairly and accurately represent an
4 overhead of the murder location?

5 A. Yes, sir.

6 MR. COOPER: Your Honor, at this time I seek to
7 admit what's been previously marked as Defendant's
8 Exhibit 4 into evidence.

9 THE COURT: Any objection?

10 MR. KIDD: No, ma'am.

11 THE COURT: Defendant's 4 into evidence without
12 objection.

13 [Whereupon, Defendant's Exhibit Number 4 is
14 admitted into evidence by the Court]

15 MR. COOPER: Permission to publish?

16 THE COURT: You may.

17 Q. [Mr. Cooper] And so, Detective, this is, right
18 here where I'm pointing, Azalea Drive?

19 A. Yes, sir.

20 Q. And the house is there on Cambridge?

21 A. Yes, sir.

22 Q. Where the little pin point is?

23 A. Yes, sir. That looks correct.

24 Q. There are I think three or four houses -- maybe
25 two houses between that house and Azalea down Cambridge?

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 A. Yes, sir.

2 It's hard to tell, obviously, with the tree
3 cover, but it is. It's two to three.

4 Q. And the recording that -- the camera, was it set
5 up on that house or was it over here? Do you recall where
6 that angle was from?

7 A. I have no knowledge, honestly, of its location.
8 I don't take -- I don't have anything to do with it
9 actually being installed or where it's going to get
10 installed. I honestly have no knowledge of its exact
11 location. I just know it was there.

12 Q. And this area right here, this is sort of an
13 empty lot?

14 A. It's a fenced in -- it's private property. You
15 can see --

16 Q. You can sort of see it -- fence sort of there
17 that you can see maybe running along?

18 A. Yeah. There's a gate there --

19 Q. Right. And that's --

20 A. -- and a gate there. The rest of it's fenced
21 in.

22 Q. And that's sort of uncultivated sort of --

23 A. It's a parking lot.

24 Q. It's a parking lot?

25 A. Yes, sir.

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Matthew Hughes
Cross-Examination by Mr. Cooper
January 6, 2015

1 You can see cars parked along the tree line at
2 the top --

3 Q. Right.

4 A. -- and then along the bottom.

5 Q. And then this wood line here, this is -- the
6 last house is somewhere here, and then there's a bit of
7 woods before you get to that parking lot?

8 A. I couldn't argue that. I don't know without
9 seeing a street view of it, but I can't argue with you on
10 that. It's very possible.

11 Q. And Mr. Fludd was met by Officer Vantime here on
12 Azalea?

13 A. Yes, sir.

14 At the corner of Azalea and Cambridge, from what
15 I understand.

16 Q. And so he walked from the house here, down the
17 street there, to Azalea?

18 A. Yes, sir.

19 MR. COOPER: Your Honor, I have no other
20 questions at this time.

21 THE COURT: Anything further?

22 MR. KIDD: Very briefly.

23 - - -

24 - - -

25 - - -

Matthew Hughes
Redirect Examination by Mr. Kidd
January 6, 2015

REDIRECT EXAMINATION

BY MR. KIDD:

Q. And I probably should have done it on the front end. I just want to identify the different phone numbers of the different individuals, if we could.

Do you need something to refresh your recollection, or do you remember them?

A. I don't know the numbers specifically off the top of my head.

Q. Would the warrants you drafted probably work?

A. Yes, sir.

Q. That is I guess the front return on Mr. Felder's.

A. Okay.

[Whereupon, the witness reviews documents]

Q. [Mr. Kidd] Based on that document, are you able to recall what Mr. Felder's phone number was?

A. Yes, sir.

On this document it lists the phone number as 475 -- the telephone number is -- I'm sorry -- his mobile number?

Q. Yeah, the mobile number.

A. I'm reading the wrong number.

Q. Yeah, the mobile number.

A. The mobile number is

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Matthew Hughes
Redirect Examination by Mr. Kidd
January 6, 2015

1 Q. And that's for Chris Felder?

2 A. Yes, sir.

3 Q. And show you this document, too. This was
4 the -- you might have to look at the second page.

5 [Whereupon, the witness reviews documents]

6 A. Yes, sir.

7 Q. [Mr. Kidd] Based on that document, are you able
8 to tell me what Mr. Singleton's phone number was?

9 A.

10 Q. ?

11 A. Yes, sir.

12 Q. Thank you. I have no further questions.

13 THE COURT: Mr. Cooper?

14 MR. COOPER: Just one.

15

16

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-- --
-- --

Matthew Hughes
Recross-Examination by Mr. Cooper
January 6, 2015

RECROSS-EXAMINATION

BY MR. COOPER:

Q. Chris Felder's phone number, as you just stated,
is 32 -- or it's area code

A. Yes, sir. That sounds correct.

Q. And you did a search warrant on his phone?

A. It was --

Q. One was done --

A. One was done.

Q. One was done?

A. Yes, sir.

THE COURT: Don't speak over each other.

MR. COOPER: Sorry. That's my fault.

Q. [Mr. Cooper] In looking at the call detail
record that you received at 10:43 p.m. and 19 seconds, he
receives a call?

A. Yes, sir.

Q. At 10:43 p.m. there is an incoming call?

A. Yes, sir. Yes, sir. According to this, yes,
sir.

Q. And these are the -- you did a search warrant
and these are the records?

A. Yes, sir. Yes, sir.

MR. COOPER: Thank you. No further questions.

THE COURT: You may step down.

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Matthew Hughes
Recross-Examination by Mr. Cooper
January 6, 2015

1 THE WITNESS: Thank you.

2 [Whereupon, Mr. Hughes is excused and exits the
3 witness stand]

4 THE COURT: Ladies and gentlemen, I plan to go
5 until approximately 6:00 p.m. Do y'all wish for a
6 break now?

7 MR. KIDD: Your Honor, may we approach?

8 THE COURT: You may.

9 [Whereupon, an off-the-record bench conference
10 is held]

11 THE COURT: Ladies and gentlemen, based upon
12 some scheduling issues, there are no more witnesses
13 for this evening. What that means is that we're done
14 with the testimony for today. Ladies and gentlemen,
15 please remember all of my admonitions. Do not read,
16 watch, listen to any news accounts regarding this
17 case. Do not do any independent investigations. Do
18 not discuss this case with anyone in any fashion.
19 Ladies and gentlemen, we're going to -- the schedule
20 for tomorrow is please report back at 9:15. We'll
21 begin as soon as all of you are here. No later than
22 9:30. We will go until noon and then we will take a
23 break until 1:45, so that you can plan your lunch hour
24 accordingly, and then we will go until about 6:00 p.m.
25 tomorrow evening. So please be here and report at

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Matthew Hughes
Recross-Examination by Mr. Cooper
January 6, 2015

1 9:15, ready to go by 9:30, and then we'll take our
2 break at noon for lunch for an hour and forty-five
3 minutes. Have a wonderful evening. I'll see you back
4 tomorrow.

5 Please rise for the jury.

6 [Whereupon, the jury exits the courtroom at
7 5:08 p.m.]

8 THE COURT: Anything before we break for
9 lunch -- I mean, break for the evening?

10 MR. KIDD: No, ma'am.

11 MR. COOPER: No, ma'am.

12 THE COURT: Counsel, I'm pretty tight on those
13 times tomorrow. We can go a little bit later if we
14 need to, but we're definitely breaking by noon
15 tomorrow. And that's -- I know I don't particularly
16 like to do it, but that's -- if you're in mid
17 sentence, I'm going to stop you at 11:59. Okay?

18 MR. KIDD: Yes, ma'am.

19 THE COURT: I will have a presentation in here
20 tomorrow at noon, so y'all will be able to leave your
21 stuff but you would not be able to be in here over the
22 lunch hour. All right?

23 MR. COOPER: Thank you, Your Honor.

24 THE COURT: Have a wonderful evening.

25 [JURY TRIAL ADJOURNS AT 5:12 P.M.]

State vs. Kadrin Singleton
Certificate of Court Reporter

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Tuesday, January 6, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 21st day of June, 2015.


Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) CASE NO.: 2013-GS-10-01153

STATE OF SOUTH CAROLINA)
)
VS.)
)
KADRIN SINGLETON,)
)
)
DEFENDANT.)

JURY TRIAL

VOLUME 3 OF 6

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Wednesday, January 7, 2015, Commencing at 9:33 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
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State vs. Kadrin Singleton
Proceedings
January 7, 2015

PROCEEDINGS

1. THE COURT: Before we bring in the jury,
2. anything?

3. MR. KIDD: We're ready, Your Honor.

4. THE COURT: Mr. Cooper?

5. MR. COOPER: No, Your Honor. We're ready.
6. Thank you, ma'am.

7. THE COURT: Bring in the jury.

8. [Whereupon, the jury enters the courtroom at
9. 9:34 a.m.]

10. THE BAILIFF: All are seated, Your Honor.

11. THE COURT: Thank you. Please be seated.

12. Good morning, ladies and gentlemen. Did every
13. member of the jury panel comply with my instructions?
14. If you did comply, please raise your right hand.

15. [Whereupon, jurors comply]

16. THE COURT: All fourteen jurors have complied
17. with the Court's instructions.

18. Good morning. We are going to continue with our
19. next witness.

20. Mr. Kidd?

21. MR. KIDD: Thank you, Your Honor. The State
22. calls Tasha Nelson.

23. [Whereupon, Ms. Nelson comes forward]

24. THE CLERK OF COURT: Place your left hand here
25.

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State vs. Kadrin Singleton
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January 7, 2015

1. and raise your right.

2. [Whereupon, Ms. Nelson is duly sworn by the
3. clerk of court as follows: do you swear or affirm
4. that the testimony you give the Court and the jury in
5. the trial of this case will be the truth, the whole
6. truth, and nothing but the truth, so help you God]

7. THE WITNESS: Yes, sir.

8. THE CLERK OF COURT: You may be seated. Ma'am,
9. once seated, if you could please state your first and
10. last name and then spell your last loudly and clearly
11. into the microphone for the record. You can adjust
12. that as you need to.

13. [Whereupon, Ms. Nelson takes the witness stand]

14. THE WITNESS: Natasha Nelson. N-E-L-S-O-N.

15. MR. KIDD: Good morning, Ms. Nelson.

16. THE WITNESS: Good morning.

17.

18.

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24.

25.

- - -

- - -

- - -

Natasha Nelson
Direct Examination by Mr. Kidd
January 7, 2015

NATASHA NELSON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. KIDD:

Q. Just to get started: where are you from?

A. North Charleston.

Q. You're from North Charleston? Lived there your
whole life?

A. Yes, sir.

Q. How old are you?

A. Thirty-two.

Q. Thirty-two.

Okay. Do you know the victim, Sharrell
Williams?

A. Yes.

Q. What was our relationship like with
Mr. Williams?

A. I was his girlfriend.

Q. You were his girlfriend? How long have y'all
been together?

A. Since 2010.

Q. Since 2010. So about two years at the time?

A. Yes, sir.

Q. Do you have any children?

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Natasha Nelson
Direct Examination by Mr. Kidd
January 7, 2015

1 A. Yes.

2 Q. How many children do you have?

3 A. Two.

4 Q. Are either of them Mr. Williams'?

5 A. Yes.

6 Q. How many?

7 A. Just one.

8 Q. Just one of them? How old is that child?

9 A. She's one.

10 Q. She's one year old? She's one year old now?

11 A. Yes.

12 Q. Was she born at the time of Mr. Williams'
13 passing?

14 MR. COOPER: Objection.

15 A. No. I was pregnant at the time.

16 MR. COOPER: May we approach?

17 THE COURT: You may.

18 [Whereupon, an off-the-record bench conference
19 is held]

20 THE COURT: You may continue.

21 Q. [Mr. Kidd] And just to clarify: so he [sic]
22 was born after Sharrell's passing?

23 A. Yes, she was born afterward.

24 Q. Thank you.

25 I want to go to the night of November 20th of

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1 2012. All right?

2 A. Yes, sir.

3 Q. Do you remember that night?

4 A. Yes, sir.

5 Q. Do you remember sort of earlier in that evening?

6 A. Yes.

7 Q. Can you tell the jury what you and Sharrell were
8 doing that day?

9 A. That morning around nine o'clock, we got up that
10 morning. I had a doctor's appointment at 10:00 or 10:30.
11 Me, Sharrell, and my daughter went to my doctor
12 appointment to find out the sex of the -- the sex of our
13 child.

14 MR. COOPER: And, again --

15 Q. [Mr. Kidd] Later in the afternoon --

16 A. Later --

17 THE COURT: Hold on one second.

18 MR. COOPER: Again, objection. I just wanted to
19 place it on the record again.

20 THE COURT: Overruled. You may continue.

21 MR. KIDD: Thank you, Your Honor.

22 Q. [Mr. Kidd] And then later that afternoon, sort
23 of like say seven o'clock that evening, what were y'all
24 doing at that time?

25 A. I got off from work. When I got home, Sharrell

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1 wanted to go to Walmart.

2 Q. Where did you work?

3 A. At Little Caesar's.

4 Q. Little Caesar's at the time?

5 A. Yes, sir.

6 Q. So you got home from work. Where were you
7 living at the time?

8 A. In North Charleston, off of Bailey.

9 Q. Off Bailey Drive?

10 A. Yes.

11 Q. Is that close to where Cambridge is?

12 A. Yes.

13 Q. And how far is Bailey from Cambridge Avenue?

14 A. It's right across the highway, off of Azalea
15 Avenue, like three streets over.

16 Q. So about three blocks away?

17 A. Yes, sir.

18 Q. Did you have any other family or know anyone
19 else that lived on Cambridge?

20 A. My mother and --

21 Q. Your mother --

22 A. -- my sister.

23 Q. Your mother and your sister lived on Cambridge?

24 A. Yes.

25 Q. Do you remember the address?

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- 1 A. Whose address?
2 Q. Your mother and sister.
3 A. Cambridge. And my sister is 2355 Bailey.
4 Q. So your mother lives about three or four houses
5 down from the blue and white house?
6 A. Two houses.
7 Q. Two houses down from the blue and white house?
8 A. Yes.
9 Q. All right. So I'm going to back up just a
10 little bit.
11 So you got off work. And did you go pick up
12 Sharrell?
13 A. Yes.
14 Q. Where did you pick him up from?
15 A. My residence.
16 Q. Your residence. Okay. And that's the one on
17 Bailey?
18 A. Yes, sir.
19 Q. And where did y'all go from there?
20 A. We went to the Bees Ferry Walmart.
21 Q. The Walmart in West Ashley?
22 A. Yes.
23 Q. And y'all were there for a while?
24 A. Yes.
25 Q. And do you know Kenny Fludd?

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1 A. Yes.

2 Q. You do? How do you know Kenny?

3 A. I know he was Sharrell's cousin.

4 Q. You knew he was family with Sharrell?

5 A. Yes.

6 Q. Did you know Chris Felder?

7 A. No, sir.

8 Q. Do you know Kadrin Singleton?

9 A. No, sir.

10 Q. So on the way back from the -- well, while
11 you're at the Walmart, on the way back did Sharrell get
12 any phone calls?

13 A. While we were in Walmart, Sharrell got a phone
14 call.

15 Q. Do you know who it was from?

16 A. After he got off the phone, he said it was
17 Kenny.

18 Q. He said it was Kenny?

19 Were y'all going -- when y'all left Walmart,
20 were you going somewhere to meet Kenny?

21 A. Yes.

22 He was going on Cambridge to the blue house to
23 meet Kenny.

24 Q. And is that where you took him?

25 A. Yes.

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1 Q. I'm going to show you a disk. This is State's
2 Exhibit Number 2. And I'm going to show this to you and
3 see if you can recognize that. Do you recognize that?

4 A. Yes.

5 Q. How do you recognize it?

6 A. I watched it at -- downstairs.

7 Q. At my office?

8 A. Yes, sir.

9 Q. Did you write anything on the disk?

10 A. My initials and the date I watched it.

11 Q. And what's the date that you watched it?

12 A. 9/17/2014.

13 Q. So in September of last year, you saw this
14 video?

15 A. Yes, sir.

16 Q. Did you see yourself on it?

17 A. Yes, sir.

18 Q. And did it fairly and accurately represent what
19 you did at that time in the evening?

20 A. Yes, sir.

21 Q. And what did you do? When did you find out that
22 something had gone on at the blue and white house?

23 A. Somebody came and knocked at my mama's door and
24 came in and said that Sharrell got shot and -- the way my
25 mama's house is set up, we was in the back part of the

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1. house. I was in the restroom at the time. And when we.
2. heard that, everybody ran out and ran down the street to
3. the residence and that's when I found Sharrell laying in
4. the living room.

5. Q. So everyone that was in your mom's house two
6. doors down saw --

7. A. Yes.

8. Q. -- someone, who you don't know who, yelled
9. Sharrell got shot and everyone ran down to the residence?

10. A. Yes.

11. Q. And you see yourself on this video kind of going
12. inside --

13. A. Yes, sir.

14. Q. -- the blue and white house and finding
15. Sharrell?

16. A. [No response]

17. Q. Was law enforcement on scene when you went to
18. the house the first time?

19. A. No, sir.

20. Q. About how long after you went to that house did
21. they arrive? Do you know?

22. A. Not actually, I don't know. But I know I think
23. I called the police at 10:50. That's when I called 911,
24. but I don't know what time they arrived.

25. MR. KIDD: Your Honor, at this time the State

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1 would like to publish State's Exhibit Number 2 as to
2 the relevant portions in which Ms. Nelson is on the
3 video.

4 MR. COOPER: No objection.

5 THE COURT: All right. You may.

6 [Off the record momentarily]

7 Q. [Mr. Kidd] Ms. Nelson, do you know Darnel
8 Williams?

9 A. Yes.

10 Q. And who is he?

11 A. Sharrell's brother.

12 Q. Was he out at Cambridge that night?

13 A. Yes.

14 Q. Was he with you at your mother's house?

15 A. No, sir.

16 [Whereupon, State's Exhibit Number 2, CD, plays
17 with questions from Mr. Kidd]

18 [Whereupon, State's Exhibit Number 2, CD, is not
19 transcribed by the court reporter]

20 Q. [Mr. Kidd] Do you see yourself?

21 A. Can't really tell from this point -- from this
22 TV.

23 MR. KIDD: Stop it.

24 Q. [Mr. Kidd] Do you know what those lights are
25 there coming on there?

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1 A. No, sir. The lights that's on the porch?

2 Q. That just shined on the house.

3 A. No, I don't know. That's when the police
4 arrive; right?

5 Q. Yes, ma'am.

6 A. I think that's a police officer's flashlight.

7 MR. KIDD: That's good.

8 [Whereupon, State's Exhibit Number 2, CD,
9 concludes]

10 Q. [Mr. Kidd] So when you first went in the house,
11 what did you do?

12 A. When I first went in the house, Sharrell was
13 laying on the floor. I sat on top of him and I was
14 shaking him and -- to see if he had a response.

15 Q. Did he?

16 A. No, sir.

17 Q. Now, I just want to ask you about this just
18 because -- did you notice -- or did you break a window
19 that night?

20 A. Yes, sir.

21 Q. What window did you break?

22 A. The front door had three little glass window
23 panes and I punched one out.

24 Q. Why did you --

25 A. After the fact, when the police told us we had

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1 to leave out the house, I was so upset because he was
2 right there laying deceased. And on my way walking out
3 the house, I punched the glass out.

4 [Whereupon, State's Exhibit Numbers 44, 45 and
5 46 are marked by the court reporter]

6 Q. [Mr. Kidd] I'm going to show you State's 44, 45
7 and 46 and see if you recognize these photographs.

8 [Whereupon, the witness reviews documents]

9 A. Yes, sir.

10 Q. [Mr. Kidd] What are those photographs of?

11 A. The window I punched out.

12 Q. Do they fairly and accurately represent what
13 that window looked like that night?

14 A. Yes, sir.

15 MR. KIDD: Permission to publish.

16 THE COURT: You may.

17 MR. KIDD: The State would move 44, 45 and 46
18 into evidence.

19 MR. COOPER: No objections, Your Honor.

20 THE COURT: 45?

21 MR. KIDD: 44, 45 and 46.

22 THE COURT: Into evidence without objection.

23 [Whereupon, State's Exhibit Numbers 44, 45 and
24 46 are admitted into evidence by the Court]

25 Q. [Mr. Kidd] Ms. Nelson, and this is just -- is

Natasha Nelson
Direct Examination by Mr. Kidd
January 7, 2015

1 this the window you're referring to?

2 A. Yes, sir.

3 Q. And is that the front door of the residence?

4 A. Yes, sir.

5 Q. And State's 45, is that that same window?

6 A. Yes, sir.

7 Q. And one pulled up closer, State's 46?

8 A. Yes, sir.

9 Q. So I want to talk a little bit about when you
10 dropped Sharrell off.

11 A. Yes, sir.

12 Q. When you dropped Sharrell off at the blue and
13 white house on Cambridge, did you see who was there?

14 A. It was a burgundy Ford Taurus sitting on the --

15 Q. Do you know whose car that is?

16 A. I believe it's Kenny's car.

17 Q. Did you know that at the time?

18 A. No, sir.

19 Q. Did you see anyone get out of the car?

20 A. Kenny got out the driver's side of the vehicle.

21 Q. Did you see any other individuals?

22 A. No, sir.

23 Q. Did you see him go up to the house on Cambridge?

24 A. Yes.

25 Q. And what were you doing at that time?

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1 A. By that time I had to use the restroom, so I
2 told Sharrell before he exit our vehicle that I was going
3 down to my mom's house to use the restroom so --

4 Q. So you -- okay.

5 A. So by that time, Sharrell is getting out the
6 vehicle. I'm pulling off. When I'm parking at my mom's
7 house I didn't pull in her driveway, I parked on the side
8 of the road in the sidewalk. So by that time I'm exiting
9 my vehicle and going into my mom's residence, Sharrell and
10 Kenny and two other defendant was behind him going into
11 the residence.

12 Q. So did you know who they were at that time?

13 A. No, sir.

14 Q. So you just saw Sharrell and Kenny and two other
15 individuals you didn't recognize enter in the residence?

16 A. Yes.

17 Q. So you can see the blue and white house from
18 your mother's house?

19 A. Yes.

20 Q. About how long does it take to walk from your
21 mother's house to that house on Cambridge?

22 A. A second.

23 Q. Seconds?

24 Okay. Do you know about how -- how close were
25 Kenny and Sharrell?

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1 A. I'm not sure. I know they was just family
2 members.

3 Q. Just family? Did they spend a lot of time
4 together?

5 A. I mean, he probably talked to Kenny on the
6 telephone. But otherwise, like seeing him, I'm not sure.

7 Q. If they had been like best buds where they hung
8 out every day, would you know -- would you know that?

9 A. I wouldn't know. But I don't see Kenny on a
10 regular --

11 Q. So they were family, but they weren't sort of
12 everyday -- see each other every day type --

13 A. Yes.

14 Q. -- acquaintances? Is that fair to say?

15 A. Yes.

16 Q. Do you know if Sharrell had a gun on him that
17 night?

18 A. He did not.

19 Q. He did not?

20 A. No, sir.

21 Q. You know that for a fact?

22 A. Yes, sir.

23 MR. KIDD: Thank you, Ms. Nelson. Please answer
24 any questions the defense may have for you.

25 MR. COOPER: No questions, Your Honor.

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1 THE COURT: You may step down. Thank you.

2 THE WITNESS: Yes, ma'am.

3 [Whereupon, Ms. Nelson is excused and exits the
4 witness stand.]

5 THE COURT: Call your next witness.

6 MR. KIDD: The State calls Bradley Woods.

7 [Whereupon, Mr. Woods comes forward]

8 THE CLERK OF COURT: Left hand here, sir. Raise
9 your right.

10 [Whereupon, Mr. Woods is duly sworn by the clerk
11 of court as follows: do you swear or affirm the
12 testimony you give the Court and the jury in this case
13 will be the truth, the whole truth, and nothing but
14 the truth, so help you God]

15 THE WITNESS: I do.

16 THE CLERK OF COURT: You may be seated. Sir,
17 once seated, if you could please state your first and
18 last name. Spell your last loudly and clearly into
19 the microphone.

20 [Whereupon, Mr. Woods takes the witness stand]

21 THE WITNESS: Brad Woods. W-O-O-D-S.

22 THE COURT: Good morning, Mr. Woods.

23 THE WITNESS: Good morning.

24 - - -

25 - - -

Bradley Woods
Direct Examination by Mr. Kidd
January 7, 2015

BRADLEY WOODS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. KIDD:

Q. Could you please tell the jury where you are employed?

A. North Charleston Police Department.

Q. And how long have you been with North Charleston?

A. A little over three and a half years. Going on three [phonetic] years.

Q. What -- do you currently hold rank in North Charleston?

A. Patrolman First Class.

Q. And what about in November of 2012?

A. I was a patrolman.

Q. So you were relatively new to the job at that point?

A. Correct.

Q. As a patrolman, what are your duties or what does your average day look like?

A. Answering calls for service, doing driving stops, getting out -- people, assisting citizens with any situations they have.

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1 Q. So if someone calls 911 --

2 A. I answer it.

3 Q. -- you're the guy that --

4 A. We go to the call.

5 Q. -- who answers the call?

6 A. Correct.

7 Q. Do you remember the evening of November 20th,
8 2012?

9 A. I do.

10 Q. Do you recall responding to a shots-fired call
11 at Cambridge Avenue?

12 A. Yes, sir.

13 Q. Just prior to receiving that or being dispatched
14 to that shots-fired call, what were you -- what were you
15 doing?

16 A. We had just come on. Once we had cleared our
17 roll call, I went and filled up with gas. I was coming
18 back into my area where I work. That's when the call came
19 out.

20 Q. So you're in a marked cruiser --

21 A. Yes, sir.

22 Q. -- at this time?

23 A. Yes, sir.

24 Q. And when you dispatched to Cambridge Avenue, who
25 arrived on scene first; do you know?

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1 A. I believe it was me and two other officers
2 arrived right at the same time, like we were all coming in
3 about the same time.

4 Q. So sort of different cars but all --

5 A. Yeah. Right.

6 Q. -- kind of arriving at the same time?

7 A. Correct.

8 Q. So let's talk about time. Do you know what time
9 you arrived on the scene?

10 A. I was dispatched approximately 2247, I believe
11 is when I was dispatched. I got there within, you know,
12 approximately five minutes, three to five minutes, from
13 the call.

14 Q. So 2247 is 10:47?

15 A. Right.

16 Q. Would it refresh your recollection if you were
17 able to refer to the CADs as to the exact time you
18 arrived?

19 A. I believe it was around that time. I'm not one
20 hundred percent positive about that.

21 Q. I mean, would the CAD help you, then?

22 A. Yes.

23 Q. I show you State's Exhibit 18. And just for the
24 benefit of what CADs are, what is a CAD?

25 A. Basically, our CAD notes is what is put in

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Direct Examination by Mr. Kidd
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1 through dispatch and it's a time line of the events of
2 what occurs.

3 Q. So how does dispatch know when you arrived on
4 scene?

5 A. We had let them know. And once we let them
6 know, they type it in.

7 Q. And do you have an identifier that you use with
8 dispatch?

9 A. Like my --

10 Q. Like a number?

11 A. My call number. Yes.

12 Q. And so that's how you're going to be able to
13 refer to that and see when you arrived?

14 A. Correct.

15 Q. It should just be on the second page.

16 [Whereupon, the witness reviews documents]

17 A. At 2249, so --

18 Q. [Mr. Kidd] 2249?

19 A. 10:49.

20 Q. So 10:49.

21 So you were dispatched out at 10:47 and there at
22 10:49?

23 A. Correct.

24 [Whereupon, State's Exhibit Number 38 is marked
25 by the court reporter]

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Direct Examination by Mr. Kidd
January 7, 2015

1 Q. [Mr. Kidd] And I'm going to show you what's
2 been marked State's Exhibit 38.

3 [Whereupon, Mr. Kidd and Mr. Cooper confer]

4 Q. [Mr. Kidd] Do you recognize that?

5 A. Yes, sir.

6 Q. And how do you recognize it?

7 A. Because we watched it and I signed it.

8 Q. So your initials and the date that you saw it?

9 A. Correct.

10 Q. Does it sort of fairly and accurately represent
11 the time that you showed up on scene and entered into the
12 residence?

13 A. Yes, sir.

14 MR. KIDD: Your Honor, may we --

15 MR. COOPER: No --

16 MR. KIDD: -- approach real quick?

17 THE COURT: Certainly.

18 MR. COOPER: No objections, Your Honor. It's
19 the same video. It's just a different one.

20 [Whereupon, an off-the-record bench conference
21 is held]

22 MR. KIDD: At this time, the State would offer
23 State's Exhibit 38 into evidence.

24 MR. COOPER: No objections, Your Honor.

25 THE COURT: State's 38, no objections?

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1 MR. COOPER: No, ma'am.

2 THE COURT: State's 38 into evidence without
3 objection.

4 [Whereupon, State's Exhibit Number 38 is
5 admitted into evidence by the Court]

6 [Whereupon, State's Exhibit Number 38, CD, is
7 played, with questions from Mr. Kidd]

8 [Whereupon, State's Exhibit Number 38, CD, is
9 not transcribed by the court reporter]

10 Q. [Mr. Kidd] Officer Woods, do you see what's
11 kind of happening in the video at this point?

12 A. Correct.

13 Q. What are those lights?

14 A. Those would be from my patrol vehicle.

15 Q. From your patrol vehicle.

16 Okay. And just for the record, the time on the
17 top of that video there, what is that? What does that
18 state?

19 A. It says -- it states 2346.

20 Q. But we know that's not accurate?

21 A. It's not accurate.

22 Q. Okay. But we know you arrived at what time?

23 A. At 2249.

24 Q. 2249.

25 Okay. So that would be about fifty-seven

Bradley Woods
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1 minutes fast?

2 A. Correct.

3 Q. So the time on the video is fifty-seven minutes
4 fast?

5 A. Correct.

6 Q. Thank you.

7 So when you arrived -- well, first of all, when
8 you arrived on the scene, what was going on?

9 A. When we arrived -- I arrived on scene, I walked
10 up, myself and two other officers. Officer Ruff and
11 Officer Locka [phonetic] walked up. We observed about
12 four black females in the house crying, one black male who
13 had been lying on the ground unresponsive.

14 We got everyone out of the house. Myself and
15 the other two officers cleared the residence to ensure no
16 one else was in the house. Once we were able to clear the
17 residence because no one else was in there, I approached
18 the victim lying on the ground, checked for a pulse. He
19 was unresponsive.

20 We once -- then we cleared the residence, got
21 everybody away from the house, I walked outside and
22 started a crime scene log.

23 Q. And what is a crime scene log?

24 A. A crime scene log is what we do when we start a
25 crime scene. One of the other officers put up crime scene

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1 tape to ensure so that everyone knows that this is an
2 active crime scene, they're not allowed to go on the other
3 side of that tape. I stand outside of that. And everyone
4 that goes inside of that tape gets put down on a list.

5 Q. So from the time y'all arrived and kind of got
6 everybody out, at that point it was nobody in and out
7 except for authorized personnel?

8 A. Everyone that went in and out was written down
9 on the list.

10 Q. Could you tell the jury a little bit about I
11 guess the demeanor of the people that you encountered as
12 you went into the residence?

13 A. They were very upset. They were crying,
14 screaming, very outraged. It was very emotional to them,
15 obviously, from what they had seen so once we got in
16 there, we got them out and away from the situation.

17 Q. So did you have an opportunity to sort of walk
18 around the inside of the residence --

19 A. I did.

20 Q. -- when you were clearing it, I guess?

21 A. For the -- well, not the whole residence. I was
22 limited to the area of the kitchen and the livingroom
23 area.

24 Once you first walk in in the kitchen area,
25 there are a few bedrooms, but the other two officers

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1 cleared those while I stayed right there to ensure nobody
2 else came in. But they went through the bedrooms, I
3 believe, and I stayed in the kitchen area and the
4 livingroom area.

5 Q. And so once a crime scene is sort of cordoned
6 off and you're out there keeping a crime scene log, y'all
7 call in detectives and other --

8 A. Correct.

9 Q. -- sort of reinforcement staff?

10 A. Correct.

11 We call the detectives, our supervisor shows up,
12 and they start, you know, bringing the people in --

13 Q. Do a lot of people come out to a scene like
14 this?

15 A. Yes. For the most part, yes.

16 Q. Ten, twenty, forty? Ballpark.

17 A. Counting everything with detectives and EMS and
18 fire and everything. So I would say probably about twenty
19 to forty, in that ballpark.

20 Q. Cambridge: Charleston County?

21 A. City of Charleston. Yes.

22 Q. In Charleston County?

23 A. Charleston County.

24 MR. KIDD: I have no further questions for

25 Mr. Woods, Officer Woods.

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1 THE COURT: Mr. Cooper.

2 MR. COOPER: Thank you, Your Honor. May it
3 please the Court.

4 Good afternoon, Officer.

5 THE WITNESS: Good afternoon. How are you
6 doing?

7 MR. COOPER: Good morning. It's been a long
8 couple of days already.

9 THE WITNESS: I understand that.

10 [Whereupon, Defendant's Exhibit Number 5 is
11 marked by the court reporter]

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Bradley Woods
Cross-Examination by Mr. Cooper
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CROSS-EXAMINATION

BY MR. COOPER:

Q. Officer Woods, when you arrived, you said there were four -- you said four people inside the residence?

A. Correct.

It was four -- it was about four black females inside the residence.

Q. And were -- when you arrived, were any of them touching Mr. Williams?

A. Not at the time. They were off to the side, crying.

Q. And you said that when you respond, you call into dispatch to let them know that you're there?

A. Correct.

Q. And the idea is that you want to let them know you're there so that way if anything happens, people know where you are --

A. Correct.

Q. -- and that way other officers know where you are and things like that --

A. Correct.

Q. -- right?

A. Correct.

Q. And so you sort of want to let them know as soon as you get there when you get there?

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1 A. Correct.

2 Q. But it's sort of -- but it's not automatic;
3 right? Like there's no GPS that shows or that
4 automatically logs the time or when you arrived at the
5 location? You've got to call it in?

6 A. Correct.

7 Q. And as we said before, there's a discrepancy in
8 times between what the video shows and what the CAD report
9 says?

10 A. Correct.

11 Q. And it's just approximate? You don't know
12 its --

13 A. Right.

14 Q. -- of its accuracy?

15 A. Right.

16 Q. Now, when you arrived on scene, when you walked
17 in the house you immediately smell a strong odor of
18 marijuana; correct?

19 A. Correct.

20 Q. And there were other drugs inside the house?

21 A. Correct.

22 Q. I'm going to show you what has been previously
23 marked as Defendant's Exhibit 5 for identification
24 purposes only at this point. Do you recognize that?

25 A. I do.

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1 Q. Does that photo fairly and accurately represent
2 the kitchen area when you arrived?

3 A. As in terms of the whole kitchen or --

4 Q. No. Just that --

5 A. -- just --

6 Q. No. Just that counter.

7 A. Correct.

8 MR. COOPER: Your Honor, at this time I seek to
9 introduce Defendant's Exhibit 5.

10 MR. KIDD: No objection.

11 THE COURT: Defendant's 5 into evidence without
12 objection.

13 [Whereupon, Defendant's Exhibit Number 5 is
14 admitted into evidence by the Court]

15 MR. COOPER: Permission to publish, Your Honor?

16 THE COURT: You may.

17 Q. [Mr. Cooper] Officer Woods, you also noticed
18 that Mason jar; correct?

19 A. Correct.

20 Q. And the Mason jar had an off-white rock-like
21 substance in it?

22 A. Correct.

23 Q. And that's consistent with crack cocaine?

24 A. Yes, sir.

25 Q. And in that Mason jar I think you state that

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1 it's approximately and ounce, in your estimation?

2 A. It was -- I never weighed it as a walk-in. And
3 to look at it, that's what --

4 Q. You don't know exactly how much it weighed?

5 A. Not at all.

6 Q. But by looking at it, you estimated that it was
7 about an ounce?

8 A. That's what I said. Like I said, I didn't study
9 it. I just saw and saw where it was full, what it was
10 full to.

11 Q. Right.

12 A. It's pure, you know, just guesstimating for me.

13 Q. Okay. But that's what you guessed it at?

14 A. Correct. Correct.

15 MR. COOPER: Court's indulgence, Your Honor.

16 Q. [Mr. Cooper] All right. When you -- you said
17 one of the first things you try to do is clear the
18 residence?

19 A. Correct.

20 Q. And part of that is to ensure that there's no
21 perpetrator inside, as well?

22 A. Correct.

23 Q. And then the other part of that is to preserve
24 crime scene?

25 A. Correct.

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1 Q. . . . Because when you have civilians in a crime
2 scene, things can move?

3 A. They could.

4 Q. Right?

5 A. Correct.

6 Q. You don't want things to get lost, but you also
7 don't want things to move around within the crime scene?

8 A. That's correct.

9 Q. And that's important to establish early on?

10 A. Correct.

11 MR. COOPER: Court's indulgence, Your Honor.

12 [Whereupon, Mr. Cooper and Ms. Ehrlich confer]

13 Q. [Mr. Cooper] And, Detective, the Mason jar that
14 we were discussing, that's that jar right there in the
15 photo?

16 A. The Mason jar, yes.

17 Q. Do you know what this is right here?

18 A. It appears to be a scale which is commonly used
19 to measure what's in the Mason jar.

20 Q. It's for -- what we would commonly find in a
21 house where narcotics are trafficked?

22 A. Yes, sir.

23 Q. So it's a strong indication that would be
24 cocaine base?

25 A. Correct.

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1 Q. And that's not an insignificant amount of
2 cocaine base in that Mason jar?

3 A. No, it's not --

4 Q. Sir?

5 A. What's the question?

6 Q. I mean, it's a significant amount of cocaine
7 base?

8 A. Yeah. I mean, for the most part, it's a good
9 amount of cocaine base.

10 Q. Right.

11 A. I don't know what you're referring to, though.

12 Q. Okay. And then you also found a bag of
13 marijuana in the kitchen?

14 A. Uh-huh.

15 Q. I'm going to show you what's already been
16 admitted as Defendant's Exhibit 3. Is that the bag --
17 that's the bag of marijuana?

18 A. Yes, sir.

19 Q. And that's a decent size amount of marijuana?

20 A. Yes, sir.

21 Q. Enough that when you walked in the door, you
22 smelled a strong odor of marijuana?

23 A. Yes, sir.

24 Q. When you arrived, you also observed two shell
25 casings lying next to Mr. Williams?

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1 A. Yes, sir. . . .

2 Q. That you were able to see on the ground?

3 A. Yes, sir.

4 Q. And then what I was referring to as cocaine
5 base, that's what we commonly call crack or crack cocaine?

6 A. Yes, sir.

7 Q. And that's made out of powder?

8 A. Correct.

9 Q. You just -- I don't know the process. But it's
10 cooked?

11 A. Sure.

12 I don't know the process, either, so I would say
13 yes.

14 Q. Okay. So that jar that we were pointing to --

15 A. Correct.

16 Q. -- that's crack cocaine?

17 A. Correct.

18 MR. COOPER: All right. Thank you.

19 MR. KIDD: No further questions.

20 THE COURT: You may step down. Thank you.

21 THE WITNESS: Thank you.

22 [Whereupon, Mr. Woods is excused and exits the
23 witness stand]

24 THE COURT: Call your next witness.

25 MR. KIDD: The State calls Angie Bunker Elder.

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1 Angie Elder.

2 MR. COOPER: Your Honor, may we approach?

3 THE COURT: You may.

4 [Whereupon, an off-the-record bench conference
5 is held]

6 [Whereupon, Ms. Elder comes forward]

7 THE CLERK OF COURT: Place your left hand here,
8 then I need you to raise your right.

9 [Whereupon, Ms. Elder is duly sworn by the clerk
10 of court as follows: do you swear or affirm the
11 testimony you give the Court and the jury in the trial
12 of this case will be the truth, the whole truth, and
13 nothing but the truth, so help you God]

14 THE WITNESS: Yes, sir.

15 THE CLERK OF COURT: You may be seated. Ma'am,
16 once seated, if you could please state your first and
17 last name. Spell your last loudly and clearly into
18 the microphone for the record.

19 THE WITNESS: Angie Elmer. E-L-M-E-R.

20 [Whereupon, Ms. Elder takes the witness stand]

21 MR. KIDD: Good morning, Ms. Elder.

22 THE WITNESS: Good morning.

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