

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Aiken County
Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DENZELL DESHAWN JACKSON,

APPELLANT

APPELLATE CASE NO. 2021-000942

RECORD ON APPEAL

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Regina Sailer - Direct examination
By Solicitor Charbonneau

1 A No, ma'am, it goes in straight from the carrier.

2 Q And as far as the -- you said there's mapping.

3 what is it that we'll see?

4 A We are gonna see two types of maps in the PowerPoint
5 that we'll look at. We are gonna see maps when a phone --
6 when a cell phone is utilized to make a call, a text, or any
7 sort of data it connects to a cell phone tower. The cell
8 phone companies will give us the location of that cell phone
9 tower as well as the sector which is the site of the tower
10 that is being utilized during a given time.

11 So, we will see those records and they will be
12 indicated in the PowerPoint and then where the pie is
13 shaped, like a piece of pie, not a whole pie.

14 We're also gonna see records from AT&T. They are
15 called NELOS records. They're provided directly from AT&T
16 and those are location records of the phone that aren't
17 related to any given phone call, text, or data. They're
18 just random times when AT&T so calls pings the phone and
19 tell us a latitude and longitude in a meter radius of where
20 that phone is at that given time. Those will be indicated
21 by circles on the PowerPoint.

22 Q Okay. So, when you're looking at the raw data, the
23 cell phone records, they are giving you -- they're able to
24 give you information of when calls or texts or data is
25 actually used on the phone, incoming or outgoing?

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 A Correct.

2 Q The NELOS is the phone company just kind of sending up
3 a message out there saying where's, where's our phone and
4 they are able to tell?

5 A Yes.

6 Q And that is, is not connected to use of the phone?

7 A Correct.

8 Q As far as the towers themselves, can you explain to us
9 the area that they cover?

10 A Generally speaking a cell phone tower covers a
11 circle -- a rough circle area. So you can picture a big
12 tower, the circle coverage around it, and then that circle
13 we are gonna divide into pieces of pies, which are called
14 sectors, and they're roughly 120 degrees of the 360 degree
15 circle.

16 Q So, if this pie area is where the phone is, we can't
17 say it's standing, standing right here but it's in a
18 particular area?

19 A It should be in that area, yes, ma'am.

20 Q Okay. So the first records you get is Derrick Curry's
21 you said?

22 A Yes, ma'am.

23 Q And what was the purpose of having his records at that
24 time?

25 A I believe, at that time, Investigator Williams was

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 attempting to locate, locate his body.

2 (WHEREUPON, the PowerPoint was marked as State's
3 Exhibit No. 112 for identification purposes only at this
4 time.)

5 Q I'm showing you, showing you what's been marked as
6 State's Exhibit 112.

7 If you would take a look at that please?

8 A Yes, ma'am.

9 Q And do you recognize it?

10 A Yes, this is a PowerPoint presentation I put together.

11 Q Okay. And is 112 an, an accurate depiction of
12 pinpoints of time from Derrick Curry's records that you
13 received from AT&T?

14 A Yes, ma'am.

15 SOLICITOR CHARBONNEAU: At this time I'd move State's
16 Exhibit 112 into evidence.

17 MR. JOHNSON: No objection, Your Honor.

18 MR. THOMPSON: No objection, Your Honor.

19 THE COURT: It's admitted.

20 (WHEREUPON, State's Exhibit No. 112 was received into
21 evidence at this time.)

22 (WHEREUPON, a PowerPoint was marked as State's Exhibit
23 No. 114 for identification purposes only at this time.)

24 Q And, if you would, State's Exhibit 114, is this the
25 exact PowerPoint that you just talked about only it's on

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 disk form?

2 A Yes, ma'am.

3 SOLICITOR CHARBONNEAU: At this time I'd move State's
4 Exhibit 114 into evidence.

5 MR. JOHNSON: No objection.

6 MR. THOMPSON: No objection, Your Honor.

7 THE COURT: It's admitted.

8 (WHEREUPON, State's Exhibit No. 114 was received into
9 evidence at this time.)

10 SOLICITOR CHARBONNEAU: Your Honor, may we publish?

11 THE COURT: Yes.

12 Q While we're setting up, another question that I have.

13 On the road map from AT&T, when it shows a phone call,
14 what is the other information that it gives you?

15 A There will be location information. It will -- lat and
16 long -- lat -- latitude and longitude of the cell tower. It
17 will have whether it is a text, a phone call, or a data
18 usage, and it will have incoming or outgoing if it relates
19 to a text or a phone call.

20 Q Will it have the date that the activity was?

21 A Date and time, yes, ma'am.

22 Q The time that's listed on the records, is it the right
23 time for our timezone?

24 A No, it is UTC time, which is the Universal Coordinated
25 Time and it -- we need to convert that to local time.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 Q Okay. When you put together your PowerPoint in State's
2 Exhibit 112, have you converted the time from UTC to our
3 timezone?

4 A Yes, ma'am, everything is in local time.

5 Q Okay. So let's start with, and I'm gonna go back here
6 so I can see as well, State's 114 -- 112, the first slide.

7 Can you tell us what we're looking at?

8 A Yes, ma'am, these are just the phone numbers, the
9 carrier, and the individual we have associated with those
10 telephone, the listing of those three phones I was looking
11 at.

12 Q Okay. We can go to slide 2.

13 A Yes, right here is just a location, a mapping of
14 pertinent areas I was asked to pay special attention to.

15 Q And what areas were that?

16 A We had McDonald's located at 3604 Richland Avenue West
17 in Aiken. We have a Mr. Christian Barnwell's residence
18 located at [REDACTED] whiskey Road. We have a Cornerstone crime
19 scene. Unfortunately in front of me I just have the
20 latitude and longitude. I don't have the physical address.
21 I was also given [REDACTED] Green Street in New Ellenton and the
22 Savannah River site.

23 Q Okay. Going to slide 3 please.

24 A Yes, this---

25 Q What does this slide show?

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 A Yes, this is the last time Mr. Derrick Curry made an
2 outgoing phonecall. It is the tower and sector which were
3 utilized during that time, which was 1:01PM eastern time on
4 April 30th, 2019.

5 Q Okay. And how do you know this is the last time that
6 he has an outgoing activity on his phone?

7 A The phone records indicate this is the last time he --
8 his phone made an outgoing phone call.

9 Q And, again, where we are looking, his phone is located
10 somewhere in the purple pie shape that we see on slide 3?

11 A Yes, ma'am.

12 Q And the information that you have put in the box to
13 the -- that's pointing to that pie shape, can you tell us
14 what that information is?

15 A Yes, that is information pulled directly from the cell
16 phone carrier records which indicate the time, the, the
17 dates, and whose phone number was involved.

18 Q And are you able -- it says range of three miles.
19 what does that mean?

20 A That is a default range of how big the coverage area of
21 that particular cell phone tower is. In this area, that's
22 just a default that we use, three miles. If we were in a
23 big city, say New York City, the default range might be a
24 quarter mile, half a mile. But in this sort of environment,
25 the default range is, is pretty standard to be three miles.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 Q Are you talking about say big tall buildings getting in
2 the way as opposed to wide open spaces?

3 A Correct.

4 Q Slide 4 please.

5 What do we have here?

6 A Yes, this is slide of 3:07PM of Mr. Derrick Curry's
7 phone -- oops. I'm sorry. I'm sorry.

8 Is that 1:51PM?

9 I'm sorry.

10 Q 13:57.

11 A Okay.

12 Q Yes.

13 A Okay. I'm sorry. I was -- got on the wrong page.

14 This is the location of Mr. Derrick Curry's phone at 1:51PM
15 on April 30th, 2019. Right now, at that time, he is in the
16 vicinity of McDonald's.

17 Q And that's the McDonald's on Richland Avenue?

18 A Yes, ma'am.

19 Q Slide 5 please.

20 A Yes, this slide we have at 3:07PM, the location of Mr.
21 Derrick Curry's phone, and it is in the vicinity of the
22 Cornerstone crime scene.

23 Q And just so we're clear, the times that are listed here
24 is in military time?

25 A Yes. So it says 15:07:52, which translates into

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 3:07PM.

2 Q Thank you.

3 Slide 6.

4 A Slide 6 is the location of Mr. Curry's phone at 4:09PM,
5 which puts it in the vicinity of [REDACTED] Green Street.

6 Q And why -- what other hour reading this -- we are
7 looking at a pink circle.

8 Is that Mr. Curry's phone area?

9 A Yes, that would be -- his phone should be located
10 within that circled area.

11 Q And then the red marker is the, the address of [REDACTED]
12 Green Street?

13 A Yes, ma'am.

14 Q Going to Slide 7 please.

15 A Slide 7 is the location of Mr. Curry's phone at 5:04PM
16 and it puts it in the vicinity of Christian Barnwell's
17 residence.

18 Q Again, the pink circle is Derrick -- where Derrick
19 Curry's phone is somewhere in there?

20 A Yes, ma'am.

21 Q And the red marker is where Christian Barnwell's
22 residence is?

23 A Yes, ma'am.

24 Q Slide 8.

25 A Slide 8 is five -- it's actually just a -- oh, I'm

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 sorry. It's a different page. Several minutes later,
2 5:09PM, Mr. Curry's phone is in the location of the
3 Cornerstone crime scene.

4 Q Just for clarification, the pink circle, that's where
5 Derrick Curry's phone is somewhere in that area?

6 A Yes, ma'am.

7 Q And the smaller red circle is where Nokesville circle
8 crime scene is?

9 A Yes.

10 Q slide 9.

11 A slide 9 is approximately -- is at 5:14PM and Mr.
12 Curry's phone is -- it's traveled a little bit. It's in the
13 vicinity of the Aiken Mall area.

14 Q And that is inside the pink circle that we see?

15 A Yes, sir.

16 Q And as a point of reference, you put on here it's north
17 of the Cornerstone crime scene at Nokesville Circle?

18 A Yes, ma'am.

19 Q slide 10.

20 A slide 10 is at 5:17PM. Mr. Curry's phone is within
21 that circle which encompasses the Cornerstone crime scene.

22 Q Now, when you give us these times, does that mean that
23 Derrick Curry is using his phone?

24 A No, in these particular records, we're using NELOS data
25 and it is not related to a phone call, text, or data. It is

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 just when the cell phone company pings the location of that
2 telephone at a given time.

3 Q And how do we know---

4 A So he's---

5 Q ---when it's NELOS information?

6 A On these visual records it will be a circle shaped.

7 Q Okay. So all of these slides so far have been NELOS
8 pings?

9 A If it is circled, yes.

10 Q Okay. It is circled. Okay.

11 A And then you'll see in the little box, you'll see at
12 the very bottom there's a meter radius. This one says 2,500
13 meters. That's another indication that it is been -- it's
14 NELOS data.

15 Q When we have meter---

16 A Radius.

17 Q Meter radius?

18 A Yes, ma'am.

19 Q Okay. So on 10, the defendant -- Derrick Curry's phone
20 is pinging in -- somewhere inside the pink circle?

21 A Yes, sir.

22 Q And inside that pink circle is also the Nokesville, the
23 Nokesville Circle crime scene area?

24 A Yes, ma'am.

25 Q And slide 11 please.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 A Slide 11 is at 6:51PM. Derrick Curry's phone is
2 pinging in that location of the circle and -- which covers
3  Green Street.

4 Q And, again, this is NELOS information. It is the phone
5 company looking for the phone.

6 A Yes, ma'am.

7 Q Not activated.

8 Slide 12 please.

9 A Slide 12 is that last NELOS ping with a radius for Mr.
10 Curry and this occurred at, I'm sorry, it -- what -- I can't
11 read the time.

12 Q 9:03?

13 A 9:03PM eastern time on April 30th, 2019.

14 Q So, based on the records that you received, the last
15 time that this phone has -- is being pinged by the company
16 is on 9:30, I'm sorry, 4/30/2019 at 9:03PM?

17 A Yes.

18 Q If the phone -- what happens when -- the, the next time
19 that the company would try to ping this phone and it's not
20 pinging, what does that mean?

21 A Either the phone has been turned off, the phone has
22 been destroyed, the phone is no longer functioning.

23 Q And, again, you're looking at inside the pink circle.

24 That's the last that we see activity on Derrick Curry's
25 phone?

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 A Yes, ma'am.

2 Q And within that area is [REDACTED] Green Street and just on
3 the tip of Savannah River site?

4 A Yes, ma'am.

5 Q So just so I'm clear, the only slide where we have
6 activity that Derrick Curry actually did on his phone is
7 slide 3 when you said his last outgoing phone call at
8 1:01PM?

9 A Yes, ma'am.

10 Q All of the slides after that is just the company
11 looking -- pinging for the phone?

12 A Yes, ma'am.

13 Q Thank you.

14 THE COURT: Madam Forelady, members of the jury, I'll
15 have you go to the jury room. Please do not discuss the
16 case.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 THE COURT: And earlier this week I requested that I be
20 provided copies of exhibits so that I could follow the
21 evidence. I have taken a break so the State can comply with
22 that request.

23 SOLICITOR CHARBONNEAU: Yes, Your Honor.

24 THE COURT: So we'll be in recess for 10 minutes.
25 Please do not discuss your testimony.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 indicated that there's to be sanitation in-between
2 witnesses. We were on a roll for a period of time changing
3 those covers after every witness.

4 Ms. -- Madam Clerk.

5 THE CLERK: Your Honor, I will take care of that.

6 THE COURT: All right. And/or Lysol spray in-between
7 witnesses for everyone's safety.

8 And, with that, we'll bring the jury.

9 Tell me which one is this again.

10 Tell me that.

11 SOLICITOR CHARBONNEAU: Judge, you have three up there,
12 McDonald's video that was entered into evidence yesterday or
13 the day before.

14 THE COURT: What's coming up?

15 SOLICITOR CHARBONNEAU: 115 which is the three phone
16 PowerPoint.

17 THE COURT: Okay.

18 (WHEREUPON, the following takes place within the
19 presence of the jury.)

20 THE COURT: You may proceed.

21 SOLICITOR CHARBONNEAU: Thank you, Your Honor.

22 CONTINUED DIRECT EXAMINATION

23 BY SOLICITOR CHARBONNEAU:

24 Q Ms. Sailer, I'm gonna show you State's Exhibit 9 -- 109
25 that's in evidence and do you recognize these records?

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 A Yes, ma'am.
- 2 Q Are those the cell phone records you were provided in
3 regards to Denzell Jackson's phone number?
- 4 A Yes, ma'am.
- 5 Q And what's the phone number?
- 6 A Denzell Jackson's phone number is a Verizon phone
7 number (803)989-9895.
- 8 Q Now, he has a different carrier than Derrick Curry?
- 9 A Yes, ma'am.
- 10 Q Will he have the NELOS pinpointing that AT&T does?
- 11 A He will not.
- 12 Q And is that because of the carrier?
- 13 A Yes.
- 14 Q And showing you State's Exhibit 110 that's already in
15 evidence.
- 16 were those the records provided to you for Sha'Kel
17 Dixon's phone number?
- 18 A Yes, ma'am.
- 19 Q And what is Sha'Kel Dixon's phone number?
- 20 A (803)292-1975.
- 21 Q And he -- because it's AT&T, he will have NELOS --
- 22 A Yes, ma'am.
- 23 Q -- precision point from the carrier?
- 24 A Yes.
- 25 Q What did you do in regards to the records that you

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 received in relation to Derrick Curry's phone, Sha'Keel
2 Dixon, and Denzell Jackson's phone?

3 A I dropped them directly into the software that we use
4 to visualize the records called Pen-Link PLX.

5 Q The same that you did with Derrick Curry's phone alone?

6 A Yes, ma'am.

7 Q And did you create a PowerPoint based on pertinent
8 times involved in this case?

9 A Yes, ma'am.

10 (WHEREUPON, the PowerPoint was marked as State's
11 Exhibit No. 133 for identification purposes only at this
12 time.)

13 Q I'm showing you what's been marked as State's Exhibit
14 113.

15 Do you recognize it?

16 A Yes, ma'am.

17 Q And what is it?

18 A This is the PowerPoint I created for Mr. Dixon and
19 Mr. Jackson and Mr. Curry's cell phones.

20 Q And is that based on the raw data received from the
21 cell phone companies?

22 A Yes, ma'am.

23 Q No changes to that?

24 A No changes at all.

25 Q And is it a fair and accurate depiction of your

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 PowerPoint?

2 A Yes.

3 Q And I'm showing you State's Exhibit 115.

4 Is this the same PowerPoint just on the disk?

5 A Yes, ma'am.

6 SOLICITOR CHARBONNEAU: At this time the State would
7 move State's Exhibit 113 and 115 into evidence.

8 MR. JOHNSON: No objection, Your Honor.

9 MR. THOMPSON: No objection, Your Honor.

10 THE COURT: They are admitted.

11 (WHEREUPON, State's Exhibit Nos. 113 and 115 were
12 received into evidence at this time.)

13 SOLICITOR CHARBONNEAU: Your Honor, may I publish?

14 THE COURT: Yes.

15 SOLICITOR CHARBONNEAU: Madam Clerk, are you able to
16 hear me?

17 THE CLERK: Yes.

18 SOLICITOR CHARBONNEAU: Thank you. Court reporter, I'm
19 sorry.

20 Agent Sailer, does -- just to clarify again, we're
21 looking at the cell phone records.

22 Did you have to convert the time?

23 A Yes, ma'am, the software converts it to local time.

24 So, all the times we'll look at in this PowerPoint are local
25 time.

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 Q And it will be in military time but the correct time?
- 2 A Yes, ma'am.
- 3 Q And any adjustment that you have to make to dates?
- 4 A No.
- 5 Q Starting with your PowerPoint, the first slide, can you
- 6 please describe to us what we are looking at here?
- 7 A Yes, this is the NELOS ping data from Mr. Curry's phone
- 8 at 1:51PM on April 30th, 2019.
- 9 Q Is his phone located somewhere inside that blue circle?
- 10 A Yes, ma'am.
- 11 Q And tell us where it is in relation to what that red
- 12 circle represents.
- 13 A The red circle is the Mc -- McDonald's.
- 14 Q So, his phone is in the McDonald's area?
- 15 A Yes, ma'am.
- 16 Q state -- slide 2 please.
- 17 A slide 2 is Mr. Curry's phone at 1:51PM again at
- 18 McDonald's.
- 19 Q Now this time it's in a pie shape?
- 20 A This is a pie shape because it is taking off the cell
- 21 phone records in which he used some data.
- 22 Q So, Mr. Curry's actually using his phone here?
- 23 A It's tough to tell whether his phone is just pulling
- 24 data. Maybe somebody messaged him on a, a messaging app or
- 25 Facebook or if he's actively sending somebody a message.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 Q All right. At 1:51PM, is that past the last time that
2 you had an outgoing phone call or text?

3 A Yes, I believe it was.

4 Q And I'm sorry.

5 The red dot where -- that's inside the pie of where
6 Derrick Curry's phone is --?

7 A Is McDonald's.

8 Q Going to Slide 3 please.

9 What do you have here?

10 A Slide 3 we have Sha'kel Dixon's phone at 1:57PM and it
11 is located near the Cornerstone crime scene.

12 Q Now, is this information from his phone being used or
13 is it the NELOS where they're tracking his phone?

14 A This is when his phone is being utilized. He is making
15 or receiving a phonecall at that time.

16 Q And what is the red dot indicated slightly at the
17 bottom of the pie shape?

18 A This is -- that is the Cornerstone crime scene or the
19 one beneath it?

20 Q Yes.

21 A The one beneath it is Christian Barnwell's residence.

22 Q So, the, the Nokesville Circle crime scene is inside
23 the pie shape of Sha'kel Dixon's phone and Christian
24 Barnwell's is just below it?

25 A Yes, ma'am.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 Q If we do not see activity from another phone, can you
2 just tell us, tell us why that may be?

3 A In this particular case we don't have another person's
4 phone on here because nobody made or received a phone call
5 that was mappable during that time.

6 Q So, if I have my phone on me, and I'm with him, but I'm
7 not using it and nobody's contacting me, if -- it won't show
8 up?

9 A Yes, ma'am.

10 Q Next slide please, Number 4.

11 A This is just a zoomed in view of the previous slide.
12 It just kind of clarifies the fact that the phone is in the
13 vicinity of the Cornerstone crime scene and not -- above
14 Christian Barnwell's residence.

15 Q And within that pie shape, you have Sha'Kel Dixon box,
16 and it's pointing to a particular area but that's not --
17 we're not saying it's specifically in that spot?

18 It's somewhere in the pie?

19 A Yes, that defaults just to the center of the piece of
20 pie. So, that box will always be in the center regardless
21 to where the phone is at the -- at a given time.

22 Q Slide 5 please.

23 A Slide 5 is Sha'Kel Dixon's phone at 2:23PM on
24 April 30th and it is in the vicinity of the Cornerstone
25 crime scene.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 Q Are you able to pick a time and look for the phone at
2 that time or do you have to rely on the records showing that
3 an activity happened at a particular time?

4 A The latter. I look for activity actually happening
5 that would initiate a location.

6 Q So we have Sha'kel Dixon's phone inside the yellow
7 circle?

8 A Yes, ma'am.

9 Q And the Cornerstone crime scene is indicated by the red
10 circle?

11 A Yes, ma'am.

12 Q Going to slide 6 please.

13 A Slide 6 is Mr. Curry's phone at 2:23PM and he is still
14 in the vicinity of McDonald's.

15 Q Just so we're clear, Derrick Curry's phone is in the
16 blue outlined circle?

17 A Yes, ma'am.

18 Q And McDonald's is the red circle?

19 A Yes, ma'am.

20 Q Slide 7 please.

21 A We have Mr. Curry's phone at 2:44PM on April 30th and
22 it is in the vicinity of the Cornerstone crime scene.

23 Q Is this NELOS information?

24 A No, this is cell tower and sector information based off
25 of a data usage.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 Q Okay. So if this is 2:44PM, does that mean this is
2 incoming information?

3 A I am not sure without looking at the data if it's
4 incoming or outgoing but it is a data usage. So, data was
5 coming or re -- being received to his phone or coming off of
6 his phone.

7 Q On the earlier PowerPoint, you told us that the last
8 outgoing call or text was 1:01PM?

9 A Yes, ma'am.

10 Q Was that based on the records you received?

11 A Yes, ma'am.

12 Q So, if we have activity here at 2:44PM, what does that
13 say?

14 A That is data. So this is -- this cell tower and sector
15 is obtained from data being sent or received to his cell
16 phone at that time.

17 Q So he's using his phone?

18 A He could be using it or somebody could be sending him a
19 message and to -- for it to be received, the cell company is
20 tracking the location of the tower and the sector.

21 Q Slide 8 please.

22 A This is a visual image of Mr. Curry's phone and Sha'kel
23 Dixon's phone. Mr. Dixon's phone is at 2:46PM as well as
24 Mr. Curry's.

25 Q And it just so happens that the phones are caught at

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 the same time?

2 A Yes, ma'am.

3 Q Is Mr. Dixon's phone in the blue pie shape?

4 A Yes, ma'am.

5 Q And is Derrick Curry's phone in the yellow orangy
6 circle?

7 A Yes, ma'am.

8 Q And what area of interest is inside both of those
9 phones?

10 A The Cornerstone crime scene.

11 Q What does it mean to you when you have overlapping
12 between where Sha'Kel Dixon's phone may be and Derrick
13 Curry's phone may be?

14 A I would assess that most likely those phones are
15 located in the overlap area, which is part of the
16 Cornerstone crime scene.

17 Q And the Derrick Curry information, is that NELOS
18 information or activity on the phone?

19 A That is NELOS information.

20 Q And, Mr. Dixon, does he have NELOS?

21 A Mr. Dixon has AT&T. We do have some NELOS data but
22 this is pulled from cell phone records which would of been
23 either a call, text, or data being used by his phone.

24 Q In -- coming in or going out?

25 A Yes, ma'am.

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 Q Okay. Slide 9.
- 2 Can you explain to us what we have here.
- 3 A Yes, this is Mr. Curry's phone at 3:50PM and Sha'kel
- 4 Dixon's phone at 3:50PM.
- 5 Q And, again, just a coincidence that they happened at --
- 6 the phones will have activity at the same time?
- 7 A Yes.
- 8 Q For clarification, is Sha'kel Dixon's phone somewhere
- 9 in-between the yellow orangy pie shape?
- 10 A Yes, ma'am.
- 11 Q And is Derrick Curry's phone inside the greenish blue
- 12 circle?
- 13 A Yes, ma'am.
- 14 Q What is indicated at the red marker?
- 15 A The Cornerstone crime, Cornerstone crime scene.
- 16 Q And when we have two phones overlapping, what is --
- 17 what does that tell you?
- 18 A Most likely those phones are within the overlap area
- 19 which encompasses the Cornerstone crime scene.
- 20 Q Slide 10 please.
- 21 A Slide 10 we have Denzell Jackson's phone at 3:56,
- 22 Derrick Curry's phone at 3:55, and Sha'kel Dixon at 3:55PM
- 23 on April 30th.
- 24 Q And, again, explain why Denzell Jackson is a minute off
- 25 from the others.

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 A He just utilized his phone at a different time.
- 2 Q And when you say he utilized his phone, it could be
- 3 activity -- someone calling or texting him or he's --?
- 4 A Yes, I should say the phone was utilized at a different
- 5 time.
- 6 Q Okay. So, inside the bluish pie shape is who?
- 7 A That is Sha'kel Dixon.
- 8 Q Inside the pink circle is who?
- 9 A Derrick Curry.
- 10 Q And inside the yellowish orange pie shape?
- 11 A Denzell Jackson.
- 12 Q Do those three overlap?
- 13 A There is a small overlap area in-between the
- 14 Cornerstone crime scene and Christian Barnwell's residence.
- 15 Q And what does this represent to you?
- 16 A To me, I would look at this as if those people are
- 17 traveling -- those phones are traveling possibly from one
- 18 location to the next.
- 19 Q Slide 11.
- 20 A Slide 11 is Derrick Curry in the blue pie shaped at
- 21 4:02PM and Denzell Jackson at 3:56PM in the peachy pie
- 22 shaped.
- 23 Q Again, we have a little bit of a time difference
- 24 between the two just based on the activity of the phone
- 25 itself?

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 A Yes, ma'am.
- 2 Q And there is overlap?
- 3 A Yes. And that would cover Christian Barnwell's
- 4 residence.
- 5 Q Slide 12 please.
- 6 A Slide 12 is Sha'kel Dixon in the peach pie shaped at
- 7 4:04PM and Derrick Curry in the blue shape at 4:03PM.
- 8 Q Are those two are overlapping?
- 9 A There's some overlap as well.
- 10 Q And the red marker's indicate where?
- 11 A The top marker is Christian Barnwell's residence and
- 12 the one near the bottom is [REDACTED] Green Street.
- 13 Q There is a -- many difference in the records.
- 14 what does that indicate to you?
- 15 A So they could be traveling between those two locations
- 16 most likely.
- 17 Q Slide 13 please.
- 18 A Slide 13 we have Derrick Curry at 4:06PM and Sha'kel
- 19 Dixon at 4:05PM. Derrick Curry is the, the light colored
- 20 circle underneath.
- 21 Q And Sha'kel Dixon is the blue pie shaped?
- 22 A Yes, ma'am.
- 23 Q And what is the red marker?
- 24 A The red marker is [REDACTED] Green Street.
- 25 Q Are these phones overlapping?

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 A They are and it's very near [REDACTED] Green Street.
- 2 Q slide 14.
- 3 A Is Derrick Curry in the blue circle at 4:12PM and
- 4 Sha'Kel Dixon at 4:13PM in the peach pie.
- 5 Q Are they overlapping?
- 6 A They are overlapping in-between Christian Barnwell's
- 7 residence and [REDACTED] Green Street.
- 8 Q And, again, if we don't have Denzell Jackson's phone,
- 9 what -- pinging at the same time, what does that indicate to
- 10 you?
- 11 A His phone was not being used during that time.
- 12 Q slide 15 please.
- 13 A We have Denzell Jackson at 4:39 in the left color --
- 14 piece of pie, darker color, and then we Sha'Kel Dixon at
- 15 4:41PM, and then we have Derrick Curry at 4:47PM.
- 16 Q And because you only have two pie shapes up there, is
- 17 Derrick Curry and Sha'Kel Dixon actually pinging off the
- 18 same tower in the same sector?
- 19 A Yes, ma'am.
- 20 Q And there is some time lapse in-between the phone calls
- 21 --
- 22 A Yes.
- 23 Q -- or phone usage and that is again because?
- 24 A Just when the phone was used.
- 25 Q Incoming or outgoing?

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 A Incoming or outgoing.
- 2 Q And what is the red marker that overlaps the three
- 3 phones?
- 4 A The Cornerstone crime scene.
- 5 Q slide 16 please.
- 6 A We have Derrick Curry's phone at 5:01PM and Sha'kel
- 7 Dixon's phone at 5:02PM.
- 8 Q Derrick Curry's is inside the peach color---
- 9 A Yes, ma'am.
- 10 Q ---pie shape?
- 11 A Yes, ma'am.
- 12 Q Sha'kel Dixon is inside the blue shaped pie shaped?
- 13 A Yes, ma'am.
- 14 Q And what is inside indicated in red?
- 15 A The Cornerstone crime scene.
- 16 Q These two phones overlap?
- 17 A Yes.
- 18 Q And they are both inside the Cornerstone crime scene,
- 19 Nokesville Circle address?
- 20 A Yes, ma'am.
- 21 Q slide 17.
- 22 A We have Derrick Curry in the peach circle at 5:04PM.
- 23 we have Sha'kel Dixon in the blue circle at 5:05PM and we
- 24 have Denzell Jackson at 5:06PM in the pink pie shaped.
- 25 Q And do all three of these phones overlap?

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 A There is some over -- yes.
- 2 Q And where are they in-between or traveling to?
- 3 A In-between Christian Barnwell's residence and [REDACTED] Green
- 4 Street.
- 5 Q And, again, there's a slight difference in the times?
- 6 A Yes, just based on usage.
- 7 Q Slide 18 please.
- 8 A We have Derrick Curry in the peach circle at 5:09PM and
- 9 Sha'kel Dixon in the blue pie at 5:09PM.
- 10 Q These phones overlap?
- 11 A Yes, ma'am.
- 12 Q And what is the red marker?
- 13 A Cornerstone crime scene.
- 14 Q Within the overlap of the two phones?
- 15 A Yes.
- 16 Q Slide 19 please.
- 17 A We have Derrick Curry's phone at 5:17PM within the blue
- 18 circle and Sha'kel Dixon in the peach circle at 5:20PM.
- 19 Q Slight change in time?
- 20 A Slight change. It's three minutes. There's some
- 21 overlap and it involves the Cornerstone crime scene.
- 22 Q And that is marked by the red circle?
- 23 A Yes, ma'am.
- 24 Q Slide 20.
- 25 A We have Sha'kel Dixon in the blue circle at 5:31PM and

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 Denzell Jackson in the peach pie at 5:34PM.
- 2 Q Those phones are overlapping?
- 3 A There is some overlapage (phonetic), yes.
- 4 Q slight time change between the two phones --
- 5 A Yes.
- 6 Q -- based on usage, right?
- 7 A Correct.
- 8 Q And it's, and it's in the vicinity of what else?
- 9 A The [REDACTED] Green Street address.
- 10 Q slide 21 please.
- 11 A we have Denzell Jackson in the blue pie at 6:24PM and
- 12 Sha'kel Dixon at 6:25PM in the peach circle.
- 13 Q And those two phones are overlapping?
- 14 A Yes, ma'am.
- 15 Q A one minute time difference between the two phones?
- 16 A Yes, ma'am.
- 17 Q And in relation to what areas on the map?
- 18 A They are west of the Savannah River site and [REDACTED] Green
- 19 Street.
- 20 Q slide 22 please.
- 21 A 22, we have Denzell Jackson in the peach pie at 6:29PM
- 22 and Sha'kel Dixon in the blue pie at 6:30PM.
- 23 Q Those two phones are overlapping?
- 24 A Yes, ma'am.
- 25 Q And where are they in relation to the areas of

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 interest?
- 2 A They are still west of [REDACTED] Green Street and the
- 3 Savannah River site.
- 4 Q Slide 23 please.
- 5 A We have Sha'kel Dixon in the blue pie at 6:38PM and
- 6 Denzell Jackson at 6:42PM in the peach pie.
- 7 Q Those phones are overlapping?
- 8 A There is, yes.
- 9 Q And they are in relation to what point of interest?
- 10 A They are near [REDACTED] Green Street at that time.
- 11 Q Slide 24 please.
- 12 A We have Denzell Jackson in the peach pie shape at
- 13 6:46PM. We have Derrick Curry in the larger pink circle at
- 14 6:51PM and Sha'kel Dixon in the small, I believe is it blue
- 15 on your -- the small circle. I'm not sure what color you'd
- 16 call that at 6:53PM.
- 17 Q Is it the --?
- 18 A It's the small circle around the [REDACTED] Green Street
- 19 address.
- 20 Q Okay. So we're talking about the, the defendant,
- 21 right?
- 22 A Yeah, it's -- it looks a little different on your
- 23 screen than it does mine.
- 24 Q This one?
- 25 A Yes, that would be the circle.

Regina Sailer - Direct examination
By Solicitor Charbonneau

- 1 Q Okay.
- 2 A So that is where Sha'kel Dixon's phone would be.
- 3 Q All three of those phones are overlapping?
- 4 A Yes, ma'am, at the [REDACTED] Green Street address.
- 5 Q Slide 25 please.
- 6 A We have Sha'kel Dixon's phone at 7:26PM in the peach
7 circle and we have Derrick Curry's phone at 7:26PM also in
8 the blue circle.
- 9 Q And those phones are almost completely on top of each
10 other?
- 11 A They are very close to being on top of each other.
- 12 Q And where are they in relation to the points of
13 interest?
- 14 A They are just north of [REDACTED] Green Street and south of
15 Christian Barnwell's residence.
- 16 Q Slide 26.
- 17 A We have Denzell Jackson's phone in the peach pie at
18 8:44PM and Sha'kel Dixon's phone in the blue circle at
19 8:44PM.
- 20 Q Those two phones are overlapping?
- 21 A Yes, ma'am.
- 22 Q In relation to the points of interest?
- 23 A They are west of [REDACTED] Green Street and just north of the
24 Savannah River site.
- 25 Q Slide 27 please.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 A We have Sha'Kel Dixon's phone in the peach -- blue pie
2 area at 8:57PM and Derrick Curry's phone at 9:02PM in --
3 within the peach circle.

4 Q And those two phones are overlapping?

5 A Yes.

6 Q And they are in the area of what?

7 A Just north of the Savannah River site and west of 
8 Green Street.

9 Q And is that 278 that, that road that's going through
10 there?

11 A Yes, ma'am, it is.

12 Q Slide 28 please.

13 A This is Sha'Kel Dixon's phone at 11:33PM and it is over
14 in the vicinity of the Cornerstone crime scene.

15 Q And that's in the pink pie --

16 A Yes, ma'am.

17 Q -- shape?

18 And 29 please.

19 A We have Sha'Kel Dixon's phone in the blue circle at
20 11:34PM and Denzell Jackson's phone in the peach colored pie
21 at 11:35PM.

22 Q Those phones are overlapping almost completely?

23 A Yes. And it is covering the Christian Barnwell
24 residence.

25 Q Thank you.

Regina Sailer - Direct examination
By Solicitor Charbonneau

1 And just because I, I want to make sure I wasn't using
2 the wrong terminology, when you're looking at State's
3 Exhibit 113, the PowerPoint we just looked at, and you're
4 talking about Derrick Curry's phone after the 1:01PM time,
5 does that change your opinion about whether Derrick Curry
6 was using his phone outgoing after 1:01?

7 A No, I'm not sure if those are outgoing or incoming data
8 pings. They could be either and I do not know which, which
9 they are.

10 Q And based on your review of the cell phone records from
11 Derrick Curry, which can you say is clearly the last call or
12 text that his phone placed?

13 A Yes, it -- that is the one at 1:01---

14 Q One---

15 A ---PM.

16 SOLICITOR CHARBONNEAU: One moment, Your Honor.

17 (Pause.)

18 Q Thank you.

19 I have nothing further.

20 THE COURT: Mr. Johnson.

21 MR. JOHNSON: Thank you.

22 CROSS-EXAMINATION

23 BY MR. JOHNSON:

24 Q How you doing?

25 A Hi.

Regina Sailer - Cross-examination
By Mr. Johnson

1 Q So you were asked to review cell phone raw data that
2 you received but that you did not generate yourself,
3 correct?

4 A Yes, sir.

5 Q And you put that information into a database---

6 A A---

7 Q ---system?

8 A A software system, yes, sir.

9 Q A software system that then gave you these pinpoints
10 and general areas of, of interest.

11 Is that correct?

12 A Yes, sir.

13 Q And how many days did you go back from April 30th?

14 A I believe for Mr. Dixon and Mr. Jackson I only focused
15 on the 30th.

16 Q What about Mr. Curry?

17 A I know we -- there -- the, the records might have gone
18 back a little bit. The only thing I focused on was
19 April 30th and forward.

20 Q And so would it be fair to say you, you were not
21 available to pinpoint travel patterns prior to April 30th?

22 A I did not look at those, no, sir.

23 Q And so you can't tell us whether these phones being in
24 a general location was normal or abnormal based on these
25 individual's jobs, lives, travel, or anything like that,

Regina Sailer - Cross-examination
By Mr. Johnson

1 correct?

2 A That's correct, sir.

3 Q So what we have is just a snapshot of, of one day in
4 particular?

5 A Yes, sir.

6 Q Do you believe that you would of been able to establish
7 more of a pattern if you had more records?

8 A If I were asked to look at those records, generally
9 speaking we could establish a pattern, yes.

10 Q Now, let's talk about cell towers.

11 A Okay.

12 Q Now, is it fair to say that the distance between cell
13 phone towers varies by location like you said earlier?

14 A Yes, sir, urban, rural, city, mountains.

15 Q And so, in this particular case, were you able to
16 determine how many cell towers are in the locations that we
17 were just looking at on those slides?

18 A I did not specifically look at that, no, sir.

19 Q would it be fair to say that a phone may not always
20 connect to the nearest cell tower depending on variables?

21 A There are always variables that could, could adjust
22 that. But most generally speaking they would connect to the
23 nearest, which is -- would be the strongest cell tower.

24 Q And so what we are talking about is generally speaking,
25 right, cause this is not GPS location data, correct?

Regina Sailer - Cross-examination
By Mr. Johnson

1 A Correct.

2 Q And so would it be fair to say that some of the things
3 that effect which phone -- which cell tower a phone is, is
4 connected to would be possible how many other calls were
5 being made to that tower?

6 A Yes, sir, there would be a limit on how many phones
7 could be connecting to a certain tower at a certain time.

8 Q And if a phone is traveling, then the phone could be
9 passed off to another cell tower.

10 Is that correct?

11 A Yes, sir.

12 Q And that's not always the closest tower, correct?

13 A If they were traveling, it pro, pro -- most likely,
14 generally speaking, would connect to the closest -- next
15 closest cell tower whatever their route of travel would be.

16 Q And would an individual know if their cell phone signal
17 is being passed to another tower?

18 A No. No, sir.

19 Q And were you able to establish how many towers are in
20 New Ellenton, South Carolina?

21 A I did not look at that, no, sir.

22 Q So if a -- if it's a rural place, would it be fair to
23 say that, generally speaking, that location would not have
24 as many cell towers?

25 A Yes, sir.

Regina Sailer - Cross-examination
By Mr. Johnson

1 Q And so if a location does not have many cell towers, an
2 individual could be connected to a cell tower that may not
3 be in close proximity?

4 It may just be the closest or the only available cell
5 tower?

6 A You would still have to be within a reasonable distance
7 to a cell phone tower to connect. Otherwise your phone just
8 wouldn't work, and sometimes in rural areas, that is the
9 case.

10 Q And so is triangulation used here?

11 A No, sir.

12 Q All right. So let's talk about triangulation.

13 It -- isn't that a way to get a more accurate location
14 of a phone because you are using multiple cell towers to
15 kind of pinpoint the location?

16 A To be honest, that would probably be a question -- a
17 technical question that would need to be asked to a cell
18 phone carrier.

19 Q Okay. So that's not---

20 A I did not utilize any form of triangulation. I took
21 the raw data, which was provided from the cell phone
22 carrier, to create these visual maps.

23 Q And, and just to be clear, you didn't use or you didn't
24 see any GPS location as well on those slides that we just
25 saw, correct?

Regina Sailer - Cross-examination
By Mr. Johnson

1 A There were some pings which I'm sure if you would call
2 that GPS location.

3 Q well, let me say it this way.

4 It appears that all of the location information was an
5 estimate and not a pinpoint --?

6 A It is the data provided to us from the cell phone
7 carrier. I, I, I can't speak to whether they're estimating.
8 I did not estimate. I took the raw data.

9 Q Were you told any information about the parties in this
10 case re -- regarding where they lived at --

11 A No, sir.

12 Q -- or how close or how far apart they lived from each
13 other --

14 A No, sir.

15 Q -- or if some of these shaded areas contained
16 frequently visited businesses?

17 A No, sir.

18 Q And so just because a phone is in the same shaded area
19 as another phone, as you stated, does not mean that those
20 individuals are together, correct?

21 A Since we were not there it is tough to say whether
22 those phones were together. The records would indicate they
23 were in close proximity to each other.

24 Q And so close proximity could be anything from a
25 shopping center, if, if you're at a car dealer, and another

Regina Sailer - Cross-examination
By Mr. Johnson

1 individual is at a restaurant?

2 I mean that is within a realm of possibility, correct?

3 A Yeah, like all in the same strip mall you mean?

4 Q (WHEREUPON, there was no audible response.)

5 A Yes.

6 Q Were you asked to track the phone of Shaniyah Toney?

7 A No, sir.

8 Q Now I see that the default that a lot of these shaded
9 areas list is three miles or so?

10 A Yes, sir.

11 Q And does that include square miles?

12 A Just standard miles.

13 Q So anywhere within a three mile range, correct?

14 A Within that sector, if there's a sector, it would be
15 the cell tower and then the sector tells us what direction
16 off that cell tower that that phone is most likely within.

17 Q Now, see that on the last page or the last of the
18 second set of slides --

19 A Okay.

20 Q -- do you -- can we -- and so I have what's previously
21 asking, just so we can see, if you can see that the range
22 that we have right here for Mr. Jackson is three,
23 three miles?

24 A Yes, sir.

25 Q And the latitude and longitude, is that also an

Regina Sailer - Cross-examination
By Mr. Johnson

1 estimate?

2 A No, that is the, the -- for the circle you mean, the
3 NELOS data?

4 Q Yes.

5 A That is provided from the cell phone carrier. So that
6 is their saying that that phone -- we take the, the latitude
7 and longitude, we, we plot that on the map, and the radius
8 is how big or small that circle is.

9 Q So, in this slide Number 29 --

10 A Okay.

11 Q -- State's Exhibit 115, it's fair to say that
12 Mr. Jackson's phone, based on your testimony, could be
13 anywhere from this top right corner to the bottom left
14 corner, correct?

15 A Yes, sir.

16 Q Up to the---

17 A That would be the---

18 Q ---top?

19 A Yes, sir.

20 Q Correct?

21 And so at no point in time are you able to, based on
22 the information that you got from the cell phone company,
23 tell us where an individual is at a specific time based on
24 this range---

25 A Yes, sir.

Regina Sailer - Cross-examination
By Mr. Johnson

1 Q ---that we have?

2 A They, they provide the cell site, which is the cell
3 tower location, and then the sector. So what part of the
4 tower the phone is on.

5 MR. JOHNSON: All right. Can I have one moment, Your
6 Honor?

7 (Pause.)

8 Q And besides analyzing these records, do we have any
9 other role in this case?

10 A I conducted a couple database queries on Mr. Curry.

11 Q And were you told to just look for April 30th?

12 A For---

13 Q The -- through these records.

14 A For Mr. Dixon and Mr. Jackson?

15 Q (WHEREUPON, there was no audible response.)

16 A Yes, sir.

17 Q Thank you.

18 A You welcome.

19 MR. THOMPSON: May it please the Court?

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. THOMPSON:

23 Q Agent Sailer, the data in all these pictures and graphs
24 and the stuff that you looked at is tracking phones, not
25 people, correct?

Regina Sailer - Cross-examination
By Mr. Thompson

1 A Yes, sir.

2 Q Okay. That -- and we kind of assume that everybody has
3 their phone on them at all times. It's kind of a function
4 of our, our modern society.

5 But you're tracking phones and not people?

6 A Yes, sir.

7 Q Okay. So, if -- and, and please do not give me any
8 personally I -- personal identifying information.

9 But if you and I were to go to lunch after your
10 testimony, and then if you were and I were to drop or leave
11 my phone in your car, my phone would ping from here to
12 wherever it is that you live or work?

13 A Yes, if your phone is receiving data from a cell.

14 Q These, these pictures -- I sometimes have a little bit
15 of a hard time with a prospective but -- because of the, the
16 maps that we're using.

17 These pictures of the little areas or pieces, these,
18 these can be relatively large areas, correct?

19 A Yes, sir.

20 Q And I'm -- forgive me but I think I did a little bit of
21 math, which is always dangerous, but, but I think some of
22 these, some of these pinged pictures are at about
23 2,500 meters?

24 A Some might be.

25 Q Is that right?

Regina Sailer - Cross-examination
By Mr. Thompson

1 A Some might be that large and then some might be 200 or
2 600 meters.

3 Q Okay. The, the one -- the only -- I, I was kind of
4 looking through the graphs but the one I was looking at was
5 2,500 meters. 2,500 meters is about, I'm gonna represent to
6 you, about one and a half miles, maybe a little bit more,
7 and -- pardon me just a moment.

8 If memory serves, I think the area of the circle is pi
9 R squared, which would make a 2,500 meter ping an area of
10 approximately about seven and a half square miles?

11 A Unfortunately I can not speak to that. I have no idea.

12 Q Fair, fair enough. Fair enough.

13 A I wish I did.

14 Q It -- but more than a couple square miles?

15 A I have no idea.

16 Q Okay. And you had, you had mentioned earlier that you
17 were familiar enough with some of the geography of Aiken
18 County to know that, that at least some of these were on
19 like -- there's a highway next to New Ellenton in-between
20 New Ellenton and the Savannah River site that some of them
21 were on that highway later on in the, in the tracking
22 picture, correct?

23 A Yes, sir.

24 Q Some of this earlier stuff though is in relatively
25 densely populated, relatively well traveled areas of South

Regina Sailer - Cross-examination
By Mr. Thompson

1 Aiken off of whiskey Road, correct?

2 A I believe so, yes, sir.

3 Q Can you tell me, from the information you have in front
4 of you, the earlier, the earlier data that you have, about
5 what time was it from?

6 A In the maps that were prepared I believe we start
7 around 1:57PM.

8 Q So close to two o'clock in the afternoon?

9 A Yes, sir.

10 Q Okay. And I believe you, you testified earlier when
11 Mr. Johnson was talking to you that a lot of these signals
12 can be affected by things. It can be affected by maybe
13 ground cover or, or obstacles. That can be affected by the
14 traffic on the tower. Sometimes you can be bounced to
15 another tower if, for instance, if a tower is -- a specific
16 area has a lot of traffic at that time.

17 Correct?

18 A Yes, sir.

19 Q On your maps, Sugar Creek Elementary School is real
20 close to the, the first maps that you have that are pinging
21 Mr. Dixon's phone, correct?

22 A I'm not familiar with the elementary school.

23 Q Okay.

24 A I apologize.

25 Q But if it were near a elementary school at a time that

Regina Sailer - Cross-examination
By Mr. Thompson

1 there was a lot of traffic with people picking up kids from
2 school, it would be very easy for a call to be bounced maybe
3 to another tower, correct?

4 A It's always possible, yes, sir.

5 Q And in that case we wouldn't really be sure where this
6 was at because the latitude and longitude stuff you were
7 talking to him about, that's the latitude and longitude of
8 the tower, right?

9 A Yes, sir.

10 Q Okay. I believe you -- in your maps, you're, you're
11 using some information for Sha'kel Dixon's phone.

12 You were given that phone number as belonging to
13 Sha'kel Dixon, correct?

14 A I, I was given the, the, the call detail records---

15 Q Right.

16 A ---straight from the cell phone carrier and I was told
17 that that was -- to, to, to relate that phone number to Mr.
18 Dixon, yes, sir.

19 Q You were told that was Sha'kel Dixon's phone.

20 So, you don't necessarily have any specific subscriber
21 information indicating that that's his phone?

22 A Not---

23 Q It would---

24 A ---in front of me, no, sir.

25 Q Very well.

Regina Sailer - Cross-examination
By Mr. Thompson

1 And no record of any kind of messages. You're just
2 looking at where phones might be broadcasting or receiving
3 or pinging at. You're not looking at any specific messages
4 or texts or voice or anything like that.

5 A That is correct.

6 Q In all of this stuff, you, you were only asked to look
7 at data on the -- at -- the 30th of May?

8 A April.

9 Q I'm sorry. 30th of April.

10 You were only asked for data from the 30th of April,
11 2019, and slightly forward. You were not asked to look for
12 anything before then.

13 A That is correct.

14 Q Right?

15 Okay. So you don't have any records related to any
16 type of planning meetings in-between any people be -- ahead
17 of time?

18 A They may or may not exist. I did not look at those,
19 no, sir.

20 Q But you don't have any record?

21 A I did not look at them. I don't know whether the
22 records exist.

23 Q Yes, ma'am.

24 And you don't have any records of the proximity of
25 people in this -- and I apologize. You may not have heard

Regina Sailer - Cross-examination
By Mr. Thompson

1 this testimony. There was a -- testimony earlier in this
2 case about their being a, a murder plot like a day or two
3 before at a movie theater.

4 Your records don't have anything to do with that,
5 correct?

6 You did not look---

7 A I, I did not look at those, no, sir.

8 Q Okay. And you were not asked to look at any records
9 related to Miss Shaniyah Toney's telephone?

10 A No, sir.

11 Q And were not asked to look at any records related to
12 Mr. Elijah Stone's (sic) telephone?

13 A No, sir.

14 MR. THOMPSON: I have no further questions for this
15 witness.

16 THE COURT: Any redirect?

17 SOLICITOR CHARBONNEAU: No, sir. Thank you.

18 THE COURT: Thank you. You may step down.

19 THE WITNESS: Thank you.

20 THE COURT: Call your next witness.

21 (WHEREUPON, a disk was marked as State's Exhibit No.
22 116 for identification purposes only at this time.)

23 SOLICITOR HAMMACK: Your Honor, at this time, pursuant
24 to your request during COVID protocol, we have a digital
25 copy of photographs that have been entered into evidence.

1 They are contained on this disk that is labeled State's
2 Exhibit 116. We would just move this disk into evidence as
3 a copy of all photographs that have been admitted.

4 MR. JOHNSON: No objection, Your Honor.

5 MR. THOMPSON: This is just a compiling of all the
6 photographs?

7 SOLICITOR HAMMACK: They were manually scanned.

8 MR. THOMPSON: I have no reason to object to this at
9 all. I have no objection.

10 THE COURT: Admitted without objection.

11 SOLICITOR HAMMACK: Thank you, Your Honor.

12 (WHEREUPON, State's Exhibit No. 116 was received into
13 evidence at the time.)

14 SOLICITOR CHARBONNEAU: Your Honor, the State rests.

15 THE COURT: All right. Ladies and gentlemen, that is
16 the State's case and we need to take up some matters outside
17 of your presence. If you will go to the jury room. Please
18 do not discuss the case.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Are there any matters of law?

22 MR. JOHNSON: Your Honor, at this time, on behalf of
23 Mr. Jackson, I would make a motion for a directed verdict.

24 THE COURT: On what basis?

25 MR. JOHNSON: All right. Your Honor, if we will start

1 rests.

2 THE COURT: All right. Mr. Thompson.

3 MR. THOMPSON: Your Honor, Mr. Dixon's defense rests.

4 We do not -- have the procedural motions at the appropriate
5 time and this---

6 THE COURT: They will be so noted for the record.

7 MR. THOMPSON: Thank you, Your Honor.

8 THE COURT: And if you have anything further to say at
9 a the later time, then we'll---

10 MR. THOMPSON: Very fine, Your Honor.

11 THE COURT: All right.

12 MR. THOMPSON: Thank you.

13 THE COURT: Ladies and gentlemen, that means you have
14 heard all of the testimony and received all of the evidence.
15 It's now time for closing arguments.

16 First by the State.

17 SOLICITOR CHARBONNEAU: Thank you, Your Honor.

18 May it please the Court?

19 THE COURT: Yes.

20 SOLICITOR CHARBONNEAU: Mom, I'm coming home, the last
21 words that Derrick Curry ever says to his mother,
22 April 30th, 2019.

23 Sometimes the victims get lost in murder cases if
24 they're not here to speak on their behalf for themselves. So
25 let's not forget about Derrick Curry.

1 Twenty years old, 5'11", 120 pounds. He's skinny.
2 Look at his arms compared to the (indiscernible) on the
3 porch and you will get all the evidence that will go back
4 with you in the jury room. So you will have all of this to
5 follow -- look over for yourselves.

6 The State's Exhibit 1, take a look at how skinny he is.
7 He was 20 years old. He had a girlfriend, Cordajiah
8 Council. He had a mom, friends, family. He was making rap
9 music. 60 was his performer's name. Twenty years old. He
10 had his whole life ahead of him.

11 Not anymore. Because on April 30th, 2019, Denzell
12 Jackson and Sha'Kel Dixon put an end to, to his future.

13 You heard the testimony and the evidence. Let's go
14 over it just so I can point out certain things to you to
15 have paid attention to.

16 Denzell Jackson and Sha'Kel Dixon, along with Shaniyah
17 Toney, lure Derrick Curry to that Nokesville Circle house.

18 Now, you are the jury for Denzell Jackson and Sha'Kel
19 Dixon. You're not the jury for Christian Barnwell. You're
20 not the jury for Altashaun Bacon and you are not deciding
21 whether you like or dislike Shaniyah Toney.

22 You may not like her. You may not like what she did.
23 She -- there's no question she was involved in this. But
24 she is not on trial. You judge her credibility. You take
25 her actions into consideration along with the others,

1 Barnwell and Bacon, along with Dixon and Jackson, and then
2 you decide Dixon and Jackson. Barnwell and Bacon will have
3 their own days in Court and they will have their own jurors.

4 So, while the hand of one, you are looking at all five
5 people's actions and you are deciding on Jackson and Dixon.
6 If they are a part, under the hand of one, if -- they
7 committed these crimes.

8 The other thing to keep in mind is that you are
9 deciding whether they are guilty or not guilty of the crimes
10 charged. The Judge decides the sentencing. If he wants to
11 be more lenient on one or the other, give them the same
12 sentence, whatever it is, that's not for you to decide. You
13 decide guilt or not and then the Judge decides the sentence.

14 Let's go over -- both defendants are charged, the same
15 three charges, murder, kidnapping, and possession of a
16 weapon during a violent crime. Let's start with the
17 easiest.

18 Possession of a weapon during a violent crime is just
19 that, that they possessed a gun while they committed a
20 violent crime. Murder and kidnapping are both considered
21 violent crimes in South Carolina.

22 So, how do you know, through the testimony and the
23 evidence that you heard, that both Dixon and Jackson are
24 both guilty of that?

25 well, first of all, Shaniyah Toney, whether you like

1 her or not, whether you agree with her behavior, or even for
2 that matter, whether you agree whether she should of been
3 arrested or not, is, again, not for you to decide.

4 Look at her actions. Listen to her testimony. Decide
5 if she's credible.

6 Shaniyah Toney is an eye witness in this case. She
7 told you that both Denzell Jackson and Sha'Kel Dixon had
8 guns on their hips. She gave descriptions of both guns.
9 She ID'd Denzell Jackson's gun, State's Exhibit 107. She
10 ID'd and told you that's the gun Denzell Jackson had that
11 day, the 9-millimeter Glock. And you heard from the DNA
12 forensic scientist tell you Denzell Jackson's DNA is on that
13 gun.

14 And where is it found?

15 Under Denzell Jackson's bed in his home at [REDACTED] Green
16 Street.

17 what else did Shaniyah Toney tell you as far as Dixon?

18 She said that he had a gun on his hip, that he was in
19 the doorway when they bust open the door to kill Derrick
20 Curry, that he's in the doorway with his gun. It was
21 Denzell Jackson who shot but Sha'Kel Dixon had his gun,
22 along with the pink tote, and the black trash bags there.

23 You also had the evidence such as the projectile found
24 in the house and recovered.

25 kidnapping. When you think of kidnapping, we're used

1 to movies or TV shows where you see someone's kidnapped.
2 They're grabbed, a bag's put over their head, they're tied
3 up, duct tape across their mouth, thrown into a van, taken
4 off. That is not the real charge or element of kidnapping.

5 The judge will instruct you on the law. Although that
6 is a kidnapping, there's other types of kidnapping.

7 The accused did unlawfully seize, confine, inveigle,
8 decoy, kidnap, abduct, or carry away another person and that
9 the act was committed without authority of law. Inveigle
10 means to deceive or to lure or trick the person for an evil
11 purpose.

12 How do we know that the defendants are guilty of
13 kidnapping under South Carolina law?

14 well, Derrick Curry was lured and tricked by the plan
15 that all three of them, Dixon, Jackson, and Shaniyah Toney,
16 put into motion. She told you, again eye witness testimony,
17 Shaniyah told -- Toney told you that she went to [REDACTED] Green
18 Street, that Denzell Jackson started texting her in the
19 morning to come over to his house, and that they needed a
20 way to get to Derrick Curry. They had attempted to kill him
21 the night before with the whole movie scenario and it didn't
22 happen.

23 So now the three of them are talking at [REDACTED] Green
24 Street.

25 Denzell Jackson, Sha'kel Dixon, Shaniyah Toney, how are

1 they going to get at them -- at Derrick Curry?

2 They come up with a plan. They are gonna use Shaniyah
3 Toney as bait. They are going to lure Derrick Curry to a
4 place where they can get to him and they all act on that
5 plan.

6 They discussed what Shaniyah Toney needs to put in her
7 message to Derrick Curry. They go over it. She does text
8 Derrick Curry and Derrick Curry agrees to meet her.

9 The fact that he's not aware that he's being tricked
10 and lured is not a part of, of the situation or the element
11 of the crime. The element of the crime is that they did
12 trick him. Whether he knew it or not before he died is not
13 a part of the element.

14 So, they put the plan in motion. She text -- Shaniyah
15 texts Derrick Curry. She drops the two defendants off at
16 her house at Nokesville Circle. According to the plan
17 they've all decided on, she goes to McDonald's on Richland
18 Avenue to pick up Derrick Curry and to bring him back to
19 Denzell and Sha'Kel.

20 She brings him back to Nokesville Circle. Dixon and
21 Jackson are hiding in her sister's closet and he thinks he's
22 there to have sex with Shaniyah Toney. That is a
23 kidnapping.

24 How do we know that what Shaniyah Toney told you is
25 true?

1 You look to evidence and see if it, it corroborates or
2 matches with what she says. You look to the testimony of
3 other witnesses to see if it's been corroborated or matched.

4 We have, again, the physical evidence that's found in
5 at the scene, the projectile, the blood, the defendant's
6 blood DNA, the projectile recovered. You have all of that
7 in evidence, the carpet, the padding where all the blood was
8 and the amount of blood.

9 You also know that what she told you is true because
10 you have the McDonald's video. The McDonald's video
11 corroborates what she said, that she was sent to McDonald's
12 to pick him up, and you see him for yourself getting in the
13 car, and we have a computer that goes back with you, and you
14 can play that video as many times as you want to look at it.

15 Let's look at the murder. Unlawful killing of another
16 with malice aforethought. Malice aforethought -- I'm
17 reading from the instructions. It's the willful doing of an
18 illegal act without just cause and with a previously formed
19 intention to commit such act. A killing may be with malice
20 aforethought although it is conceived and executed at the
21 same time. Malice aforethought may be inferred from
22 reckless disregard of human life. If malice aforethought is
23 committed in the execution of an unlawful act, all
24 participants are guilty.

25 Even in the instructions that the Judge will read to

1 you he will tell you that you can not decide this case
2 because you like or dislike someone and you must follow the
3 law as he instructs you. Whether you agree with the law or
4 not, you must apply it.

5 The Judge will further instruct you on the hand of the
6 law that I told you about in opening and it's important
7 because it applies completely in this case.

8 A person who joins with another to commit an unlawful
9 act is criminally responsible for everything done by the
10 other person which happens as a probable or natural
11 consequence of the acts done in carrying out the common plan
12 and purpose. If two or more people act together, acting
13 together, assisting each other in committing the offense,
14 the act of one is the act of all, or as it is sometimes
15 said, the hand of one is the hand of all.

16 When a person does an act in the presence of and with
17 the assistance of another, the act is done by both. Where
18 two or more acting with a common plan or intent are present
19 at the commission of a crime, it does not matter who
20 actually commits the crime. All are guilty. The hand of
21 one is the hand of all.

22 So, we talk about the hand of one and I want to give
23 you an example. Three guys decide to rob a bank at
24 gunpoint. One guy -- the plan is one guy's gonna go into
25 the bank with the gun and he's gonna hold up the job and get

1 the money. The second guy is gonna stand outside the bank
2 and he's gonna whistle if he hears the -- if he see or hears
3 the police coming. The third guy is gonna be the getaway
4 driver. He's gonna sit in the car. He doesn't have a gun,
5 sitting in the car, and as soon as the other two can,
6 they're gonna jump in the car and get away with the money.

7 Under the hand of one law, all three of those people
8 are guilty of armed robbery. That's the hand of one law.

9 So, Shaniyah Toney basically gives you all the eye
10 witness testimony in this case, and the other evidence that
11 you can look at, you have to decide if she is a credible
12 witness and the Judge will also instruct you on the
13 credibility of witnesses and things that you are to look
14 for.

15 You want to look and see if they're truthful or not.
16 Were they straightforward in answering the questions?
17 Look at their body language when they're on the stand.
18 Do they have a reason to lie?

19 Do they have any bias or prejudice or motive to lie?

20 Does their testimony match or is it consistent with
21 other testimony and other evidence in the case?

22 And I submit to you all the evidence in this case
23 matches or is consistent with what Shaniyah told -- Toney
24 told you this week.

25 We talked about the plan at, at [REDACTED] Green Street and

1 that the, the plan is for her to go and pick up Derrick
2 Curry at the McDonald's video. That's State's Exhibit 6 and
3 I'd like to show that to you right now to point out some
4 things.

5 Mr. Trin (phonetic), if you'll fast forward to where we
6 see Derrick Curry?

7 Can you see him?

8 I'm drawing your attention on State's Exhibit 6 to the
9 top right-hand corner. Here's Shaniyah Toney's car that she
10 told you about. That's Derrick Curry.

11 As I said, you'll have this back with you. You can
12 look at it as much as you want. But take a look. white
13 shirt and shorts. Looks like white -- she told you they
14 were Jordan shoes. He's got a backpack on his side.

15 Go ahead.

16 On his back.

17 (WHEREUPON, the video was played for the jury at this
18 time.)

19 SOLICITOR CHARBONNEAU: And then you see him pull out
20 in Shaniyah Toney's car.

21 Thank you.

22 So why is the McDonald's video so important to you?

23 Because it confirms what Shaniyah Toney told the police
24 days after the murder. She says that there was a plan in
25 motion, that she was to go and pick him up at McDonald's,

1 that she did pick him up at McDonald's and brought him back
2 to her house. All part of a plan with Dixon and Jackson.

3 This video confirms that she told you the truth. This
4 is surveillance video from McDonald's. This is not Shaniyah
5 Toney's video. This is from McDonald's. It confirms. It
6 tells you she was telling the truth.

7 How else do you know she was telling the truth?

8 Because Agent Sailer told you this morning, the cell
9 phone records, and, again, you will have those PowerPoints
10 in the back, and she mapped Derrick Curry's phone for you
11 separately and she mapped it with the two defendants'
12 phones. And she showed you his phone is at McDonald's in
13 the 2:30, 2:40PM time on April 3rd, 2019, all confirming
14 what Shaniyah Toney told us.

15 What else do we have to confirm what Shaniyah Toney
16 tells us for the next part?

17 She says that she brings him to her house, that the two
18 defendants are hiding in the closet, that they burst in.
19 They shoot Derrick Curry in the eye. He falls instantly
20 dead.

21 No, no defense. No words are spoken. Doesn't -- he's,
22 he's not able to defend that. He doesn't even know what's
23 happening. He's caught by surprise when they bust open the,
24 the closed door and that it's Denzell Jackson who shot
25 twice, the second time into the wall, and that Sha'kel Dixon

1 is ready to go. They both had gloves on and Sha'Keel Dixon
2 has a pink tote and the black trash bag, his gun on this
3 table.

4 How do we know it's true?

5 Again, we look to the other evidence to confirm whether
6 she was telling the truth days after the murder, and
7 Investigator Williams has this evidence months, weeks, years
8 after the evidence.

9 well, Derrick Curry's phone goes there. You saw him
10 again on the map. The, the -- Derrick Curry's phone is
11 traveling from the McDonald's to the Cornerstone, which is
12 the Nokesville Circle address.

13 what else do we know that confirms?

14 Is that Dixon and Jackson's phones are all overlapping
15 at the crime scene. They're all in the same place together.
16 These people are enemies. They are not traveling together.
17 Everyone told you they're not friends and there's a beef
18 going on.

19 Cordajiah Council told you they weren't friends.
20 Shaniyah Toney told you they weren't friends and there was a
21 beef going on. Investigator Williams told you there was a
22 beef going on and she also told you that, on the Facebook
23 account of Derrick Curry and Denzell Jackson, for over
24 months leading up to the murder day, there was hostile back
25 and forth between Denzell Jackson and Derrick Curry.

1 These three are not together on -- by Derrick Curry's
2 approval. He was set up and those phone show that all three
3 of them are in the same area together and that was brought
4 up with these enemies except to kill him and that's what
5 they did.

6 Shaniyah Toney tells us that there was no struggle,
7 that Derrick was surprised. He shot him and he's
8 immediately dead. Derrick -- Shaniyah Toney tells you that
9 he's dead.

10 So how do we know this?

11 There's no evidence of a struggle. When the police go
12 there some 10 days later, there's no evidence of a struggle
13 at the crime scene. There's no shots fired from the
14 victim's gun. We also know that these are enemies, and if
15 he knew that Dixon and Jackson were in the house, he's not
16 leaving his book bag with his gun in the car and his phone
17 in the car. But Shaniyah Toney told you that he left it in
18 the car.

19 There is -- the amount of blood at that scene 10 days
20 later, when the police realize and are found that it's the
21 scene and they get to go there, and, by consent to search,
22 work that scene, is so much that it has soaked through the
23 carpet, through the padding, and is on the concrete floor.
24 And you heard the forensic scientist this morning, Adrienne
25 Hefney, tell you that it was blood. Not some liquid. Not

1 some cleaning supplies. It was blood.

2 Investigator Williams told you that it was a
3 significant amount of blood. It was definitely traumatic
4 injury. Investigator Johnson, the man who testified the day
5 before about collecting all the evidence, he told you a
6 large quantity of blood and then the carpet is saturated,
7 saturated with Derrick Curry's blood. The absence of
8 evidence sometimes tells you just as much.

9 Now, Shaniyah Toney told you that Dixon and Jackson
10 were wearing gloves. She also told you that they had never
11 been to her house before.

12 What does that tell you?

13 We know there's no DNA from Dixon and Jackson in that
14 house.

15 Why not?

16 Because the forensic scientist told you this morning,
17 you're wearing gloves, you're not gonna leave behind DNA.
18 So, they were smart enough or watch enough TV or movies to
19 know to wear gloves when they commit this murder and they
20 didn't leave DNA behind.

21 So, sometimes the lack of evidence or the, the fact
22 that the evidence is not there also tells you something.
23 Shaniyah Toney told you they were wearing gloves. There's
24 no DNA there. That's a match. And, again, the cell phone
25 records put the Defendant Dixon, the Defendant Jackson with

1 Derrick Curry at that crime scene at the same time.

2 Shaniyah Toney told you that Sha'kel Dixon said to her,
3 after they kill Derrick, and now they are putting his body
4 in a pink tote, and she's standing there crying, Sha'kel
5 Dixon said to her that she better stop crying or they're
6 gonna kill her too.

7 They. He used the words they. He didn't say Denzell
8 is gonna kill you. He said they because they are both
9 equally guilty of murdering Derrick Curry. They both acted
10 together. And when he said they, he meant himself and
11 Denzell. So, actually Sha'kel Dixon's words to Shaniyah
12 Toney that day tells you today that he's guilty of murder.

13 She told you that when they put him in the pink tote
14 that he -- his body fit in the pink tote but his legs were
15 hanging out.

16 Look at State's Exhibit 1. He is a skinny guy. He can
17 fit into the pink tote and the investigators took pictures
18 for you and measured pink totes found in the garage. Those
19 are not pink totes -- the pink tote that they used. That
20 pink tote is gone with Derrick Curry's body. But those show
21 you that pink totes were available, they were there in the
22 garage, and they measure them so that you could see that a
23 skinny guy like Derrick Curry could fit into that with his
24 legs hanging out.

25 Shaniyah Toney told us that, when they put Derrick in

1 the pink tote, that Denzell backed her car into the garage,
2 closed the door, and that both Denzell Jackson and Sha'kel
3 Dixon carried that pink tote with Derrick Curry's body in
4 it, and put it in the trunk of the car.

5 She also told us that the three of them then went, with
6 Denzell driving her car, they then drove to Christian
7 Barnwell's house, remember that's the house across from
8 Dukes, Dukes Bar-B-Que with the dirt road, and then that
9 they pulled ahead to Barnwell and Bacon. And when they got
10 to the dirt road, Barnwell and Bacon are there with
11 Altashaun Bacon's Honda Prelude and they are waiting,
12 standing outside the car, waiting for the trans -- for the
13 transfer.

14 And what else did Shaniyah Toney tell you?

15 That when they got there, and they opened the trunk,
16 Barnwell says oh, shit because they can see Derrick Curry in
17 the pink tote and now Barnwell helps Dixon and Jackson carry
18 that pink tote from the white Toyota Avalon that's
19 Shaniyah's to the trunk of Altashaun Bacon's Honda Prelude.
20 They were laughing about it. They thought it was funny.
21 Denzell made a comment about using his body as a target.

22 Kel, at the time of the scene, picked up Derrick
23 Curry's eyeball off the floor and put -- they thought that
24 was funny.

25 Ladies and gentlemen, that's malice aforethought.

1 There's nothing colder.

2 How do you know Shaniyah Toney's telling the truth
3 about that part?

4 Again, the DNA evidence, the victim, Derrick Curry's
5 blood DNA, is in the trunk of both those cars. The forensic
6 scientist told you that this morning. Not cleaning
7 supplies, not water, not semen, not saliva. It was tested.
8 It was blood. It's -- and it's a single source.

9 It is Derrick Curry's blood in the trunk of Shaniyah
10 Toney's car. It's Derrick Curry's blood DNA on the floor at
11 the crime scene and it is Derrick Curry's blood in the trunk
12 of Altashaun Bacon's car.

13 The cell phone, the cell phones again -- now the cell
14 phones are three -- are driving them to Christian Barnwell's
15 house. Look at the PowerPoints. You'll see it for
16 yourself.

17 Shaniyah Toney tells us that they go back to Nokesville
18 circle to clean up. They had cleaning supplies and then
19 they -- she has to get a shirt back at Barnwell's house
20 cause she had blood on her shirt and that Denzell Jackson
21 and Dixon drop her off in her car back to IHOP, that she's
22 very late for work. She was suppose to be there at 3:00 and
23 it's now after 5:00, that they drop her off and they take
24 her car and they leave her there.

25 Again, how do you know she's telling the truth?

1 Cause this case can be tried on one witness alone.
2 Shaniyah Toney, if you believe her credible without anything
3 else, they are guilty of all these crimes, both of them.

4 But how do you know -- how do you have that comfort to
5 know that they are guilty is because you compare it to the
6 other evidence in the case.

7 So, what else?

8 How do you know that Shaniyah Toney's telling you, you
9 the truth about them taking her to IHOP when she went to
10 work?

11 Morgan Blacks came in here, the general manager. She
12 told you Shaniyah Toney came late that day. She was suppose
13 to be there at 3:00. She called and didn't get there until
14 after 5:00.

15 what else did she tell you?

16 That she left after 11:00 and that she was at work.

17 what else do we have?

18 Investigator williams told you that Shaniyah Toney's
19 records show that she connected to the IHOP WiFi for her
20 phone during that period when she was supposedly at work.
21 It's confirming she's at work.

22 what else do we have?

23 we have the cell phone records of Dixon and Jackson
24 traveling from Barnwell's house up to -- on the map it said
25 Aiken Mall area. But if you know Aiken County, IHOP is the

1 Aiken Mall area.

2 And when you look at State's Exhibit 11, these are the
3 highlights, this is the places you need to concentrate when
4 you're looking at the cell phone records still. McDonald's
5 is up here. This is State's 111 and then we have Christian
6 Barnwell's house below the crime scene. Cornerstone is the
7 Nokesville Circle area. Barnwell is slightly further down
8 on whiskey Road. ■ Green Street is further south in New
9 Ellenton off of whiskey Road and then Savannah River site is
10 hundreds of thousands of acres south of Aiken.

11 Shaniyah Toney tells us that both defendants pick her
12 up from work and bring her back to Christian Barnwell's
13 house, and that there is a fire going on, and they are
14 burning the evidence. Remember she had told us, when they
15 put Derrick Curry in the trunk of the car, they put a black
16 trash bag. When they went back to the crime scene for the
17 second time, there was a second black trash bag and that
18 left the house as well.

19 So now it's close to midnight. They're burning the
20 evidence at, you know, in the yard, in the dirt, at
21 Christian Barnwell's house and what else does she tell you?

22 That Denzell Jackson takes the steering wheel cover off
23 her car and burns that and that he's wiping down the car,
24 especially where he sat I believe were her words, and that
25 he threw the rags and everything in the, in the fire as

1 well. That's when Barnwell and Bacon are, I believe she
2 said, were there but definitely Jackson and Dixon and I
3 think she named another, another person call Turk was there.

4 Now, she tells you that she -- that Kenya Bush had
5 contacted her through Facebook Messenger while she was at
6 work.

7 Again, how do know all this is true?

8 well, Kenya Bush, the mother of Derrick Curry, told you
9 in her testimony that she starts reaching out to Shaniyah.
10 She doesn't know her. Contacting through Facebook. Starts
11 messaging her through Facebook asking where Derrick Curry is
12 and Shaniyah Toney's giving them the wrong, the run around
13 and giving her different answers as far as where she dropped
14 him off. And Shaniyah Toney tells you that, when she's at
15 Christian Barnwell's house at around midnight now when
16 they're burning the evidence, that Denzell and Sha'Kel are
17 telling her what to say back to Kenya because they're mad at
18 her for responding to Kenya when she was at work.

19 So now they're telling her tell her this, tell her
20 that, and what did she tell you?

21 That they were reading her texts -- her, her messages
22 as she was texting back and forth with Kenya Bush.

23 well, what did Kenya Bush tell you because Shaniyah
24 Toney and Kenya Bush are strangers?

25 They don't know each other. Kenya Bush actually

1 corroborates what Shaniyah Toney told you. Kenya Bush got
2 on this stand in the murder of her son and told you that she
3 was reaching out to Shaniyah Toney and that Shaniyah Toney
4 had responded back to her after she said I'm gonna see him
5 after work or he's gonna pick me up after work. And that
6 when she was talking to him, that she -- that Kenya Bush
7 heard someone in the background.

8 She is confirming what Shaniyah Toney told you. This
9 is how the pieces of the puzzle fit together.

10 These people don't know each other. They're certainly
11 not friends. Shaniyah Toney is the part of the death of
12 her, her son. So, they actually corroborate one another
13 because their, their testimony matches what they said.

14 Shaniyah Toney tells you that Dixon and Jackson pick
15 her up from work, that Kel is holding Derrick Curry's gun,
16 that he said at the crime scene when they just murdered him
17 that he was keeping Derrick's stuff. He was keeping his
18 shoes and his gun and his backpack. And when she gets in
19 the car after 11:00, almost midnight from work, that Kel is
20 holding Derrick's gun and that he has his shoes and that his
21 back -- Derrick's backpack is there as well.

22 How do you know that's true?

23 Because we have Derrick Curry's gun found with State's
24 97. You'll see this a lot better than -- even on the --
25 these when you look at it close-up.

1 Derrick Curry's gun is in the same bag found under the
2 bed of Denzell Jackson when they do this search warrant at
3 █ Green Street. They're in the same bag, any guns.
4 Denzell Jackson's gun, the Glock 9-millimeter, is in the
5 same bag, the red bag that's in evidence, with Derrick
6 Curry's gun. They were keeping it -- his stuff as a trophy
7 and we found his stuff.

8 Take a close look at 97. When you get in the jury box,
9 you'll see.

10 Again, in addition to Kenya Bush corroborating Shaniyah
11 Toney, cell phone records, keep going to those cell phone
12 records. Those cell phone records are important because the
13 cell phone records are showing that these three phones are
14 traveling together.

15 Now, I'm not telling you that at five o'clock at night
16 that Derrick Curry's body is traveling with these defendants
17 any longer. We don't know what they did with Derrick
18 Curry's body but we do know they had his phone and they
19 pack -- he is their enemy.

20 So, when you look at those cell phone records, he's,
21 he's confirming over and over again that they are traveling
22 together, that they have taken Derrick Curry's body, they've
23 taken it somewhere, and, to this day, we don't know where,
24 but this is very critical. The Judge instructs you on the
25 law and he will not tell you that we have to have Derrick

1 Curry's body in order for you to convict them of murder.

2 No body doesn't mean they get a pass. They don't get
3 to get away with murder because Derrick's body -- Derrick
4 Curry's body has not been found. That's not the law. If
5 they're guilty of murder, and if Derrick is dead, end of
6 story. You don't have to have Derrick Curry's body in order
7 to find him guilty and it is not an element of the crime.

8 How else do we know that all three of guys, all four of
9 these guys are involved altogether?

10 State's Exhibit, State's Exhibit 93. Sha'Kel Dixon, on
11 his Facebook account on September 2nd, 24 hours after this
12 crime is finished, that's Sha'Kel Dixon sitting on Altashaun
13 Bacon's car in Christian Barnwell's backyard. Within 24
14 hours he's sitting on Altashaun Bacon's car.

15 Do you understand the significance of that?

16 He's sitting on the trunk of the car where Derrick body
17 trunk -- was in the trunk of that car.

18 we have the DNA of Denzell Jackson on that 9-millimeter
19 Glock found under his bed with Derrick Curry's gun as well.

20 Now, the firearm expert, Chad Smith, came in here and
21 he told you the defendant's gun was working, and it matches
22 as far as the type -- the projectile found in the wall is a
23 9-millimeter projectile. It has the correct rifling. It
24 came from the Glock gun. It came from a 9-millimeter and it
25 came from that new Gen barrel that he was talking about.

1 So, a newer gun.

2 He is not able to say, he told you, due to the damage
3 to the projectile that this is the exact gun but he was able
4 to tell you this is the type of gun. And I submit to you
5 that, that Shaniyah Toney told you that's the gun and she
6 ID'd it for you and it was found under his bed, that that
7 all ties -- that that is the murder weapon of Derrick Curry.

8 Shaniyah Toney voluntarily comes forward to the police,
9 and in the questions from defense counsels, they kept
10 harping on nine days, nine days, nine days.

11 It wasn't nine days. She leaves town on May 1st, 2019.
12 Remember the bonfire's happening after midnight. They're,
13 they're communicating with Kenya telling her what to, what
14 to say, and then Shaniyah's like I'm out of here, and she
15 leaves Aiken County and goes to Greenwood. Her boyfriend,
16 Elijah Sloan's, up there and that's where she goes.

17 By May 3rd Investigator Williams told you, May 3rd,
18 Shaniyah Toney has reached out to the Sheriff's Office
19 through her attorney, Jerry Screen. They are coming
20 forward. We want to tell you what happened.

21 Now, is it nine days before they can take a recorded
22 statement?

23 Yes, that's where the nine days comes from. But it
24 didn't take her nine days to come forward and say I want to
25 tell you everything that happened including my involvement

1 and what I did and that's what you look at too.

2 She came forward and said -- she didn't say they did
3 everything, I did nothing. She told you. She was -- hired
4 a lawyer. She was in the movies left -- the night before.
5 She was the one who texted Derrick. She went and got him.
6 She was alone in her car when she went and got him. She
7 didn't warn him that this was happening. She told you all
8 of that. She was involved in this and she admitted it. She
9 owned it.

10 But she also told the police all that, and every time
11 they asked her for more information as the investigation
12 continued and the police had more information, she
13 voluntarily, she voluntarily answered their questions and
14 told them everything that she knew.

15 State's 2, 3, 4, and 5 are the photo lineups where she
16 picks out Denzell Jackson, Sha'Kel Dixon, Christian
17 Barnwell, Altashaun Bacon. You heard the testimony of that.
18 You'll have this in the back as well.

19 She's known Sha'Kel Dixon and Denzell Jackson for
20 years. She told you three or four years. There's no
21 question about who did this and then she knew Altashaun
22 Bacon. She had seen -- I'm sorry. Christian Barnwell. She
23 had been to his house for a numerous times and she had seen
24 Altashaun Bacon two or three times three.

25 And although she couldn't remember Altashaun Bacon's

1 legal name, she was able to pick him out of the photo
2 lineup. She was able to tell exactly what he did. It was
3 his car that the body went into and everything matched after
4 that.

5 The Judge is going to instruct you on another law of
6 reasonable doubt. Now, it's Ms. Hammack and I's
7 responsibility as the State to prove the elements of the
8 crime beyond a reasonable doubt and this is what the Judge
9 is going to say to you.

10 A reasonable doubt is the kind of doubt that would
11 cause a reasonable person to hesitate to act. Reasonable
12 doubt is proof that leaves you firmly convinced of the
13 defendant's guilt. There are very few things in this world
14 that we know with absolute certainty, and, in criminal
15 cases, the law does not require proof that overcomes every
16 possible doubt.

17 So, sometimes that's a hard concept to understand and
18 I'd like to give you an example. If you think of a famous
19 actor or actress that we may all know like Denzel Washington
20 or Jennifer Lopez.

21 Now, I ask you, is it possible, just possible, that
22 Denzel Washington can walk through that door and come and
23 watch this trial, that he's interested, he heard about this
24 trial and he wants to come?

25 Is it possible?

1 Sure. It's possible. He's a real human being. He's
2 alive. We know he shoots movies all over the world.
3 There's no reason to think that he couldn't come.

4 But is it reasonable?

5 Is it reasonable to believe that Denzel Washington is
6 gonna come to Aiken County, come to the courthouse to the
7 second floor, plop himself down and watch this trial?

8 No, it's not reasonable.

9 Why?

10 Because there's no evidence. There's no evidence to
11 prove that Denzel Jackson -- Washington knows anything about
12 this trial or even where Aiken County is on the map and
13 that's the difference between reasonable and possible cause
14 almost anything is possible. We need to prove it to you
15 beyond a reasonable doubt. That's the standard in a
16 criminal case.

17 Another thing that we see on TV and in movies is
18 motive. Human beings are a curious people. We want to know
19 why people do things and motive means that, why did somebody
20 do something.

21 In criminal cases, when the Judge reads the
22 instructions to you and the elements of the crime that we
23 need to prove to you, motive is not one of those elements.
24 We do not have to prove to you why Jackson and Dixon did
25 this.

1 Now, you know that they're not friends, and that
2 there's a beef going on, and that they've been arguing and
3 they're hostile to each other for several months. But why
4 they kill him you don't have to know and we don't have to
5 prove it. I know you want to know cause we're curious but
6 it's not an element of the crime.

7 So, you can not hold the state to proving to you why
8 they did it. You need to -- all we need to be held to is
9 did they do it, and, in this case, they did, and just to
10 reiterate, Cordajiah Council told you they were not friends.
11 Shaniyah Toney told you they were not friends and that there
12 was a beef between them.

13 Investigator Williams told you they were not friends.
14 There was -- they -- Dixon and Jackson were against Curry in
15 this hostile for months before on Facebook between Jackson
16 and Curry were actually Facebook communications that were
17 hostile and that these people who taught -- were on opposite
18 sides. Curry was not friends with then -- with Jackson and
19 Dixon.

20 Derrick Curry, he's dead.

21 How do you know that he's dead?

22 And, again, I don't have to bring his body in here. We
23 don't have to have his body. You don't have to have his
24 body.

25 But how do you get to that level of comfort that you

1 know that he's dead?

2 Let's look at it because these two are not getting a
3 pass because they buried that body really well. They don't
4 get a pass. So, let's look at the evidence so that you're
5 comfortable and you know that Derrick Curry is dead.

6 Eye witness testimony, number one. Shaniyah Toney was
7 there and she told you Derrick Curry was dead in that room.
8 That's key. Number one.

9 The amount of blood still at the scene 10 days later
10 when, when the investigators go there and work the scene,
11 the amount of blood that you saw and you can take in the
12 back on that carpet, the padding, and all the way down to
13 the concrete floor.

14 The blood evidence, it is the defendant's blood DNA.
15 He is the source of all that blood in that room according to
16 the forensic scientist DNA expert. The fatal shot to his
17 eye that burst his eye out was what Shaniyah Toney said.
18 The fact that the victim, Derrick Curry, is never heard from
19 or seen again.

20 That's big because what did Special Agent Schelble tell
21 you?

22 It's almost impossible to go off the grid now. If --
23 there's too much interpretive action between the world, that
24 she checked all databases. She's the missing person's
25 person. She is the one who looks for missing persons

1 nationwide.

2 She told you he didn't cross the border. He doesn't
3 have any footprints anywhere, anywhere, since April 30th,
4 2019. She had evidence to you as a live person before that
5 and he is not alive after that according to all her
6 databases and she named numerous things for you that she
7 checked and there was no sign of him.

8 She went as far as to check unidentified remains to see
9 if he matched any of those and he didn't and---

10 MR. THOMPSON: Objection, Your Honor.

11 THE COURT: Sir?

12 MR. THOMPSON: Your Honor, at this point in time I
13 would renew my earlier objection about burden shifting
14 arguments.

15 THE COURT: All right. You may proceed. It's noted.

16 SOLICITOR CHARBONNEAU: Thank you.

17 We have the cell phone records. I'm gonna harp on
18 those because they show you everything.

19 Derrick Curry's cell phone, last outgoing message or
20 any activity out from the phone, 1:01PM on April 30th,
21 2019. Never heard from again. Didn't call someone for a
22 ride. Didn't do anything. 1:01PM, the last time Derrick
23 Curry uses his phone out.

24 Incoming messages, we know his mother's calling him
25 numerous times. She told you that. All kinds of people are

1 calling looking for him. That's not what matters. What
2 matters is if he was using his phone outgoing and Special
3 Agent Sailer told you 1:01PM.

4 Investigator Williams told you 1:01PM. That's the last
5 time Derrick Curry uses his phone.

6 Special Agent Sailer told you the last time that phone
7 even pings where the carrier is looking for the phone,
8 9:03PM, the same day, April 30th, 2019.

9 what else?

10 We have Jackson and Dixon's phones traveling to all the
11 key places that you see on State's Exhibit 111 that all the
12 witnesses have testified, testified about, IHOP by the Aiken
13 Mall, [REDACTED] Green Street where Denzell Jackson lives, SRS
14 where maybe they buried his body, Cornerstone, which is
15 Nokesville Circle where the crime happens. All of those key
16 places these -- Jackson and Dixon's phones are about and
17 they're traveling with their enemy's phone, Derrick Curry.

18 Those are key elements to show you that he is dead.
19 Sha -- that Shaniyah Toney told you the truth.

20 Now, opposing counsel has asked some questions of the
21 witnesses that somehow we should believe that because there
22 was an outstanding active warrant on Derrick Curry that
23 somehow he's decided to go off the grid because of this
24 active warrant.

25 well, number one, Investigator Williams told you she's

1 involved with that case and it was an active warrant for
2 months. Her words were several months.

3 So, ask yourself is it reasonable to believe that
4 Derrick Curry has just decided that he's going off the grid
5 on April 30th, 2019, on the same day that all of this
6 happens but he's gonna go, after several months of being
7 wanted by the police, all of a sudden this is the day he's
8 gone?

9 And I'm asking you, when you look at that McDonald's
10 video, and you see that 20 year old, skinny kid, getting
11 into the car with, in shorts and a book bag, does he look
12 like he's going off the grid?

13 That guy's going to have, have sex. That's where he's
14 going.

15 He's not going off the grid. He hasn't, he hasn't
16 packed everything. He doesn't have a passport. He doesn't
17 have anything.

18 And what else did Shaniyah Toney tell you?

19 That the defendants kept his stuff. They have his
20 phone, his gun, his book bag, his shoes.

21 So, by the other questions that opposing counsel wants
22 you to believe, it's either number one, that somehow,
23 because of this warrant, he's going off the grid, or that
24 somehow, April 30th, 2019, he just decides that's the day
25 he's gonna go and this is key. I know I'm saying a lot, but

1 if you don't hear anything I say, please hear this.

2 DNA -- blood DNA doesn't lie. Derrick Curry's blood,
3 DNA, confirmed by the expert who told you this morning it's
4 Derrick Curry's blood at that crime scene and in both those
5 trunks of the car.

6 So, is it reasonable to believe that Derrick Curry, on
7 April 30th, 2019, was fatally shot in the eye, that he was
8 put in a pink tote, that he was shoved in the trunk of
9 Shaniyah Toney's car, he was then transferred to Altashaun
10 Bacon's trunk of his car, and then what, the defendants
11 decide to let him go and, and now this 20 year old, with no
12 shoes, no gun, no book bag, and no firearm, he decides he's
13 gonna live a happy life somewhere else and he's going off
14 the grid?

15 That's not reasonable. That's absurd.

16 He was killed on April 30th, 2019. Life is over for
17 him. He is dead and they don't get to pass because they got
18 rid of that body.

19 Shaniyah Toney -- Shaniyah -- I'm sorry. Investigator
20 Savanna Williams followed the evidence in this case and now
21 I'm asking you to do the same. You have direct testimony.
22 You have corroborating evidence. You have physical
23 evidence. It is all before you.

24 She followed it and now you need to along with the eye
25 witness testimony. Both defendants, what you do is you look

1 at the evidence as it applies to Denzell Jackson. You look
2 at the evidence as it applies to Sha'Kel Dixon, and I'm
3 asking you to return a verdict of guilty against both of
4 them for all, all, all three charges that they have been
5 charged with.

6 Thank you.

7 THE COURT: All right. Just stand for a moment or two
8 please.

9 (Pause.)

10 THE COURT: We'll have you go to the jury room for
11 about five minutes. Please do not discuss the case.

12 (WHEREUPON, the following takes place outside the
13 presence of the jury.)

14 THE COURT: We'll take five minutes. Take five.

15 (WHEREUPON, a short recess was taken at this time.)

16 THE COURT: You can bring the jury.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: Thank you, Your Honor.

21 May it please the Court.

22 THE COURT: Yes, sir.

23 MR. JOHNSON: No lawyers in this country have a higher
24 burden of proof that what you determine for the -- South
25 Carolina and it's that way for a reason, for a purpose, and

1 the wisdom of our founders, they determine that, in a
2 criminal case, cause so much is on the line, that the State
3 must prove their case beyond a reasonable doubt. Not just
4 speculation. Not just possibility. But beyond a reasonable
5 doubt.

6 I say that with great respect for this process that
7 I've dedicated my life to. We all have. But it's important
8 to keep that in mind in the context of sifting through the
9 various inconsistencies in this case.

10 So, we believe evidence matters and the lack of
11 evidence is the fatal flaw in this case. It's fatal to the
12 state's theory and I believe it's just that, a theory.

13 They have no idea what happened. And since we're
14 talking about theories, I believe Shaniyah Toney is covering
15 for somebody. Something happened that occurred but Shaniyah
16 Toney's behavior in the moment, which we'll go through,
17 tells you who has malice aforethought, who is willing to lie
18 to a young man's mother in the midst of knowing what she
19 did.

20 Her boyfriend's are on this car. I'll leave that at
21 that.

22 She went to go see him immediately after. I'll leave
23 that at that.

24 She stayed there for nine days. You can make your own
25 conclusions cause you're smart people. Common sense does

1 not leave us in these type of moments.

2 And so if it's unclear what happened, they're not
3 guilty. That may not sit right but that is our law.

4 Those are the principles that distinguish us from
5 China, from Russia, from North Korea, and it makes us
6 Americans. If their star witness is inconsistent with her
7 testimony, even under oath in front of all of us, that's on
8 the state of South Carolina because they called her as a
9 witness.

10 They built their case on the word of a liar. You don't
11 have to take my word for it. We're gonna read it.

12 And so, if the evidence doesn't line up, they haven't
13 to -- proven their case beyond a reasonable doubt and you
14 must hold them accountable for those inconsistencies. And I
15 don't say that in a flippant way because this young man and
16 this young man are depending on you to follow your oath that
17 you swore to on Monday.

18 And so her story doesn't make sense. She told you that
19 she went to work and was so distraught that she had to go in
20 the back and take a seat.

21 Remember that?

22 And she gave us some, some tears from the witness
23 stand.

24 But no more than five minutes after she left the
25 witness stand, a neutral, independent witness who has no dog

1 in the fight, was asked a question well, what was her
2 demeanor and she looked at me like I had three eyes because
3 she though -- she, she was fine. She stayed late because
4 she got there late. Nothing was wrong with her phone. She
5 called me.

6 This is what we saw in Court, complete contradictions.
7 Those two statements can not be reconciled. Someone is
8 lying. That young lady continued to lie even up until
9 Tuesday about these facts.

10 So, we're just suppose to gloss over there. That
11 doesn't matter.

12 Well, no, it does matter because it shows you the
13 character and the credibility of their witness.

14 She also stated, as I just said, that she didn't have
15 cell service. Never did she say I was on WiFi. That could
16 of been cleared up of when we got finished with questioning
17 miss Toney. The State of South Carolina didn't want to ask
18 her any more questions cause see we would have the -- or be
19 able to ask her even more questions. They wanted to get her
20 out of here and I wonder why.

21 Because if you're telling us the truth, as my
22 grandmother use to say, you only say it one time cause it's
23 the truth. I can stop you in the middle of a story and tell
24 you to tell me again, tell it the same way because it's the
25 truth. When you lie, you have to build your story with

1 multiple lies and that's what she did.

2 And they want you to believe her statement that these
3 young men told her you better stop crying or we're going to
4 kill you and then they allow her to go to work for six hours
5 where she had every opportunity to tell anyone who would
6 listen to call the police?

7 No, we're talking about logic. That is illogical. But
8 that's what she said because, in her story, she's always the
9 hero. Even when I asked the young lady did you do anything
10 wrong, she looked at me, in the presence of this young man's
11 family, and said oh, I didn't do anything wrong.

12 So, is her story even true?

13 What kind of person are they building their case upon
14 because this is a case that's not based on physical
15 evidence?

16 We heard from the experts. This is a case built upon
17 the word of one person, Shaniyah Toney.

18 Another lie, something that's illogical, and I try to
19 be a gentleman. That's how I was raised. But in this job I
20 have to say certain things that are not appropriate to say
21 in public.

22 But Shaniyah Toney testified that Mr. Curry went to the
23 restroom and put on a condom and then she said he came back
24 to the room with his pants on with the condom on.

25 Now, we're all adults. Never in life. That makes no

1 sense and I leave that there.

2 She also stated that there was a big fire at Christian
3 Barnwell's house but there's no evidence. The young man
4 lives across from what the State has kept referring to
5 because it's a pretty big landmark in that -- in Dukes
6 Bar-B-Que.

7 So, he burns all these items, they burn all these items
8 in the front yard, and the investigator, when I asked about
9 it, said there was no evidence of it. We all know that if
10 you're burning items, whether it's in dirt or on the grass
11 or even in a fireplace, there's gonna be some remnants.
12 There's gonna be something showing, corroborating. Once
13 again, makes no sense.

14 And, by the way, why would they burn all these items
15 and not burn the tote?

16 Why would they burn all these items and leave a gun
17 under the bed and not throw that away?

18 Because see that's a red herring cause we know that the
19 gun did not match any projectile that was found at the home.
20 That was testified to. It was testified a Glock was a very,
21 very popular gun. I bet it would make some of us suspects
22 if that was the criteria but it's not.

23 And, yes, it did take her nine days to speak to the
24 police. They want you to believe that, on May 3rd, which
25 happens to be my birthday, that her lawyer called the police

1 and the police waited six days.

2 Now, I may be a defense attorney but I'm a decent
3 person, and I'm gonna tell you nothing in me believes that
4 the Aiken County Sheriff's Office would wait six days
5 knowing that there's an allegation that a young man is
6 missing and may be gravely hurt. That makes no sense.

7 She waited nine days and you know what she did in those
8 nine days?

9 She got her story straight.

10 why do you have to flee if you didn't do anything
11 wrong?

12 These boys didn't flee. He was arrested at his house,
13 with his family, and his nieces peacefully. I know that's
14 not my client but I care about him.

15 He turned hisself in. Didn't change his appearance.
16 Went to the police. If you're looking for me, here I am
17 because I will have my day in Court. They didn't run like
18 she did.

19 Once again, when we're framing it in the context of
20 credibility, these things are important. It's not just
21 fluff.

22 But I think the most important thing that I'm gonna say
23 is that there are no records of any communication between
24 Shaniyah Toney and either of these men. Remember she said
25 that there was a plan and that it would be evidence on

1 Facebook Messenger. We all know what Facebook Messenger is.

2 So you are telling me, State of South Carolina, that
3 you subpoena hundreds of records from Facebook Corporation
4 in California, and they send a lot of records that they have
5 to share with us, and there's not one message between these
6 parties, not one. If there were one, you would have seen
7 it.

8 I introduced the messages between Ms. Bush and Shaniyah
9 Toney, Cordajiah Council and Shaniyah Toney.

10 So, are we suppose to make a logical leap that the
11 young lady is just lying about that but everything else is
12 fine?

13 Would you trust a person like that in your life?

14 If they had the communication that there was some
15 longstanding feud, do you not think that they would not
16 present this to you?

17 Why would they hold that back?

18 It's because it does not exist. It's because this is
19 what she came up with in the more than week and a half when
20 she was on the run. They can not get past the fact that she
21 says that they met up at my client's house and wanted to
22 plan this.

23 Where's the historical cell data of that?

24 Since we want to make a case about areas of seven
25 square miles or three square miles on whiskey Road, one of

1 the most popular roads in Aiken, businesses are all around,
2 but we don't want to scrutinize the fact that there's
3 nothing to corroborate that she met with Denzell Jackson,
4 Sha'Kel Dixon, and whomever that morning?

5 why didn't they talk about that?

6 Because there's no evidence of it. Because it didn't
7 happen.

8 we know young people and some not so young people love
9 social media. The record should be there.

10 I even asked well, is it possible for Denzell Jackson
11 to delete Shaniyah Toney's messages?

12 well no. And Shaniyah Toney told us that she didn't
13 delete any messages.

14 So we have messages from or Facebook records from
15 Denzell Jackson, Sha'Kel Dixon, Derrick Curry, Shaniyah
16 Toney. No communication between Jackson and Toney. No
17 communication between Jackson and Curry.

18 This feud, so we're just suppose to make a logical
19 leap?

20 That's not the standard.

21 when you make the allegation that we have this plan,
22 you follow it through with proof.

23 she also wants you to believe that they killed this
24 young man in a subdivision and no one heard gunfire. No
25 one. This is not some rural a, a 5-acre lot. This is a

1 subdivision. Surveillance cameras around.

2 So a fundamental aspect of assessing her character is
3 can she prove the communication that she stands by?

4 No.

5 Now, there was no change in her demeanor when she went
6 to work. She was actually being very disrespectful to
7 Cordajiah Council when -- asking her a valid question. But
8 she wants to come into the courtroom and play this role to
9 keep her own self from having any consequences for her lies.

10 So, I believe once a liar always a liar. I believe
11 that in, in a case that's this serious, with this kind of
12 impact for young men, it can't just be I think she's telling
13 the truth. Even they say you have to assess her
14 credibility. You have to know that they got with the bad
15 water when you're talking about whether she is the person of
16 character and credibility that we're going to rest this
17 decision on, a permanent decision. We don't get to ignore
18 it.

19 So, maybe Mr. Curry's missing. I think something
20 happened to him. I'm not going to insult your intelligence.
21 But I think Shaniyah Toney knows exactly who walked in on
22 her cheating. No explanation.

23 It's an insult that they didn't arrest her. It is
24 closed. If you believe her story, she is the key piece in
25 the reason why Mr. Curry's not here if you believe her

1 story. See I don't trust Shaniyah Toney to tell me the
2 time. Certainly wouldn't make her the star witness in my
3 case.

4 She was allowed to get out of this whole thing by
5 inserting a name and not being pressured or followed up on
6 to provide proof of these communications. So what the State
7 is asking you to do is ignore her lies in the heat of the
8 moment.

9 So what is more reasonable?

10 Are you gonna tell the truth in the moment?

11 Are you gonna tell the truth when the bright lights are
12 and you had time to counsel, time to talk to your lawyer,
13 and time to figure out what makes sense?

14 Because see she sent these messages but she didn't know
15 anybody else was looking at them.

16 What they say about character is what are you doing
17 when nobody's looking?

18 It's easy to put on a show when the room is full.
19 That's easy. But going about your day doing the right thing
20 every -- they are trying your best to do so is a
21 character -- is good character. And when she didn't know
22 that this would be scrutinized, she said all kinds of
23 things.

24 She actually said to Ms. Bush I never said he was mad
25 about that. I don't know what he was mad about is what I

1 said, hon. Hon.

2 I don't know what your son and his homeboys have going
3 on but y'all need to leave me alone or I'm going to the
4 police cause I dropped your son off in the projects with
5 this white boy and went on my business. That's while she's
6 at work so distraught.

7 And when it -- when it says I'm going to the police,
8 I'm just questioning you because he had your car all day,
9 which he did. You're the only person that can contact him,
10 which is strange, family stuff.

11 There was no come to Jesus moment then and they want
12 you to believe that she has great character, that she tells
13 the truth, and that she's worthy of belief.

14 You remember when I was really, really grinding and
15 pressing down on her inconsistencies, she, she normally say
16 well, can you ask me that again? Can you ask me that
17 question again?

18 See, that's a tactic. Get more time. Like one -- it's
19 because, when you're telling the truth, you just reply to
20 the question. She heard my questions and then she said
21 well, this doesn't make sense and, and I said I agree. It
22 doesn't make sense.

23 She goes on to communicate with one of Mr. Curry's
24 friends that same night and she says yes, he still has my
25 car. He's suppose to come and get me when I get off.

1 why do you think he got pulled over?

2 I pray not cause I'm not gonna have a way home.

3 Completely opposite of what she testified to.

4 Completely opposite of. Not even close.

5 How do you pick and choose what to believe and what not
6 to believe in this case?

7 Reasonable doubt doesn't feel good. You're not gonna
8 walk out of here feeling like yeah, they're winners. There
9 are no winners in this case, none, regardless of what the
10 verdict is. But the -- oh, our Constitution, this great
11 country, this great state demands that you look at the
12 inconsistencies of her story and hold her accountable for
13 such.

14 She goes on to say why are y'all sending me threats?

15 I really don't understand. I dropped 60 off within --
16 with this white boy. He came to my job with -- so, she's
17 saying this guy came to the job with Mr. Curry. I been
18 calling him off my app phone number since I dropped him off.
19 I'm just as worried and scared as anybody else.

20 She goes on to say I will talk to the folks. I think
21 she was talking about the police. I will talk to the folks
22 if I have to prove to everybody. I don't know why 60's not
23 answering.

24 He seemed mad and the dude, I don't know who he was, my
25 passenger, see but he was sniffing when he came. And, yes,

1 but I honestly got in the back seat and I'm minding my
2 business. I told him to call y'all because everybody was
3 calling me cause he wasn't responding but he's grown. I
4 can't tell him what to do. He said he was going to before
5 he got out. So I said okay talking about calling his mom,
6 mother. That's why I called his mother before any of y'all
7 told her.

8 Don't worry. Y'all gonna be apologizing when the
9 police tell y'all because y'all are blaming me for no
10 reason. I'm just as scared cause I really dropped him off
11 with the boy and y'all are scaring me cause you're saying
12 he's missing.

13 Keep me updated. I'm gonna try to figure out who the
14 white boy is cause. GMF you. Don't know about what that
15 acronym, acronym means.

16 And then she gets a message from Cordajiah Council and
17 I think this is probably the worst insult of all that they
18 build their case on this person who has no moral compass.
19 None. And, in the moment, if she is to be believed, she
20 already knows this young man has passed away.

21 Now, I would submit she knows who did it and she's
22 trying to protect who did it cause she surely isn't trying
23 to protect these young men the way she came in and
24 testified. So she's trying to protect someone and, in the
25 midst of being asked if Mr. Curry has her car, she says yes,

1 he's driving my car and I'm at work because he dropped me
2 off.

3 Y'all scaring me cause that's my only damn car. WTF.
4 His homeboy hit me up saying that he had a lot of ice in the
5 back seat and hope he didn't get pulled over.

6 Then she says oh, yeah, pardon me, we fucked before he
7 dropped me off and he gives good head, sis, talking about
8 oral sex.

9 who does -- who does that?

10 Even the lowest person, if you believe her, this young
11 man has passed away and she is taunting his girlfriend and
12 this is their witness?

13 This is who the case is built on, the girl who runs
14 away for nine days and appears with a fancy lawyer who was
15 in here when she testified to make sure it went right.

16 So, as I said, once a liar always a liar. So I believe
17 they -- and then about the (indiscernible) prosecutor. This
18 is not personal. They're won -- wonderful. But they had to
19 make a deal with the devil.

20 How do they present this case and look you in the face
21 knowing that she's never spent a second, a day, a week in
22 jail and she had the nerve to tell us that she did nothing
23 wrong?

24 This is their witness and you have the awesome
25 responsibility of judging her character.

1 Let's talk about this DNA evidence. See, if the DNA
2 evidence was in their favor, it would be conclusive,
3 foolproof, and all those things that they don't want you to
4 it -- think about. But, because there's no DNA, somehow we
5 have to make another logical leap cause these boys are
6 presumed to be innocent, and because there's no DNA, they
7 must have cleaned it up.

8 Now, that makes no sense when you think about what
9 Miss Toney said when she was asked by me, cause I knew the
10 answer, did these young men wash your car. Is that what you
11 told the police?

12 Oh, no, they didn't wash my car. I washed my car in
13 Greenwood two days later.

14 Who lives in Greenwood?

15 Her boyfriend.

16 So, you need to tell me that they are willing to ride
17 around in her car from six hours and trust her at work that
18 she's so trustworthy and not wash her car, not clean-up a
19 vehicle?

20 It makes no sense. They were never in her car. That's
21 why there's no DNA in her car. There's DNA of Mr. Curry in
22 her car because someone disposed of Mr. Curry in her car I
23 believe, someone that she cared about, someone who did not
24 expect her to be sleeping with another man since we're
25 throwing out theories but it makes sense cause that's where

1 she went to run to.

2 Because when you talk about we set this up the morning
3 of, it's gonna be on Facebook, I'm going back to it because
4 I don't want you to forget it, where are the messages?

5 We have a lot of phone data.

6 where's even a phone call?

7 You're gonna have those phone records. You won't see a
8 single communication between my client and Shaniyah Toney.
9 So, she could drop anybody's name in there as long as she
10 had her story together.

11 Here we are two years later. You heard about the
12 fingerprints. I believe fingerprints are strong evidence,
13 strong evidence. They're gonna tell you that well, they're
14 no prints because gloves were, were worn but you know what?

15 I asked Ms. Hefney this morning about the black glove
16 that she tested that gave my client -- I'll just -- no DNA
17 on Derrick Curry -- from Derrick Curry. No DNA from my
18 client.

19 So, the evidence does back up the fact that Denzell
20 Jackson had nothing to do with this. He didn't have a
21 problem with Derrick Curry. If they could prove it they
22 would have done so. They would have done so. That would of
23 been the first thing, in opening statement, this is a
24 message from April 15th. I'm gonna get you the next time
25 I see you.

1 why they don't have the proof, motive, we all have
2 common sense. People do things for reasons.

3 who would of been upset about Shaniyah Toney having sex
4 with somebody else?

5 Not him. Not him.

6 They're over 20 items of evidence seized from my
7 client's house because the police did their job. They're
8 suppose to get everything and sort it out. Nothing, not a
9 one thing is linked to any criminal conduct of Denzell
10 Jackson. Not one thing.

11 So, if you return a guilty verdict, you are returning a
12 guilty verdict on the basis of her statement alone. No
13 corroboration. I believe evidence matters.

14 Let's talk about the ballistics. Once again, they're
15 gonna make a big deal or they've already made a big deal
16 about a Glock being found under my client's bed.

17 What significance does that Glock have?

18 None.

19 The projectile did not match Mr. Curry's blood, skin
20 cells. Nothing was found on that gun. The gun was not even
21 eligible -- the gun was not even eligible to be in a CODIS
22 system, which is a database that you compare items to on
23 other cases.

24 What about the rifle?

25 There was no DNA profile that could be pulled from the

1 rifle. So when they talk about the guns, and they show you
2 the guns, and guns are scary to some of us, it's really just
3 a red herring in the case because, if the gun would have
4 been a murder weapon, they would have told you that more
5 times than you can imagine cause that's what a good
6 prosecutor will do. But it has no link to anything of
7 substance in this case.

8 See they're not allowed to speculate about a theory of
9 a case. Speculation is for the streets. Speculation is for
10 other avenues.

11 I'm proud to do what I do because it takes proof. It's
12 very serious. It takes pressure. But at the, but at the
13 end of the day, it's the only way we can guarantee, if we're
14 ever accused of a crime, that we will get a fair shot
15 regardless of where we come from, regardless of how we look.
16 Regardless of anything else, we'll get a fair shot. A fair
17 shot.

18 And I am not saying that nothing happened to Mr. Curry.
19 Please do not -- please do not take that. Please do not
20 think that there's anything disrespectful for what I am
21 saying. I am advocating for an innocent young man and
22 Shaniyah Toney knows exactly what happened to Derrick Curry.
23 That's why she didn't go to the police immediately because
24 she had to get it straight with the person who hurt him.

25 And so when we talk about the missing persons search,

1 once again, that's a red herring. Respectfully, Mr. Curry
2 didn't have much of a digital footprint before this
3 happened. I don't believe he was working. I don't believe
4 he had a bank account. You heard the testimony. I don't
5 believe he had any loans in his name or any of those things
6 that would follow us.

7 All right. He did have a warrant. It doesn't make him
8 a bad person. I'm a defense attorney. Sometimes people get
9 in trouble and sometimes they're innocent. But it is a
10 factor in the case. The young man had a warrant.

11 So, they can't say that, after April 30th, he'd gone
12 completely off the grid without honestly comparing before
13 April 30th. It's just reasonable. I'm not asking them to
14 do that's unreasonable and that's -- I'll get to the final
15 parts.

16 Let me just say this about the cell phone evidence.
17 It's not GPS. It's a three mile radius. I looked it up
18 this morning, maybe they'll tell me that I'm wrong, but
19 Aiken High School is 2.4 miles from here, 2.4 miles from
20 this courthouse is Aiken High School.

21 So are we responsible if someone who is in those
22 classrooms right now gets hurt because see that, that,
23 that's really what we're talking about. We're talking about
24 a radius. We're talking about a shaded area. We're talking
25 about cell phone signals.

1 So, that's, that's their strongest evidence?

2 Did they tell you what Mr. Curry's pattern was before
3 April 30th?

4 They could of pulled phone records for a month, and if
5 he would of never traveled south of Whiskey Road, they might
6 have something. If this is completely abnormal, then it
7 would establish that well, yeah, okay, there's some smoke
8 here.

9 They give you a snapshot for one day. Remember, Mr.
10 Curry wanted to drive Miss Toney's car cause he didn't have
11 a car and even she said that. Yeah, the plan was for him to
12 drive my car.

13 No one from this witness stand contradicted that. No
14 one said no, he wasn't driving. So, that evidence certainly
15 doesn't trump the lies that Miss Toney said. It certainly
16 doesn't trump the fact that she said that we all plan to
17 meet and it, it was in writing. It doesn't.

18 Once again, they're not guilty. It's not gonna feel
19 good. It's not cause they deserve vindication but they also
20 deserved a real investigation based on the facts, not based
21 on the lying. You get the lying first and then you try to
22 corroborate the lies to post with all these facts that lead
23 to the right result, the just result.

24 So, I'm gonna say this in closing. I had to write it
25 down. The prosecutor might ask you why would she lie.

1 well, people lie to get out of trouble. They lie to
2 avoid consequences. We've all seen it in our lives.

3 she lied to the boy having to answer what really
4 happened between her and Derrick Curry and guess what?

5 It's worked so far.

6 For two years she's had the opportunity, the
7 opportunity to have freedom and enjoy her life, enjoy
8 Christmases and birthdays but her lie ends today. They
9 can't prove any communication between these young men with
10 Shaniyah or my client and Derrick Curry. It's the most
11 basic piece of evidence, the most basic -- the fundamental
12 piece of evidence.

13 When I got up here on Monday and stated we're gonna
14 agree on one thing in this case, and it was a bold
15 statement, but I knew the facts of the case. We're gonna
16 agree that Shaniyah Toney's a liar and that their case is
17 built upon her word, her word. Compare Shaniyah Toney and
18 her word to people in my life who have honor and integrity.

19 Don't have to be important to have honor and integrity.
20 Don't have to be rich to have honor and integrity. You just
21 say the right thing. You do the right thing. You don't
22 answer when the lawyer asked you did you do anything wrong
23 and you say no. You say no. She should of said yes, I did
24 the wrong thing. I'm trying to make it right. This is why
25 I did what I did. It's because she's continuing to try to

1 make herself look good cause she's covering for someone who
2 she really cares about.

3 So, her lie ends today. The most basic piece of
4 evidence in this case is missing. It's a fatal flaw.

5 I know why she went to Greenwood for a week. She would
6 have us believe that a young man, a teenager, who was 18,
7 didn't leave a trace of scientific evidence. I bet y'all's
8 DNA's all those bedsheets because that's the nature of it.
9 That's why they have these shows about it because it's
10 interesting, because it's true, because it's -- it, it sifts
11 away all the personality and you just look at the science
12 and the science in this case is clear. It's clear that
13 the -- my client had nothing to do with the death of Derrick
14 Curry.

15 So, not guilty is the only true verdict on all counts.
16 There is no kidnapping. He was never involved. The firearm
17 charge, he did not fire a weapon at anyone.

18 Someone fired a weapon at Derrick curry. They were
19 angry that he was in there with Shaniyah Toney. They were
20 hopped up on meth and it happened (indiscernible) and they
21 had to clean it up and now there we are, a 20 year old.

22 So, I'm taking him, him as far as I can. He's in your
23 hands now. Got to know him the last years and it's been my
24 honor to represent him in this most important day of his
25 life. My honor.

1 So, regardless of your verdict, I'm proud that I took a
2 hard case. I'm really proud that I took a case that we can
3 get the true facts. These people deserve the truth and the
4 truth is Shaniyah Toney is responsible for the death of
5 Derrick Curry. They did everything in her power to cover it
6 up. Please, please return a verdict of not guilty.

7 Thank you.

8 THE COURT: Ms. Charbonneau.

9 SOLICITOR CHARBONNEAU: Thank you.

10 I'm briefly going to respond to what Mr. Johnson told
11 you. This is my last chance to talk to you.

12 Opposing counsel would have you believe that somehow
13 Shaniyah Toney made all this up back in May, two years ago,
14 came over to the police, and, and she is this mastermind of
15 this huge coverup.

16 If you don't stop crying, we'll kill you. "Kill." Not
17 shoot. Kill. Even Den -- Sha'kel Dixon's own words prove
18 that they knew they killed Derrick Curry. That's the plan.
19 They executed the plan. Mission accomplished.

20 Investigator Williams told you that if Shaniyah Toney's
21 phone was not paid, as she testified to, that she could
22 still connect to WiFi. Shaniyah Toney told you that she
23 connected through WiFi. Kenya Bush told you that the
24 communications with her were through Facebook Messenger,
25 which you can connect through the WiFi, and you can make

1 calls as well as messages. All three of those verify what
2 Shaniyah told you.

3 In addition, Shaniyah Toney's Facebook records show
4 that she was connected to the WiFi at IHOP and then she can
5 also connect to the WiFi at Christian Barnwell's house. All
6 corroborated.

7 Mr. Johnson said that there was no evidence of fire
8 burning the evidence but that's not true because
9 Investigator Williams testified to you that when they did --
10 when she went to Christian Barnwell's house, she did say
11 where they had work -- there was a burned fire in the dirt
12 outside in the yard at Christian Barnwell's house. She
13 didn't find evidence in it but there was a fire there. So,
14 that was not accurate.

15 Mr. Johnson says why not throw the gun away.

16 why not throw the gun away?

17 Because, you know, Sha'Kel Dixon told Shaniyah Toney
18 that they're keeping Derrick's stuff.

19 He said he was keeping Derrick's gun and shoes and book
20 bag and phone and they did and how do we know that?

21 Because we end up with it because we find it because
22 the cell phone records, again, show you that Derrick's phone
23 is traveling with Dixon and Jackson. Not with Elijah Sloan,
24 the boyfriend, who's up in Greenwood.

25 Is that reasonable?

1 Absolutely not.

2 There's no evidence that Elijah Sloan is involved in
3 this at all. Elijah Sloan is in Greenwood and is the
4 boyfriend to Shaniyah Toney.

5 So, yes, his fingerprint is on her car. So is
6 Lieutenant Billy Flurry.

7 Is he a part of this?

8 Did Billy Flurry kill him?

9 Of course not. It's ridiculous.

10 How you know is because, number one, there's no
11 evidence of Billy Flurry being involved in this murder.
12 There's no evidence of Elijah Sloan being involved in this
13 murder.

14 Shaniyah Toney told you that Denzell Jackson wiped down
15 her car when they were at Barnwell's house. She also
16 admitted to you that she had washed that car when she was up
17 in Greenwood and Elijah Sloan is up in Greenwood. She
18 drives that car to the police station and Elijah Sloan's
19 fingerprints are on there.

20 He's her boyfriend. He's been in the car. That's what
21 she told you. That doesn't mean that he's involved in this.

22 Look at the evidence. Follow the evidence.

23 Investigator Williams followed the evidence. I'm asking you
24 to follow the evidence.

25 Why didn't they throw away the gun?

1 Cause they wanted to keep it. It was a trophy for what
2 they did. Remember these are two people that laid in wait,
3 tried to kill him the night before. They're hiding in a
4 closet waiting for Shaniyah Toney to bring him home.
5 They're ready with gloves on. They got a pink tote ready to
6 go, black trash bag, gloves on their hands, guns on them,
7 ready to kill this guy. They want to keep his stuff.
8 That's why they didn't throw away the gun because it's a
9 trophy.

10 How do we know that?

11 Because it's State's Exhibit 97. Again, look at it
12 closely when you go in the back. They have Derrick Curry,
13 the victim's gun, and it's right in the same bag with
14 Denzell Jackson's gun.

15 He's not throwing it away. He's proud. He's happy.
16 He's got this victim's gun. He thinks it's funny his, his
17 eyeball's on the floor. He's gonna use his body as a
18 target, his own words.

19 93, Sha'Kel Dixon, 24 hours after Denzell Curry, or I'm
20 sorry, Derrick Curry's body is in the trunk of this car,
21 here's Sha'Kel Dixon with a little smile, smirk on his face
22 sitting on the car that had Derrick Curry's body in it at
23 Christian Barnwell's house. Altashaun Bacon's car with
24 Derrick Curry's body in it less than 24 hours before.

25 They're happy. Mission accomplished. You get

1 trophies.

2 Mr. Johnson will say to you they didn't leave. They
3 thought they'd be innocent because they didn't leave. They
4 didn't leave because they were arrested May 3rd. Two days,
5 48 hours after this crime is finished they're arrested.
6 They had no chance to leave. And, again, they're cocky
7 about it.

8 They're gonna get away with it because you know why?

9 They have threatened Shaniyah Toney to keep her mouth
10 shut or they'll kill her too and they are acting together.
11 so they're not gonna give it up and they are counting on
12 Shaniyah Toney not giving it up.

13 Opposing counsel says there's no records of phone calls
14 between them. That's not true either. There are cell phone
15 records and you'll have them on May 1st after this. There
16 are calls between Denzell Jackson and Shaniyah Toney and
17 Sha'kel Dixon. They deleted the ones before.

18 Also, Investigator Williams told you that they were
19 Facebook records between Denzell Jackson and Derrick Curry
20 for several months leading up to this murder, hostile
21 disputes, not friends, aren't going, not favorable.

22 Cordajiah Council told you not friends. Shaniyah Toney
23 told you not friends. Beef between these two defendants and
24 the victim.

25 This -- opposing counsel says there's no messages

1 between Shaniyah Toney and Denzell Jackson on April 30th,
2 2019. That's right because they're together. They're
3 together when they trick Denzell -- Derrick Curry into going
4 to Nokesville Circle. They're together when he is murdered
5 at Nokesville Circle. They are together when they go to
6 Christian Barnwell's and they hand off his body to Bacon and
7 Barnwell. They are together when they go back to the crime
8 scene and they're cleaning it up. They're talking next to
9 each other in the same room.

10 No, there's no phone messages. They don't have to use
11 their phone cause they're together. And when they drop it
12 off at the -- at work, it's -- a big deal is being made
13 about Shaniyah Toney not calling the police. Well, she's at
14 IHOP.

15 Think about it. She even brought the messages that
16 Mr., that Mr. Johnson put into evidence. She is getting
17 pressured, called, and threatened. Denzell and, and Sha'kel
18 have threatened to kill her too. She has just watched a
19 brutal murder, murder. They are clearly capable of it.
20 And, on top of that, Kenya Bush and her family and Derrick's
21 friends are contacting her, calling her, Facebook messaging
22 her where's Derrick, where's Derrick, where's Derrick.
23 She's getting pressure from them. She's got pressure from
24 these two.

25 They have her car. They know where she lives. They

1 know where her family lives and they have threatened to kill
2 her if she doesn't keep her mouth shut.

3 So she keeps her mouth shut until she can get away and
4 she gets to Greenwood in the early morning hours now into
5 May 1st, 2019, and she is contacting the police through
6 Jerry Screen, her attorney, by May 3rd.

7 He doesn't like the timeline. She came forward. She
8 voluntarily gave statements. Opposing counsel makes a big
9 deal about Shaniyah Toney is lying on these messages to
10 these random people that she's talking to.

11 What matters to you, what matters to the family, what
12 matters to this case is did she ever lie to the police in
13 those statements that she gave, three statements, and then
14 she sat here in front of you. Investigator Williams told
15 you she was consistent in all three of those statements and
16 she was consistent in the testimony that she gave to you.

17 She didn't lie to the police. Every time they had more
18 questions for her she answered more questions. Nobody cares
19 what she says to random people to keep them away from her
20 cause she's terrified of the pressure. She's told you she
21 was scared. She told you she was terrified and she should
22 be. They just killed Derrick Curry in her house.

23 What Shaniyah Toney told the police days after the
24 murder, still in May, 2019, she has no idea what
25 Investigator Williams is capable of getting much -- weeks

1 and years after that. Two and a half years later, we have
2 cell phone records corroborating what she said in May, 2019.
3 We have physical evidence from this scene corroborating what
4 she said.

5 We have Derrick Curry's phone corroboration. We have
6 the victim, Derrick Curry's gun, in Denzell Jackson's house
7 under his bed.

8 How did she know all this in May 2019 that all this
9 evidence is gonna corroborate and gather what she says?

10 We have the DNA evidence that comes back. Denzell
11 Jackson's on the Glock gun in the same bag with Derrick,
12 Derrick Curry's gun.

13 Elijah Sloan did this?

14 How does he get the victim's gun?

15 How does he have the victim's gun if Elijah Sloan did
16 this?

17 It's a -- it's not reasonable. Follow the evidence.
18 Follow the scientific evidence that was presented to you.

19 If he had nothing to do with this, how does he have
20 Derrick Curry's gun?

21 Because he did it. Lieutenant Flurry didn't do it.
22 Elijah Sloan didn't do it. Don't chase that red herring.
23 Follow the evidence.

24 Mr. Johnson wants you to hate Shaniyah Toney, wants you
25 to hate that she wasn't arrested, and I told you before, and

1 I'm saying it again, listen to the law that the judge
2 instructs you. You are not to decide this case based upon
3 any type of bias, prejudice, or cause you dislike the fact
4 that she -- what she did or that she was not arrested. That
5 is not your decision and it's not a basis for your decision.

6 She is an eye witness. The police did not know where
7 this murder happened without Shaniyah Toney.

8 Is it a tough call that law enforcement had to make?

9 Absolutely. But it's the only call. Because without
10 Shaniyah Toney, we could not -- they would not have known to
11 go to Nokesville Circle for the crime scene.

12 Don't like it, hard pill to swallow, absolutely. But
13 it's not reason to not believe her. You're judging her
14 credibility and her truthfulness. Not whether she shouldn't
15 of been arrested or not. Another red herring not to follow.

16 Mr. Johnson brought up the fact that Shaniyah Toney was
17 telling Kenya Bush that she dropped Derrick Curry off at the
18 projects and maybe he went there or maybe he was riding
19 around in her car. You know that's not true because we have
20 victim's -- we have Derrick Curry's cell phone records and
21 they were a match for you. And Derrick Curry's phone never
22 went to the projects.

23 Again, did she tell the truth to the police?

24 Doesn't matter what she's saying to these people who
25 are pressuring and threatening her. What matters is, on May

1 3rd, when she contacts the police through her attorney and
2 they finally get to take a recorded statement from her on
3 May 9th, did she tell the police the truth and she did. She
4 told of her involvement and she told of Dixon and Jackson's
5 involvement along with Barnwell and Christian -- and Bacon.

6 Ask yourselves what motive does she have to set up or
7 frame these four gentlemen?

8 What motive?

9 There is none. There is no evidence of one. So,
10 again, not reasonable.

11 Cell phone records show Derrick Curry, Jackson, Dixon
12 together, together at the crime scene, together at
13 Barnwell's, together at Green Street, back at Barnwell. It
14 shows Dixon and Jackson's phones dropping Shaniyah off at
15 IHOP. Follow the phones. They tell the story.

16 Mr. Johnson is saying that the Glock 9-millimeter that
17 was found is not the, the kill gun, not the murder weapon.
18 You know that it is and this is how you know it because,
19 number one, it's found under Denzell Jackson's bed. Number
20 two, it's found with Victor -- with, with Derrick Curry's
21 gun, the victim.

22 The last time anyone hears or sees him is April 30th,
23 2019. That's how he gets the gun and he keeps his gun.
24 It's a trophy.

25 We have Denzell Jackson's DNA on the gun and it matches

1 the same type of gun that would have gone out with the, the
2 projectile found at -- in the hole in the wall at Shaniyah
3 Toney's house.

4 Could the expert say it was the gun?

5 No.

6 But who told you it was the gun?

7 Shaniyah Toney.

8 She ID'd that gun. It's in evidence. You will have it
9 in the back with you. Shaniyah Toney said that was the gun
10 and, years later, the DNA expert said that gun has Denzell
11 Jackson's DNA on it.

12 Mr. Johnson wants you to believe that the -- if the
13 cell phone radius, that somehow the high school is in our
14 cell phone radius, so that means something happened at the
15 high school that we're responsible for it, well, if you have
16 an eye witness that says that we have done something, then,
17 yes, we are responsible. That's not, that's not the case.

18 We have an eye witness testimony in this case and we
19 have corroborating evidence. Whether the high school is in
20 this radius has nothing to do with anything.

21 What other evidence do we have connecting Sha'kel Dixon
22 specifically when he's saying that they're not related and
23 that they have nothing to do with this?

24 But we have Sha'kel Dixon keeping the victim's gun. We
25 have Sha'kel Dixon taking his shoes, taking his book bag,

1 and his phone.

2 And, again, how do you know this?

3 Because the victim's gun shows up in the search warrant
4 under Denzell Jackson's bed. So, they kept the gun as
5 ke1 -- Sha'ke1 Dixon said he was going to and we have, we
6 have him -- we have him on May 2nd sitting on the car of
7 Altashaun Bacon with Denzell -- where Derrick Curry's body
8 was within 20 -- less than 24 hours before.

9 You've heard all the testimony. Follow the evidence.
10 Look at all that evidence in the back. You judge Shaniyah
11 Toney's credibility. Not whether she should of been
12 arrested, not how reliable she is, that she wasn't arrested.
13 She was involved in this. She owned that part of it. She
14 told you what she did.

15 What's important is did she tell the truth and does it
16 match or is it consistent with the other evidence in this
17 case. It is and both of these defendants are guilty as
18 charged.

19 Thank you.

20 THE COURT: Let's stand for a moment.

21 Okay.

22 MR. THOMPSON: Your Honor, I hate to keeping asking you
23 this but do you mind if I go to the restroom?

24 THE COURT: I see folks standing around. It may mean
25 that some folks on the jury may need to use the facilities.

1 So we'll take five minutes. Please do not discuss the case.

2 (WHEREUPON, a short recess was taken at this time.)

3 THE COURT: Okay. You can bring them on.

4 (WHEREUPON, the following takes place within the
5 presence of the jury.)

6 THE COURT: Mr. Thompson.

7 MR. THOMPSON: Your Honor, may it please the Court?

8 THE COURT: Yes, sir.

9 MR. THOMPSON: Ms. Charbonneau. Ms. Hammack.

10 Y'all, I'm sorry. I know it's really, really late in
11 the day and I'm about to talk for just a little bit. I, I
12 know y'all's attention spans are probably saturated and I
13 will try to be as brief as possible but there's some of this
14 I kind of have to respond to.

15 I, I told you at the beginning this is a court of law.
16 It does have rules. The, the three biggest rules being
17 people are innocent until proven guilty. The practical
18 effect of that, when you guys go back into the jury room
19 when you start arguing about this case and start talking
20 about what, what your verdict is gonna be, the practical
21 application of that is that you have to assume that, that
22 both the defendants are not guilty.

23 You start this, this line of questioning from the
24 standpoint of they're not guilty unless they're proven
25 guilty, that the burden of proof is never, ever on the

1 defendant. The burden of proof is on the State, which,
2 which really means the defendants are on trial. But at the
3 same time, the State's case is also on trial.

4 whether you like one of the parties or don't like one
5 of the parties, whether you are, you know, frustrated or
6 turned off about certain actions or not turned off, you --
7 it doesn't really have anything to do with the fact that,
8 that innocent until proven, proven guilty and the burden of
9 proof, that the State has the burden of proof are the laws
10 of this case and the proof must be really strong.

11 It's actually in your legal system, beyond a reasonable
12 doubt, is the highest level of proof that we have. In a
13 civil case, you kind of have a 50/50 well, it's probably.
14 But, but, in a criminal case, the standard of proof is
15 beyond a reasonable doubt, which, which means, at the -- and
16 I hate to even say this. Even you think well, maybe they
17 probably are guilty, but they might not be, that's
18 reasonable doubt and you have to find them not guilty.

19 Just because you hear them accused over and over and
20 over again does not make them guilty. I, I, I know at this
21 point people have talked to you -- at, at you for a solid
22 hour and a half now about the, the guilt of the parties.
23 I -- just because they're told -- oh, you're guilty or
24 guilty does not make them guilty. It has to be based on
25 proof and evidence.

1 The prosecutor gets righteously indicant about things
2 that Mr. Dixon says and she quotes things that Mr. Dixon --
3 he said this. That's just terrible.

4 She's not quoting Mr. Dixon. She's quoting Miss Toney.
5 Mr. Dixon has not taken the witness stand. You haven't
6 heard anything from him. There are no recordings of
7 anything Mr. Dixon said. His words are not part of this
8 case but you heard about it over and over and over again
9 because of what Miss Toney says. And, and I want to -- I
10 told you to begin with Miss Toney's testimony, if -- unless
11 you find Miss Toney's testimony to be believable beyond a
12 reasonable doubt, the only verdict in this case is not
13 guilty.

14 I mean she says all kinds of crazy stuff. I, I -- I'm,
15 I'm gonna give you an example. Where's the -- this is gonna
16 go back in the room with you.

17 The State's talked all over the place about how this is
18 Derrick Curry's gun and it's just terrible that this gun is
19 found in, in Mr. Jackson's home. This is Derrick Curry's
20 gun.

21 who says?

22 who says that?

23 It was sent to SLED and tested.

24 who's the only person that says this is Derrick Curry's
25 gun?

1 It's Miss Toney. There's no evidence, other evidence,
2 that this is Derrick Curry's gun other than what Miss Toney
3 says.

4 This gun was identified in the courtroom to you as
5 being the gun that was used to kill Derrick Curry.

6 By who?

7 Miss Toney.

8 I didn't -- I can't remember whether it was me or
9 whether it was Mr. Johnson but I am -- think I asked her
10 does she know anything about guns?

11 No.

12 How did she identify that as Mr. Jackson's gun?

13 well, it's a, a, a black handle.

14 Ladies and gentlemen, swing a cat, there's probably
15 half a dozen people in this room that have black handguns.
16 This -- that, that whole testimony is not based on evidence.
17 She doesn't know anything other than I can testify it's a
18 black handgun, and I'm presented with a black handgun, and,
19 and I've been told here anytime the prosecutor asked me
20 anything yes, ma'am, yes, ma'am yes, ma'am.

21 So, she identifies the gun as being the murder weapon.
22 There's no other evidence of this. Even the SLED guy comes
23 and testifies he can't match the gun to the projectile
24 that's in Miss Toney's room. The evidence, it's the same
25 kind of handgun. But on cross-examination he admits it's

1 the same kind of handgun as the world's most popular
2 handgun. Millions of these things in circulation.

3 Again I, I -- I'm probably -- I bet you there's about
4 six in this general area that own one of these Glock
5 9-millimeter handguns. She can't possibly know this. Even
6 if she was trying to tell the truth, which it is an eloquent
7 question, but they made a big deal about how oh, this is
8 terrible, that Mr. Curry's that -- and I don't, I don't mean
9 to be speaking ill of the probably dead. Mr. Curry's not
10 this insanely wonderful figure that's, that's where is he
11 suppose to come and fix the carpet in his mother's house.

12 This is a guy, even by their own testimony, is walking
13 around with semiautomatic rifles with -- the day before,
14 large amounts of crystal methamphetamine in Miss Toney's
15 car.

16 Madam Clerk, could I, could I have -- I believe it's
17 State's No. 67.

18 what does this prove?

19 Absolutely nothing.

20 watch the McDonald's video.

21 what color is the bag that Mr. Curry allegedly gets in
22 Miss Toney's car?

23 what, what color is that bag?

24 It's not red.

25 why is this in evidence?

1 It's just a bag. It, it barely means anything.

2 The only reason why it gets entered is because it's got
3 allegedly Derrick Curry's gun, and Mr. Jackson's gun, and
4 then it is found in Mr. Jackson's bedroom. This is just a
5 piece of luggage that's in Mr. Jackson's home. It has
6 nothing at all to do with this case. Watch the video.

7 In, in this -- this begs the question that I talked to
8 you about when we -- when I, when I opened in this case
9 about there are things that the -- there are things that the
10 physical evidence actually means and things that it doesn't.

11 Okay. Things that we can know from the evidence that's
12 presented in this case and things that we can't. And just
13 because -- just because someone says oh, that must be --
14 that's a, that's a semiautomatic rifle, that must be Derrick
15 Curry's rifle that's in Mr. Jackson's home.

16 These are people that are seeing what they're looking
17 for. They're, they're not actually asking questions of
18 whether this logically makes any sense at all.

19 She made a big deal about how oh, gosh, again Mr. --
20 Miss Toney to be talking with anybody while she's at, at, at
21 IHOP. She's been threatened.

22 The only person she's being threatened by is Mr. Curry's
23 family. The -- also find this whole conversation that's
24 kind of gone back and forth between about Miss Curry's phone
25 records -- not Miss Curry. Miss Toney's phone records is

1 odd. The prosecution wants to say well, she can make phone
2 calls because she's on wiFi.

3 But when she calls into work she's not on wiFi. She's
4 allegedly driving in the car. She's, she's not, she's not
5 somewhere calling into work late. As she's going into work,
6 she's calling him on the phone. This is just not true
7 but -- and the -- and not technically possible. I can give
8 you all the benefits to it I guess.

9 The phone evidence, all these people live and, and have
10 their lives based in South Aiken in -- in the South Aiken
11 and New Ellenton areas. The fact is they're all staying in
12 the, staying in the South Aiken and New Ellenton, in New
13 Ellenton areas is not surprising. In fact, it's, it's
14 frankly to be expected.

15 These phones -- you're, you're gonna get these phone
16 records and there's gonna be dots all over them. But I
17 would strongly encourage you to -- most of the dots are just
18 places that the, the, I don't know what kind of expert to
19 call her, but the phone data presentation expert, the
20 (indiscernible). She has to put the, the text that she
21 wants to put about the picture, she has to put it somewhere.
22 And so it looks like it comes from a specific point but it's
23 not coming from a specific point.

24 These shaded areas are several square miles in area.
25 I'm, I'm probably standing in the same what would be a

1 shaded square area right here as I would be if I was getting
2 coffee over at Blue Moon or if I was down at the South
3 Carolina Department of Motor Vehicles. I would argue with
4 you you could have somebody at Blue Moon, somebody here in
5 this courthouse, and somebody at the Department of Motor
6 Vehicles, and they might actually show up on one of these
7 shaded areas all at the same time and not be any where close
8 to each other and frankly might be more than a mile apart at
9 the time.

10 Mr. Dixon's DNA is no where in this story whatsoever.
11 I, I don't know why that ends up somehow being incriminating
12 evidence against the fact that his DNA's not there. But
13 what you really, I think at the end the day, what you're
14 really left with is if -- you either believe Miss Toney
15 beyond a reasonable doubt or you find these people not
16 guilty and she, she said some weird stuff.

17 In her testimony, there's this, this terrible, in her
18 story, this terrible murder that she set up. Only her
19 testimony is she doesn't know it's gonna happen. That
20 just -- that's just not true.

21 She meets -- she voluntarily met with the police to
22 tell them her story. Yeah, she voluntarily met with the
23 police to tell her story. She's being shepherded and, and
24 corrected and reminded what she's doing. But she's not
25 being interrogated.

1 She's had a chance to discuss all this and, and
2 harmonize it and come up with a story that fits the facts
3 that are known at the time and then she talks to the police.
4 The police get more facts. Some of these facts don't
5 necessarily completely jive with the first story she told.
6 So they got her in and she has to redo it again.

7 There's no purpose in her meeting with the police
8 multiple times if she actually tells the truth the first
9 time she's, she's said anything. There's no -- please don't
10 be fooled by that. There is no point in them talking with
11 her about another story if she tells them the truth the
12 first time.

13 She's met with them at least five times. It's, it's
14 not an accident that she can get up on the stand yes, ma'am,
15 no, ma'am, yes, ma'am, yes, ma'am. It's not an accident
16 that she is just spot on that and that she can tell this
17 story in amazing detail. That's not an accident.

18 She's practiced this. She's been confronted with, I
19 forget the exact phrase, furthers facts. We discovered
20 further facts and the fact to her -- had to talk with her
21 about it. This, this story has made -- it has been
22 modulated to fit the facts that they're able to, to uncover.
23 I mean except for some of the new ones. They're pieces of
24 this story that haven't even been investigated because
25 there's some stuff she came up with literally on the witness

1 stand this week.

2 This, this story about her being at the side and being
3 sprayed with blood to the point where she had to go change
4 her shirt, if I remember her having to go change her shirt
5 so that she could go to work, which -- okay. The door is
6 here. The bed is over there. The -- Mr. Curry is, in her
7 story, sitting on the bed. She gets up and goes to the
8 left-hand side of the room. The people come and shoot Mr.
9 Curry and his blood doesn't go that way.

10 It comes this way, which other than stretching the laws
11 of physics, even if that were true, if she had told the
12 police that, do you think Investigator Johnson would have
13 tested that side of the room?

14 Sure he would have.

15 But he wasn't told that, which is why he didn't test
16 for that. He was told to go look for something and he found
17 what he was looking for.

18 He was also told about this plastic tote. It, it still
19 boggles your mind as to why they find this pink, plastic
20 tote with some kind of goo in the bottom of it. They got
21 pictures of it and they don't test it. That's just odd.

22 But the reason why you don't have that test is cause it
23 doesn't fit, it doesn't fit Miss Toney's story. There's
24 also no tracking of coming back to the house to bring the
25 tote back or anything even if that is the -- I, I get lost

1 as to exactly what her testimony is with -- from day-to-day.
2 I'm not real sure whether she says that's a tote or not.

3 But even if it wasn't, if you were going to thoroughly
4 investigate the case, case, you'd at least test it. They
5 don't get her phone records, which is odd in the extreme.
6 They have, they have had information that she's suppose to
7 have been in the dead center of all this stuff that's
8 happened for over two years and they never not one time give
9 us any cell tower records that are tracking her phone.

10 That's either odd or I, I mean -- I don't want to argue
11 that maybe that doesn't support their case but that's just
12 strange. They -- how did they come up with Mr. Sloan's
13 name?

14 The only reason why we know about this Mr. Sloan is
15 cause his fingerprints are in the car. When they process
16 this car, they find -- they don't find Sha'kel Dixon's
17 fingerprints in the car. They don't find Mr. Jackson's
18 fingerprints in the car. They find the police officer who
19 drove the car there and Mr. Sloan.

20 They don't do anything with that information at all.
21 They don't track him. They don't get any phone records from
22 him. They don't even do DNA standard to see if he's it --
23 you'll -- if you'll remember the DNA lady's testimony, she,
24 with possibly one exception, she never says any of the DNA
25 is one person's DNA. It's a mixture.

1 Is it a mixture of Mr. Curry and Mr. Sloan's DNA?

2 We don't know. They haven't got standards from him.

3 Is it a mixture of Mr. Curry and Miss Toney's DNA?

4 We don't know. The -- I -- I'm not aware of whether it
5 came from her either.

6 Beg your patience for just a second?

7 I'm gonna try to skip ahead. One second.

8 (Pause.)

9 MR. THOMPSON: In her story, Mr. Dixon and Mr. Jackson
10 rushed into the room and Mr. Jackson's holding a gun and Mr.
11 Dixon bursts into the room holding this big plastic tote.

12 Now, if any of that happened, and I'm arguing it
13 didn't, but if any of that happened, that's not the way it
14 happened. He doesn't jump into the room carrying the
15 plastic bucket. That's just not true. Common sense will
16 tell you that is just not true.

17 Mr. Curry is a dude who carries around an assault rifle
18 in a backpack (indiscernible) in relation to -- at least
19 have a theory that the backpack's probably got drugs in it.

20 But he leaves his gun and his phone in his bag in the
21 car when he goes into this house that he's never been in
22 before?

23 Does that sound true to you?

24 There's this plot to kill Mr. Curry. Miss Toney, the
25 day before, she saves Mr. Curry. Doesn't get into this and

1 helps him getaway and then the next day sets this whole
2 thing up.

3 Does that sound true to you?

4 I think it's relatively clear Miss Toney's testimony,
5 if not outright lies, is, at best, not completely truthful,
6 at best -- it's incredibly self-serving and biased. She has
7 all the reason in the world to lie.

8 why would she do that?

9 Because unless she tells this story, she's a defendant
10 in this case. She better come up with something good cause,
11 if she doesn't, she's liable to be charged with murder.

12 She's incredibly biased. At least half of her story
13 doesn't even sound true which leaves you with the question
14 of is the forensic evidence in the case, if, if, if you
15 decide Miss Curry's, not Miss Curry, Miss Toney's testimony
16 is that credible, it leaves you with does the forensic
17 evidence alone, in this case, does it alone prove the guilt
18 of the defendant.

19 I can answer that question. It doesn't. No, it
20 doesn't and you should find him not guilty.

21 Thank you for your attention.

22 THE COURT: Madam Foreperson, and members of the jury,
23 you've heard the testimony and evidence and the arguments of
24 the State and each defendant. I will now explain to you the
25 law that applies to this case.

1 Under the Constitution and laws of South Carolina, you
2 are the finders of the facts in this case. I do not have
3 the right to pass upon the facts or even to express any
4 opinion that I might have as to them because this is a
5 matter solely for you, the jury, to determine. As jurors,
6 now it is your duty to determine the effect, the value, and
7 the weight of the evidence presented during this trial.

8 As the trial judge, it is my responsibility to preside
9 over the trial of this case and I also have the duty to rule
10 upon or pass upon the admissibility of the, of the evidence
11 offered during this trial. You are to consider only the
12 testimony which has been presented from this witness stand
13 together with any exhibits which have been made a part of
14 the record and any stipulations of counsel that were made.

15 I have the additional duty to charge you the law
16 applicable to this case, and, as the presiding judge, I am
17 the sole judge of the law of this case. It is your duty as
18 jurors to accept and apply the law as I now state it to you
19 and deliberate in an effort to reach your verdict. And,
20 finally, I charge you in this regard that you should not be
21 concerned with what you think the law ought to be but what I
22 charge you that the law is.

23 You're also the judges, the sole judges, of the
24 credibility, that is the believability, of the witnesses who
25 have testified and of the evidence, evidence which has been

1 offered in this case.

2 In passing upon credibility, you may take into
3 consideration many things such as the demeanor or manner of
4 testifying, whether the witness had reason to be biased or
5 prejudiced, whether the testimony of a witness was
6 contradicted on the one hand or supported and corroborated
7 on the other hand. You may believe a small portion of the
8 testimony of a witness and disregard the larger or vice
9 versa. You may believe one witness against many or many
10 against one.

11 All these things you will consider bearing in mind that
12 you should give the defendants the benefit of any reasonable
13 doubt. It becomes your duty as jurors to analyze and to
14 evaluate the evidence and determine that evidence which
15 convinces you of its truth.

16 Now normally a person can not give opinion testimony.
17 When a person testifies, they must generally testify as to
18 what they either saw, heard, or sensed, or smelled, or
19 something of that nature. However, there is an exception
20 when a -- someone is qualified because of education or
21 experience. They are permitted to give their opinion in
22 certain areas if the Court qualifies them in that way to
23 give opinion testimony in that area. That does not mean
24 that you must accept the opinion but it is evidence for you
25 to use in any way you see fit and give it the weight and

1 credibility you believe is appropriate.

2 I instruct you and emphasize that the fact that a
3 defendant did not testify is not a factor to be considered
4 by you in any way in your deliberations and in your
5 consideration on the question of the guilt or the innocence
6 of the defendant. It must not be considered by you in any
7 manner whatsoever. Each defendant has a constitutional
8 right to remain silent and the assertion of this right must
9 not be considered by you in your deliberations.

10 I repeat, under your oath, you are to draw no
11 conclusions whatsoever from the fact that a defendant did
12 not testify. The fact that a defendant did not testify
13 should not even be discussed, excuse me, in the jury room.

14 The burden of proof, as I have stated to you, is on the
15 state. A defendant is not required to prove their innocence
16 or his or her innocence. The burden of proof remains on the
17 state to prove guilt beyond a reasonable doubt.

18 There are two types of evidence which are generally
19 presented during a trial, direct evidence and circumstantial
20 evidence.

21 Direct evidence directly proves the existence of a fact
22 and does not require deduction.

23 Circumstantial evidence is proof of a chain of facts
24 and circumstances indicating the existence of a fact.

25 Crimes may be proven by circumstantial evidence. The law

1 makes no distinction between the weight or value to be given
2 either direct or circumstantial evidence. However, to the
3 extent the State relies on circumstantial evidence, the
4 circumstances must be consistent with each other, and when
5 taken together, point conclusively to the guilt of the
6 accused beyond a reasonable doubt.

7 If these circumstances merely portray the behavior of a
8 defendant as suspicious, the proof has failed. The State
9 has the burden of proving each defendant is guilty beyond a
10 reasonable doubt. The burden rests with the State
11 regardless of whether the State relies on direct evidence,
12 circumstantial evidence, or some combination of the two.
13 The fact that the defendants were arrested, charged, and
14 indicted is not evidence and can not be considered by you as
15 evidence of guilt nor does it create any presumption or
16 inference of guilt.

17 These indictments are simply the formal written
18 instruments which contains the charges -- which contain the
19 charges made against each defendant. The indictments are
20 the formal documents by which these cases are brought into
21 Court.

22 Each defendant has pled not guilty to each of these
23 indictments and that plea puts the burden on the State to
24 prove the defendants guilty.

25 A person charged with committing a criminal offense in

1 South Carolina is never required to prove himself innocent.
2 I charge you that it is an important rule of the law that a
3 defendant in a criminal trial, no matter what the
4 seriousness of the charge may be, will always be presumed to
5 be innocent of the crime for which the indictment was issued
6 unless guilt has been proven by evidence satisfying you of
7 that guilt beyond a reasonable doubt.

8 This presumption of innocence does end when you begin
9 your deliberations but it accompanies a defendant throughout
10 the trial until you reach a verdict of guilt based on
11 evidence satisfying you of that guilt beyond a reasonable
12 doubt. The presumption of innocence is like a robe of
13 righteousness placed about the shoulders of a defendant
14 which remains with the defendant until it has been stripped
15 from a defendant by evidence satisfying you of the guilt of
16 that defendant beyond a reasonable doubt.

17 The presumption of innocence is not a mere legal
18 theory. It's not just a legal phrase. It is a substantial
19 right to which every defendant is entitled unless you, the
20 jury, are satisfied from the evidence of the guilt of the
21 defendant beyond a reasonable doubt.

22 The State must prove the defendant guilty beyond a
23 reasonable doubt and that relates to each defendant.

24 So what is a reasonable doubt in the law?

25 A reasonable doubt is a doubt which makes a reasonable,

1 honest, sincere, conscientious juror to hesitate to act.
2 Proof beyond a reasonable doubt must therefore be proof of
3 such a convincing character that a reasonable person would
4 not hesitate to rely and act upon it in the most important
5 of his or her own affairs. Proof beyond a reasonable doubt
6 can also be described as proof that leaves you firmly
7 convinced of the guilt of the defendants.

8 Now, there are very few things in this world that we
9 know with absolute certainty, and, in a criminal case, the
10 law does not require proof that overcomes every possible
11 doubt. If, based on your consideration of the evidence, you
12 are firmly convinced that a defendant is guilty of a crime
13 charged, you must find him guilty. On -- if, on the other
14 hand, you think there's a real possibility that he's not
15 guilty, you must then give him the benefit of the doubt and
16 find him not guilty.

17 The indictments allege three different offenses against
18 each defendant. The charges are kidnapping, murder, and
19 possession of a weapon during the commission of a violent
20 crime.

21 Each indictment charges a separate and distinct
22 offense. You must decide each indictment separately,
23 separately on the evidence and the law applicable to it
24 uninfluenced by your decision as to any other indictment. A
25 defendant may be convicted or acquitted on any or all of the

1 offenses charged. You'll be asked to write a separate
2 verdict of guilty or not guilty for each indictment against
3 each defendant.

4 Each defendant is charged with kidnapping. The State
5 must prove, beyond a reasonable doubt, that a defendant
6 knowingly and unlawfully seized, confined, inveigled,
7 decoyed, kidnapped, abducted, or carried away another person
8 without authority of law.

9 To do a thing unlawfully is to do it willfully against
10 the law. Knowingly means with knowledge, consciously, not
11 accidentally. Seize means to take hold of suddenly or
12 forcibly. Confine means to limit, restrict, or enclose
13 within bounds, imprison, shut, or keep in. Inveigle means
14 to lure, entice, or lead astray by false representations,
15 promises, or other deceitful means. Decoy means to lure by
16 or as if by decoy and decoy is something to entice a person
17 into a trap. Kidnap is to remove a person against his or
18 her will by unlawful force or by fraud. Abduct means to
19 carry out secretly by force for an illegal purpose. Carry
20 means to remove.

21 The State does not have to prove that a defendant did
22 all of these things. Instead, if you find, beyond a
23 reasonable doubt, that a defendant did any of these things,
24 you may find a defendant guilty of kidnapping.

25 Something is done without authority of law if it is

1 something which is -- the law does not sanction, admit,
2 allow, condone, or provide justification for. The
3 kidnapping does not have to be for any personal or monetary
4 gain or any illegal purpose but it may be for any reason
5 whatsoever.

6 Each defendant is charged with murder of Derrick Curry.
7 The State must prove, beyond a reasonable doubt, that a
8 defendant killed Derrick Curry with malice aforethought.

9 Malice is hatred, ill will, or hostility towards
10 another person. It is the intentional doing of a wrongful
11 act without just cause or excuse and with an intent to
12 inflict an injury or under circumstances that the law would
13 infer an evil intent.

14 Malice aforethought does not require that malice exist
15 for any particular time before the act is committed but
16 malice must exist in the mind of a defendant just before and
17 at the time the act is committed. Therefore, there must be
18 a combination of the previous evil intent and the act.

19 Malice aforethought may be expressed or inferred.
20 These terms express and inferred do not mean different kinds
21 of malice but merely the manner in which the malice may be
22 shown to exist by direct evidence or by inference, inference
23 from the facts and circumstances which are proven.

24 Express malice is shown when a person speaks words
25 which are -- toward another or when the person -- where a

1 person speaks words which express hatred or ill will for
2 another or when the person prepared beforehand to do the act
3 which was later accomplished. For example, lying in wait
4 for a person or any other acts of preparation going to show
5 that the deed was in the minds of the defendant would be
6 expressed malice. Malice may be inferred from conduct
7 showing a total disregard for human life.

8 Each defendant is charged with possession of a weapon
9 during the commission of a violent crime. The State must
10 prove, beyond a reasonable doubt, that a defendant was in
11 possession of a weapon during the commission of a violent
12 crime.

13 A weapon is any article or instrument which is likely
14 to cause death or great bodily harm. Whether an instrument
15 has been used as a deadly weapon depends on the facts and
16 circumstances of each case.

17 In order to find a defendant guilty of possession of a
18 weapon during the commission of a violent crime you must
19 find a defendant guilty of committing a violent crime.
20 Murder and kidnapping are violent crimes.

21 The State must prove, beyond a reasonable doubt, that
22 the weapon further advanced or helped in the commission of
23 the crime charged. If a person -- if a crime, I'm sorry, if
24 a crime is committed by two or more people who are acting
25 together in committing a crime, the act of one is the act of

1 all.

2 A person who joins with another to commit an unlawful
3 act is criminally responsible for everything done by the
4 other person which happens as a probable or natural
5 consequence of the acts done in carrying out the common plan
6 and purpose. If two or more people are acting together,
7 together acting together, assisting each other in committing
8 the offense, the act of one is the act of all, or as it is
9 sometimes said, the hand of one is the hand of all.

10 Prior knowledge that a crime is going to be committed
11 without more is not sufficient to make a person guilty of
12 that crime. Mere knowledge that another person is going to
13 commit a crime, even if a defendant is present when the
14 crime is committed, is not sufficient to convict a defendant
15 as a principal.

16 Guilt as a principal is shown by actual or constructive
17 presence at the scene as a result of prior arrangement.
18 Therefore, a finding of a prior plan or a common scheme is
19 necessary for a finding of guilt as a principal. The State
20 must prove, beyond a reasonable doubt, by competent evidence
21 the theory of the hand of one is the hand of all.

22 A principal in a crime is one who either actually
23 commits the crime or who is present aiding, abetting, or
24 assisting in committing the crime. When a person does an
25 act under presence and with the assistance of another, the

1 act is done by both. Where two or more acting with a common
2 plan or intent are present at the commission of a crime, it
3 does not matter who actually commits the crime. All are
4 guilty. The hand of one is the hand of all.

5 Present at the commission of a crime means to be
6 sufficiently near to aid, and abet, and assist in the
7 commission of the crime. However, mere presence at the
8 scene of a crime is not sufficient to convict one as a
9 principal on the theory of aiding and abetting.

10 Intent is also a necessary element for there must have
11 been a common design or intent to commit the crime and a
12 crime must have been committed pursuant thereto with the
13 person aiding and abetting by some overt act.

14 Intent means intending the result which actually
15 occurs. Not accidentally or involuntary. Intent may be
16 shown by acts and conducts of a defendant and other
17 circumstances from which you may naturally and reasonably
18 infer intent. The State must prove these elements beyond a
19 reasonable doubt.

20 An issue in this case is the identification of the
21 defendants as the persons who committed the crimes alleged
22 or crimes charged. The State has the burden of proving
23 identity beyond a reasonable doubt. You must be satisfied,
24 beyond a reasonable doubt, of the accuracy of the
25 identification of a defendant as the person who committed

1 the crime or crimes charged before you may convict a
2 defendant.

3 Identification can be proven by direct evidence,
4 circumstantial evidence, or a combination of the both -- of
5 both. If, after examining the evidence, you have a
6 reasonable doubt as to the accuracy of the identification of
7 a defendant, you must find that defendant not guilty.

8 I charge you that there are two defendants in this case
9 each of whom is charged with murder, kidnapping, and
10 possession of a weapon during a violent crime. The case
11 against each defendant and the evidence and the law
12 concerning that defendant should be considered separately
13 and individually.

14 Your verdict does not have to be the same for both
15 defendants. The fact that you may find one defendant guilty
16 or not guilty on a particular indictment should not control
17 your verdict as to the other defendant. Where more than one
18 person is charged with a crime, if the evidence, evidence
19 warrants it, you may convict one and acquit the other or you
20 may convict both. It will depend upon your view of the
21 testimony and evidence. You must take each defendant and
22 consider the evidence as to that defendant and my
23 instructions to you on the law. You would have to write a
24 separate verdict of guilty or not guilty for each individual
25 defendant on each indictment.

1 Now, while the arguments of counsel are a beneficial
2 part of every trial, you should remember that the statements
3 made by counsel are not evidence. In presenting their
4 arguments, counsel often referred to the evidence. However,
5 you should base your verdict on the evidence as you remember
6 it. If there are any conflicts between the recollection of
7 counsel about the evidence and your own recollection, you
8 should rely on your own understanding of the evidence.

9 Madam Foreperson, and members of the jury, I'm required
10 to charge you the law as I have done through these
11 instructions now being given to help guide you to a just and
12 lawful verdict. Whether some of these instructions will
13 apply will depend upon what you find to be the facts. The
14 fact that I have instructed you on various subjects must not
15 be considered as indicating an opinion of this Court as to
16 what you should find to be the facts or what your verdict
17 should be.

18 Now, you've been chosen and sworn to give the parties a
19 fair and impartial trial. When you've done so, you will
20 have complied with your oath and no one will have the right
21 to criticize your verdict. You must not be influenced by
22 opinions or expressions of opinions you may have heard
23 outside the courtroom but rather should base your verdict
24 solely on the testimony of the sworn witnesses who took the
25 stand, the exhibits received into evidence, and the law

1 which I have stated.

2 You should not be swayed by caprice, passion,
3 prejudice, or improper sympathy for or against anyone.
4 Remember you have no friends to reward or enemies to punish
5 and all parties are entitled to a fair and impartial trial.

6 It is your duty as jurors to consult with one another
7 and to deliberate in an effort to reach an agreement. Each
8 of you must decide this case for yourself but only after
9 impartial consideration of all of the evidence with your
10 fellow jurors.

11 In the course of your deliberations, do not hesitate to
12 reexamine your own views and change your opinion if you
13 become convinced it is erroneous. However, do not surrender
14 your honest conviction as to the weight or effect of the
15 evidence solely because of the opinion in your -- of your
16 fellow jurors or for the mere purpose of returning a
17 verdict. As I stated earlier, you are the judges, judges of
18 the facts.

19 Your verdict must represent the considered judgment of
20 each juror. In other words, your verdict must be unanimous.

21 And you may have noticed that I have read these
22 instructions. I do so to give you the law as accurately as
23 possible. I will give you a copy of these instructions to
24 have in the jury room. You may refer to these instructions
25 to assist you in your deliberations. You must consider the

1 instructions as a whole and may not follow some and ignore
2 others.

3 Madam Foreperson, it will be your duty to preside over
4 the deliberations of the jury. If, during your
5 deliberations, you should desire to communicate with the
6 Court, please reduce your message or question to writing
7 signed by your fore -- foreperson and the foreperson only
8 and pass the note to a bailiff who will bring it to my
9 attention. I will then respond as promptly as possible
10 either in writing or by having you return to the courtroom.
11 I caution you, however, with regard to any message or
12 question you might send that you should never state or
13 specify your numerical division at the time.

14 Now, you've heard the evidence and you've heard the
15 law. Whatever your verdict, Madam Foreperson, you will
16 indicate the verdict on the back of each indictment and then
17 sign and date the verdict. Each indictment has a place that
18 the word verdict is written to write not guilty or guilty
19 then sign and date.

20 Remember that although the foreperson is the only
21 per -- juror who writes the verdict, it is not hers alone.
22 The verdict has to be unanimous.

23 And, Madam Forelady, you're not authorized to write
24 your verdict until all of you have agreed on the verdict.

25 Now, ladies and gentlemen, I'll now send you to your

1 jury room but do not begin deliberations until you have
2 received a copy of this jury charge, the indictments, and
3 the exhibits. Once you receive these things, that will be
4 your signal to begin your deliberations.

5 We've taken the liberty of ordering food, more food for
6 you and you can eat and deliberate or whichever way you
7 prefer to handle that situation. But once you begin
8 deliberations, you will deliberate until you have reached
9 a verdict at which time you will knock on the door, advise
10 the bailiff, and we will bring you out to receive your
11 verdict.

12 So, we've selected 14 jurors but we can only use 12.
13 So, from the first 12 jurors that -- any of you, out of the
14 first 12, can not continue with deliberations, please raise
15 your hand and that way we'll use one of the two alternates
16 or both of the alternates. If you have any problems
17 continuing with deliberations, let me know by raising your
18 hand.

19 (WHEREUPON, there was no response.)

20 THE COURT: All right. All jurors seem to be in good
21 shape. So, you-all please go to the jury room and the
22 alternates will remain with us after they leave.

23 (WHEREUPON, the following takes place outside the
24 presence of the jury.)

25 THE COURT: Are there any additions or corrections to

1 SOLICITOR CHARBONNEAU: Your Honor, will you send us a
2 copy of the jury instructions?

3 THE COURT: I will. I have it. I don't mind doing so.

4 SOLICITOR CHARBONNEAU: Thank you.

5 MR. THOMPSON: Your Honor, do you still require the
6 defendants in the courtroom or --?

7 THE COURT: No, they can go back.

8 (WHEREUPON, the alternate jurors were dismissed at this
9 time.)

10 THE COURT: And where is the -- where are -- where's
11 the -- where are the exhibits?

12 SOLICITOR CHARBONNEAU: They took them back to the
13 jury.

14 (WHEREUPON, the jury began deliberations at 5:40PM and
15 returned with a verdict at 8:02PM.)

16 THE COURT: I understand that there's a verdict. So
17 bring in the jury.

18 (WHEREUPON, the following takes place within the
19 presence of the jury.)

20 THE COURT: And, Madam Forelady, if you'll stand for
21 me?

22 (WHEREUPON, the forelady complies.)

23 THE COURT: Have you reached a verdict?

24 THE FORELADY: We have, Your Honor.

25 THE COURT: Is it unanimous?

1 THE FORELADY: It is.

2 THE COURT: Okay. If you'll pass it up and you may be
3 seated.

4 (WHEREUPON, the forelady complies.)

5 THE COURT: The defendant will rise. Defendants will
6 rise.

7 (WHEREUPON, the Defendants comply.)

8 THE CLERK: Your Honor, Case 29 -- 2019-GS-020-02017,
9 State versus Sha'Kel Rakeem Dixon, indictment for possession
10 of a weapon during a violent crime, the verdict of the jury
11 is guilty.

12 2019-GS-02-02016, State versus Sha'Kel Rakeem Dixon,
13 indictment for murder, verdict of the jury is guilty.

14 Indictment 2019-GS-02-02018, the State versus Sha'Kel
15 Rakeem Dixon, indictment for kidnapping, the verdict of the
16 jury is guilty.

17 Indictment 2019-GS-02-02084, State versus Denzell
18 Deshawn Jackson, indictment for possession of a weapon
19 during a violent crime, the verdict of the jury is guilty.

20 Case 2019-GS-02-02082, the State versus Denzell Deshawn
21 Jackson, indictment for murder, the verdict of the jury is
22 guilty.

23 Case 2019-GS-02-02083, State versus Denzell Deshawn
24 Jackson, indictment for kidnapping, the verdict of the jury
25 is guilty.

1 Madam Forelady, and ladies and gentlemen of the jury,
2 if this is your verdict, please signify by raising your
3 right-hand.

4 (WHEREUPON, all jurors raise their hands at this time.)

5 THE CLERK: All hands are raised, Your Honor.

6 THE COURT: Any additional individual polling
7 requested?

8 MR. JOHNSON: No, sir, Your Honor.

9 MR. THOMPSON: No, Your Honor.

10 THE COURT: Any posttrial motions?

11 MR. THOMPSON: Your Honor, we would move for a new
12 trial.

13 THE COURT: Mr. Johnson.

14 MR. JOHNSON: We join in that request, Your Honor.

15 THE COURT: The case was thoroughly contested over a
16 span of four days, four full days. The issues were issues
17 for the jury to determine. Particularly the issue, the
18 issue of credibility of witness -- witnesses as well as the
19 credibility of the evidence. The verdict -- the verdicts on
20 each and every one of those cases are supported by the
21 evidence. I respectfully deny the motions.

22 MR. THOMPSON: And, Your Honor, at this time, just to
23 preserve the record, I would go ahead and renew all prior
24 motions and, and, and objections.

25 THE COURT: All right.

1 me?

2 DEFENDANT JACKSON: I'd like to tell you -- I really
3 don't have nothing to tell, Your Honor. I would like to
4 tell his family.

5 THE COURT: All right.

6 DEFENDANT JACKSON: His mother.

7 Ms. Kenya, and the rest of the Curry family, I really
8 hate y'all had to go through that. I know what it feel to
9 lose someone real close to you. No mother should have to go
10 through that. I really feel sorry for you about that,
11 ma'am.

12 That's all I have to say, sir.

13 THE COURT: Do you know these people?

14 DEFENDANT JACKSON: Not really, sir.

15 THE COURT: Are you-all from the same area?

16 DEFENDANT JACKSON: No, sir.

17 THE COURT: All right. Thank you.

18 MR. JOHNSON: Thank you.

19 THE COURT: Anyone else on behalf of Mr. Jackson?

20 MR. JOHNSON: No, sir.

21 THE COURT: So, Mr. Jackson, if you'll come around for
22 sentencing.

23 (WHEREUPON, the defendant complies.)

24 THE COURT: Since being here in Aiken and, and trying
25 cases, I've had a, a number of cases that, that are similar

1 and then threw her body out in a field and, fortuitously,
2 some turkey hunters happened to find the body but by which
3 time ants had taken over the body, consumed the body and he
4 a got life.

5 Then had a boy over in Edgefield. He was kidnapped
6 from Augusta cause he was acting as a lookout for the main
7 guy who had some prostitutes and they accused him of taking
8 some of the money and he was thrown in the trunk. He was --
9 they took turns shooting him like he was target practice and
10 buried him over in Edgefield and, and I tried that case,
11 Barnes. I didn't try Barnes. I tried the codefendant who,
12 who got life in Georgia. Two codefendants, brothers, got
13 life in Georgia. Barnes got the death penalty and his body
14 was found by some dogs much, much later. The dogs were out
15 in a field and they came across a bone and took it to a
16 house and that's how the police ultimately uncovered that
17 body.

18 But, in every instance that I've had, the body was
19 recovered even though many of them got life based on the
20 nature of the crime. They all got life and we have the
21 factor that's even more aggravating where the body has not
22 been found.

23 And when there are condolences being given to the
24 family, sorry for your loss, you know, in all those
25 instances those families at least had the opportunity of

1 having a funeral where they could receive condolences and in
2 all those instances they've gotten condolences and well
3 wishes and, you know, people sent pound cakes and sodas and
4 chicken and everything else to the family during that period
5 of bereavement. But they had an opportunity to have such a
6 service and to receive that even though, by the time they
7 come to Court a year or two later, there's not time for
8 sympathy, that folks want justice.

9 But, in this case, you have none of that, because as a
10 witness says, he's gonna be chopped. He's gonna be used as
11 target practice and they want to know where the body is.

12 They want to know and who knows?

13 who knows the answer to the question out of all the
14 folks here in the courtroom?

15 who knows where the body has -- who knows?

16 The answer is anyone answers?

17 who knows?

18 who's the one person that you think knows, Ms.

19 Charbonneau?

20 SOLICITOR CHARBONNEAU: Mr. Jackson, Mr. Dixon know
21 where he is.

22 THE COURT: So, Mr. Jackson, and it's a tough situation
23 because I recognize that almost every case is appealed, and
24 rarely do you get confessions during a sentencing. Well, on
25 the one hand you, you get the confession. On the other hand

1 you have an appeal. The person appeals also include PCRs.

2 what's your thoughts, Mr. Jackson?

3 DEFENDANT JACKSON: I'm just waiting to see my fate,
4 sir.

5 THE COURT: Pardon?

6 DEFENDANT JACKSON: I'm just waiting to see what you
7 will give me, sir. I really don't have any thoughts on it.

8 THE COURT: You have no thoughts?
9 Zero?

10 DEFENDANT JACKSON: No, sir.

11 THE COURT: And that -- that's so unfortunate. We're
12 all born with a heart and a conscience and unfortunately
13 many, many of the hearts are malignant, deranged.

14 Sentence of the Court on the murder charge is life.
15 You're, you're remanded to the Department of Corrections for
16 the remainder of your natural life.

17 we'll take a five minute break.

18 (WHEREUPON, a short recess was taken at this time.)

19 THE COURT: Are y'all ready for Mr. Thompson?

20 MR. THOMPSON: Your Honor, would you like us at the
21 table?

22 THE COURT: Yes, sir.

23 All right. We'll proceed to the sentencing of --
24 sentencing hearing of -- the sentencing hearing of Sha'kel
25 Rakeem Dixon.

1 Do y'all communicate at the jail?

2 DEFENDANT DIXON: No, Your Honor.

3 THE COURT: All right. So, so, whatever influence or
4 mechanics -- I can't imagine of -- you're -- how old are you
5 now?

6 DEFENDANT DIXON: Twenty-two.

7 THE COURT: You're 22 and he's 20. You know, usually
8 the older person gets the most severe punishment because
9 they're usually the one in charge of the younger person or
10 the younger person looks up to the older person but that's
11 not automatic. You know, you may be the older person that's
12 in charge of the younger person or I don't know what the
13 deal is with you guys and, and I don't know where your life
14 went astray.

15 You graduated from high school. The other boy went to
16 eighth grade. You went to Denmark Tech. Well, at age 15 he
17 was having a baby.

18 You may see him again. You may never see him again.

19 But the one thing this family is most interested in
20 is -- they've gotten the satisfaction of a guilty verdict
21 and justice being done as to you-all killing Mr. Curry but
22 they want to know where he is buried or what happened to his
23 body.

24 DEFENDANT DIXON: Your Honor, I honestly don't know.

25 THE COURT: Yeah.

1 well, you may not know precisely cause, from the story,
2 who all that took the body and gave it to these other two
3 guys?

4 SOLICITOR CHARBONNEAU: Yes, Your Honor.

5 THE COURT: And---

6 SOLICITOR CHARBONNEAU: Barnwell and Bacon and---

7 THE COURT: And so they, they took off with the body.

8 SOLICITOR CHARBONNEAU: Yes.

9 THE COURT: So, you know, we have these cases where,
10 you know, I've seen many cases where the person is facing
11 the death penalty and the police might say all the family
12 wants is a proper burial and we'll take life off the table
13 if you tell us where that body is and it's -- and one after
14 another, you know, they take the police down the road and
15 off a trail, up a hill, by a tree, wherever, and they help
16 recover the body.

17 You may not know but he's the -- you're -- he's the one
18 whose picture is sitting on the car --

19 MR. THOMPSON: That's correct, Your Honor.

20 THE COURT: -- where the body was taken. The day after
21 it was taken.

22 So, apparently you were there having a good time with
23 the fellows who took the body and buried the body. I'm sure
24 they, they told you where to go -- where they, where they
25 went. They went to Eureka or Wagener or Beech Island or New

1 Ellenton or -- y'all have all these towns around here that
2 I've become most familiar where.

3 where did they tell you they took him?

4 DEFENDANT DIXON: Your Honor, I honestly don't know.

5 THE COURT: You don't know that they told you?

6 DEFENDANT DIXON: No, they ain't tell me nothing.

7 THE COURT: They ain't tell you nothing.

8 well, I'm sure you know that the family, they've been
9 searching, wanting to know.

10 You've heard about that, right?

11 DEFENDANT DIXON: Yes, Your Honor.

12 THE COURT: Yeah.

13 So, what, what have you heard?

14 Not that you, you know, maybe you weren't there. So
15 you didn't bury the body but you've, you've been -- I'm sure
16 it's something that you've been curious about, wanting to
17 know about, realizing that it could possibly help you if you
18 provided that information. Like I said earlier, I've dealt
19 with a lot of cases. The one where they burned the body.

20 I had one case the guy murdered a policeman and burned
21 his body and I was a judge. He pled guilty and I gave him
22 the death penalty and he's been on death row now for 15
23 years or 16 years.

24 I've had cases where the -- they burned the body of the
25 old man, cases where they buried the body that was dug up,

1 whatever it is you have no comment about, does that,
2 does that have anything to do with the fact that you have
3 nothing to say today?

4 DEFENDANT DIXON: No, it has -- no. No, Your Honor.

5 THE COURT: well, before I give you your sentence, is
6 there anything else you would like to say?

7 DEFENDANT DIXON: No, Your Honor.

8 THE COURT: Is there anything anyone has to say on Mr.
9 Dixon's behalf?

10 MR. THOMPSON: I believe the defense has nothing
11 further, Your Honor.

12 THE COURT: Mr. Dixon, did you, did you know Mr.
13 Derrick Curry?

14 DEFENDANT DIXON: Did I---

15 THE COURT: Did you know Derrick Curry?

16 DEFENDANT DIXON: No, Your Honor.

17 THE COURT: You didn't know him?

18 DEFENDANT DIXON: No.

19 THE COURT: All right. It's so unfortunate to go to
20 prison for killing a stranger.

21 Sentence of the Court is that you be committed to the
22 State Department of Corrections for life.

23 Good luck to you.

24 All right. well, that is it with regard to these
25 cases?

WITNESSES

Aiken County Sheriff

Savanna B Phillips

Law Enforcement Case #: 19-021008

DOCKET NO. 2019GS0202082

The State of South Carolina

County of Aiken

JMC

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER Nov. 7 2019

NOVEMBER TERM 2019

2019A0210200647

Robert J. White
C.C.P. & G.S. LSP-14
Lakey T. Hines
Deputy Clerk

THE STATE
vs.

ACTION OF GRAND JURY

True B. 11

DENZELL DESHAWN JACKSON

[Signature]
Foreperson of Grand Jury
Date: November 07, 2019

CDR #: 0116

Indictment for

VERDICT

Guilty

MURDER

§ 16-03-0010; 16-03-0020

[Signature]
Foreperson of Petit Jury
Date: 8/19/21

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

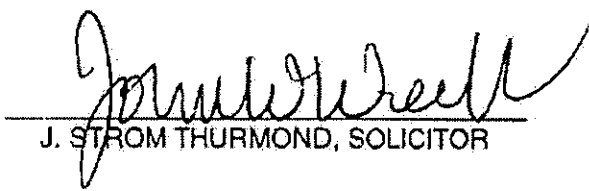
INDICTMENT FOR
MURDER

§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on November 11, 2019, the Grand Jurors of Aiken County present upon their oath:

That **DENZELL DESHAWN JACKSON**, along with others, did in Aiken County on/or between the dates of April 30, 2019 and May 1, 2019, feloniously, wilfully and with malice aforethought, murder Derrick Curry by means of shooting him at [REDACTED] Nokesville Circle, Aiken, and that the victim did die as a proximate result thereof. All in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

STATE

VS.

INDICTMENT/CASE#: 2019 - GS - 02 - 02082Denzell Deshawn JacksonAW#: 2019A0210200647

AKA:

Date of Offense: 5/1/2019Race: Black Sex: M Age: 20S.C. Code §: 16-03-0010; 16-03-0020DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0116Address: Green StCity, State, Zip: New Ellenton, SC 29809-3139DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*Mandatory 30yr + Life**CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / MurderIn violation of § 16-03-0010; 16-03-0020 the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jacqui Charney
 Solicitor 103430
 SC Bar # Defendant

[Signature]
 Attorney for Defendant 101537
 SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of Life days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

Life Sentence

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

WITNESSES

Aiken County Sheriff

Savanna B Phillips

Law Enforcement Case #: 19-021008

DOCKET NO. 2019GS0202084

The State of South Carolina

County of Aiken

JMC

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER Nov. 7 20 19

NOVEMBER TERM 2019

2019A0210700185

Robert J. White
CCJP. & G.S. LSFH
Deputy Clerk

THE STATE

VS.

ACTION OF GRAND JURY

DENZELL DESHAWN JACKSON

True Bill

[Signature]

Foreperson of Grand Jury
Date: November 07, 2019

CDR #: 0549

Indictment for

VERDICT

Guilty

POSSESSION OF A WEAPON DURING
VIOLENT CRIME

§ 16-23-0490

[Signature]

Foreperson of Petit Jury
Date: 8/19/21

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

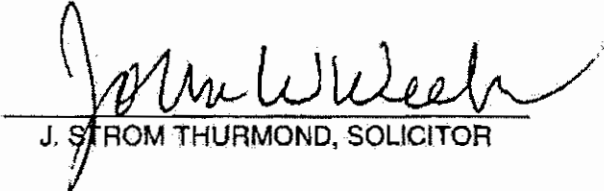
INDICTMENT FOR
POSSESSION OF A WEAPON DURING
VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on November 11, 2019, the Grand Jurors of Aiken County present upon their oath:

That **DENZELL DESHAWN JACKSON**, along with others, did in Aiken County on/or between the dates April 30, 2019, and May 01, 2019, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: murder, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

STATE

VS.

INDICTMENT/CASE#: 2019 - GS - 02 - 02084Denzell Deshawn JacksonAW#: 2019A0210700185

AKA:

Date of Offense: 4/30/2019Race: Black Sex: M Age: 20S.C. Code §: 16-23-0490DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0549Address: Green StCity, State, Zip: New Ellenton, SC 29809-3139OL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*Mandatory 5 yrs**CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jacqui Clark

103430

Solicitor SC Bar # Defendant

K. B. A.

Attorney for Defendant

101537

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of ____ days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for ____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: Sentence to life for Murder(See 16-23-490(2))☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDDC. ____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

WITNESSES

Aiken County Sheriff

Savanna B Phillips

Law Enforcement Case #: 19-021008

DOCKET NO. 2019GS0202083

The State of South Carolina

County of Aiken

JMC

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

FILED

Nov. 7

20 19

NOVEMBER TERM 2019

2019A0210700188

Robert J. White
P. & G.S. CLERK

Deanna Frazier-Hynes
Deputy Clerk

THE STATE

VS.

DENZELL DESHAWN JACKSON

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

Date: November 07, 2019

VERDICT

Guilty

Shawn A. Huger
Foreperson of Petit Jury

Date: 8/19/21

CDR #: 0095

Indictment for

KIDNAPPING

§ 16-03-0910

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

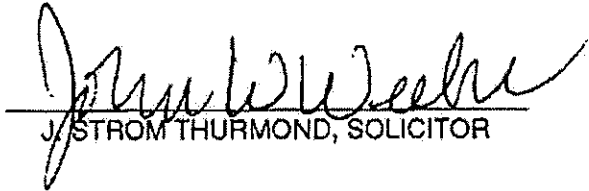
INDICTMENT FOR
KIDNAPPING

§ 16-03-0910

At a Court of General Sessions, convened on November 11, 2019, the Grand Jurors of Aiken County present upon their oath:

That **DENZELL DESHAWN JACKSON**, along with others, did in Aiken County on/or between the dates of April 30, 2019, and May 01, 2019, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Derrick Curry without authority of law, all in violation of §16-3-910 of the Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken

STATE

VS.

INDICTMENT/CASE#: 2019 - GS - 02 - 02083Denzell Deshawn JacksonAW#: 2019A0210700188

AKA:

Date of Offense: 4/30/2019Race: Black Sex: M Age: 20S.C. Code §: 16-03-0910DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0095Address: Green StCity, State, Zip: New Ellenton, SC 29809-3139DL#: [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*NMT 30yrs**CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Kidnapping / KidnappingIn violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jacqui Chabon 103430
Solicitor SC Bar # Defendant*[Signature]* 101537
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of ____ days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$ ____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$ ____; plus costs and assessments as applicable*; the balance is suspended with probation for ____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

See attached Order. Sentenced to Life for murder.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: Life for murder.☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. days/months.☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Dec 14 2022

SC Court of Appeals



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of December, 2022.