

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Mar 26 2021

Appeal from Lexington County
Walton J. McLeod, IV, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHESNEE LABRI MATTRESS,

APPELLANT

APPELLATE CASE NO. 2020-000183

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JANUARY 13-16, 2020.....	1
<u>JACKSON V. DENNO</u> HEARING.....	2
TESTIMONY	
MICHAEL HART	
Direct Examination by Ms. Patterson	2
ANTHONY ADAM CREECH	
Direct Examination by Mr. Pogue	10
MOTION TO SUPPRESS EVIDENCE	14
TESTIMONY	
TRACI BARR	
Direct Examination by Ms. Patterson	29
Cross Examination by Mr. Johnson	38
RULING BY THE COURT.....	49
OPENING STATEMENT BY MR. POGUE	51
OPENING STATEMENT BY MR. JOHNSON	58
TESTIMONY	
HARRAH JAMES	
Direct Examination by Ms. Patterson	61
Cross Examination by Mr. Johnson	75
Redirect Examination by Ms. Patterson.....	82
Re-Cross Examination by Mr. Johnson	84
DWIGHT JAMES	
Direct Examination by Ms. Patterson	86
Cross Examination by Mr. Johnson	104
JORDAN KELLY	
Direct Examination by Mr. Pogue	109
Cross Examination by Mr. Johnson	122
Redirect Examination by Mr. Pogue.....	125

MALAYSIA JAMES

Direct Examination by Ms. Patterson	126
Cross Examination by Mr. Johnson	132

DONTAVIOUS RILEY

Direct Examination by Mr. Pogue	133
Cross Examination by Mr. Johnson	140
Redirect Examination by Mr. Pogue	142

RYAN HOOVER

Direct Examination by Ms. Patterson	143
Cross Examination by Mr. Johnson	157
Redirect Examination by Ms. Patterson	163
Re-Cross Examination by Mr. Johnson	165

DOUG EDMONSON

Direct Examination by Mr. Pogue	166
Cross Examination by Mr. Johnson	186

ANTHONY ADAM CREECH

Direct Examination by Mr. Pogue	190
Cross Examination by Mr. Johnson	204
Redirect Examination by Mr. Pogue	208

MICHAEL HART

Direct Examination by Ms. Patterson	211
Cross Examination by Mr. Johnson	232
Redirect Examination by Ms. Patterson	243
Re-Cross Examination by Mr. Johnson	244

THOMAS SMITH

Direct Examination by Ms. Patterson	246
Cross Examination by Mr. Johnson	295
Redirect Examination by Ms. Patterson	309

BRENDA SNELGROVE

Direct Examination by Mr. Pogue	311
Cross Examination by Mr. Johnson	316

JANICE ROSS

Direct Examination by Ms. Patterson	318
Cross Examination by Mr. Johnson	325

CANDY KYZER

Direct Examination by Mr. Pogue	326
---------------------------------------	-----

SUZANNE CROMER	
Direct Examination by Mr. Pogue	337
Voir Dire Examination by Mr. Johnson.....	341
Direct Examination by Mr. Pogue (continued).....	342
Cross Examination by Mr. Johnson	368
CLOSING ARGUMENT BY MS. PATTERSON	370
CLOSING ARGUMENT BY MR. JOHNSON.....	391
CHARGE ON THE LAW	414
VERDICT	436
SENTENCING	437
STATE’S EXHIBIT #127 (CHAIN OF CUSTODY LOG)	438
STATE’S EXHIBIT #128 (CHAIN OF CUSTODY LOG)	466
STATE’S EXHIBIT #129 (SLED LAB REPORT).....	490
STATE’S EXHIBIT #130 (SLED LAB REPORT).....	493
STATE’S EXHIBIT #131 (SLED LAB REPORT).....	495
DEFENDANT’S EXHIBIT #1 (MOTION TO SUPPRESS).....	497
INDICTMENTS AND SENTENCE SHEETS.....	504
CERTIFICATE OF COUNSEL	510

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT #2 (PHOTO); STATE’S EXHIBIT #5 (DISC - 911 CALL); STATE’S EXHIBITS #11-15 (PHOTOS); STATE’S EXHIBITS #17-44 (PHOTOS); STATE’S EXHIBIT #67 (PHOTO).

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

COURT OF GENERAL SESSIONS

STATE	)	
	)	
	)	TRANSCRIPT OF RECORD
V.	)	2018-GS-32-00920
	)	2018-GS-32-00921
CHESNEE L. MATTRESS	)	
	)	
<u>DEFENDANT.</u>	)	

JANUARY 13 - 16, 2020
LEXINGTON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE WALTON J. MCLEOD, IV, JUDGE; AND
A JURY.

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

RHONDA PATTERSON, ASSISTANT SOLICITOR
BRADLEY POGUE, ASSISTANT SOLICITOR
ATTORNEYS FOR THE STATE

OLA JOHNSON, ESQUIRE
ATTORNEY FOR THE DEFENDANT

BETHANIE K. CREPPON
CIRCUIT COURT REPORTER

1 THE COURT: The witness may step down. Thank
2 you.

3 MS. PATTERSON: State calls Detective Michael
4 Hart.

5 MICHAEL HART

6 being first duly sworn, testified as follows:

7 THE WITNESS: I do.

8 THE CLERK: Have a seat, sir. Once you're
9 seated, spell your full name, spelling your last.

10 THE WITNESS: Detective Michael Hart, H-A-R-T.

11 DIRECT EXAMINATION

12 BY MS. PATTERSON:

13 Q. Detective Hart, on October 11th of 2017, did
14 you have the opportunity to make contact with the
15 defendant, Chesnee Mattress?

16 A. Yes, ma'am, I did.

17 Q. And how did you come to make contact with her?

18 A. Through the course of a homicide investigation.

19 Q. And where were you when you made this contact?

20 A. I was in the roadway in front of her residence,

21 [REDACTED] Village Court in Gaston area of Lexington

22 County.

23 Q. And do you know whether or not she was read her
24 Miranda rights?

25 A. I do, yes, ma'am.

1 Q. Were you present when these rights were read to
2 her?

3 A. I was.

4 Q. Who read them to her?

5 A. At the time, Sergeant Barr.

6 Q. And before you -- and did she agree to speak
7 with you?

8 A. She did.

9 Q. And before she spoke to you, did you make sure
10 she understood these rights?

11 A. Yes, ma'am.

12 Q. And how did you do that?

13 A. I asked her -- I told her that her rights still
14 applied even though another investigator read them
15 to her; that she still had the right to an attorney.
16 I asked her if she wanted to talk to an attorney; if
17 she was willing to talk with us without one. And
18 she stated that she would be willing to speak with
19 us without an attorney.

20 Q. Who was present when you spoke to Ms. Mattress?

21 A. Detective Creech.

22 Q. Did either you or Detective Creech force
23 Ms. Mattress to speak to you?

24 A. No, ma'am.

25 Q. Did y'all coerce her in any way to speak to

1 you?

2 A. No, ma'am.

3 Q. Did y'all make her any promises to speak to
4 you?

5 A. No, ma'am.

6 Q. Did you have any concerns about her ability to
7 understand what was going on?

8 A. No, ma'am.

9 Q. Did you have any concerns about her ability
10 that she didn't understand her rights?

11 A. No, ma'am.

12 Q. Did you inform her of the reason you wanted to
13 speak with her?

14 A. Yes, ma'am.

15 Q. And what did you tell her?

16 A. I told her that we had responded to the
17 incident location of the crime that we were
18 investigating, [REDACTED] State Pond Road in the Gaston
19 area of Lexington County, and that we had spoken to
20 witnesses on scene there and information led us to
21 her and we were at her residence to get her side of
22 what happened.

23 Q. Did she agree to speak with you?

24 A. Yes, ma'am.

25 Q. And, to the best of your knowledge, were her

1 statements freely and voluntarily given?

2 A. Yes, ma'am.

3 Q. Where were you when you spoke to Ms. Mattress?

4 A. I was in the driver's seat of my County-issued
5 patrol car.

6 Q. Where was she?

7 A. She was in the front passenger seat of the
8 County-issued patrol car.

9 Q. And where was Detective Creech?

10 A. He was in the rear passenger side seat of the
11 County-issued patrol car.

12 Q. Was she able to give you an account of the
13 incident?

14 A. Yes, ma'am. She gave several accounts.

15 Q. Were you able to understand her speech?

16 A. Yes, ma'am.

17 Q. What did she tell you happened?

18 A. At first -- do you mind if I --

19 Q. Sure.

20 A. At first, she told us that -- she said they
21 went over there, referring to the incident location,
22 and there was an argument and they left. I told her
23 we needed more specific information about the
24 incident.

25 And she said that she was hanging out on State

1 Pond Road. One of the girls that she was hanging
2 out with wanted to go down the street to fight, so
3 she and her girlfriend at the time, Amari, and two
4 other females whose names she did not know at the
5 time, and a black male whom she knows as T, got into
6 a car and rode down to the incident location.

7 She stated when they arrived on scene, one of
8 the females she was with, Ashley, began arguing with
9 the victim, Annette. And Ms. Mattress said she was
10 trying to keep the peace. She stated that Annette
11 and a man who was with her who she thought might be
12 her brother, then presented handguns and she shot at
13 them and ran back to her car, and that T dropped her
14 back off at her residence.

15 And then -- I confronted her with the fact that
16 we had no other evidence of any other guns being on
17 the scene; we were in the midst of conducting a
18 search warrant at the incident location. And then
19 she told us Annette was going crazy and spitting and
20 throwing dirt. And she never mentioned another gun
21 again during the conversation.

22 Q. So, again, she was able to tell you at least
23 three different accounts of what happened at State
24 Pond Road?

25 A. Yes, ma'am.

1 started running to the car. And I let a shot off
2 when we left.

3 Q. And what was -- did you ask her any questions
4 about that?

5 A. Yes, ma'am.

6 Q. What did you ask her?

7 A. I asked her: Who was in the car?

8 And she responded: Me and my friends; T, two
9 girls, and my girlfriend Amari.

10 I asked her: What kind of car were you in?

11 She said: A four-door car, red.

12 I asked: What kind of gun did you have?

13 She responded: Nine.

14 I asked: What did the gun look like?

15 She responded: Black.

16 I asked: Where did you get the gun?

17 She responded: Friend, Cody.

18 I asked: Where is the gun now?

19 She responded: I can't remember.

20 I asked: How did you get home?

21 She responded: Car, same ride.

22 I asked: Who drove the car?

23 She responded: Homeboy T.

24 I asked: Where did T go after you got back?

25 She responded: I don't know.

1 I asked: Did you see anyone else with a gun?

2 She responded: No. But they said they was
3 grabbing it, the man who was with her, and her as
4 well.

5 I asked: Did you change clothes when you got
6 home?

7 She responded: No.

8 I asked: How did the argument start?

9 She responded: I can't remember.

10 I asked: Do you know how many times you shot?

11 She responded: No. And then responded: A
12 couple of times.

13 I asked: Where do you normally keep the gun?

14 She responded: Home.

15 I asked: Where do you keep the bullets for the
16 gun?

17 She responded: My dresser drawer.

18 I asked: Are you intoxicated now?

19 She responded: No.

20 I asked: Is there anything else you want to
21 tell me?

22 She responded: No.

23 I asked: Have you been forced or coerced to
24 provide this statement?

25 She responded: No.

1 I asked: Do you consent to a gunshot test?

2 And she responded: Yes.

3 Q. So Ms. Mattress was able to give you
4 information about who she was with in the car?

5 A. Yes, ma'am.

6 Q. She was able to give you a description of the
7 car?

8 A. Yes, ma'am.

9 Q. She was able to give you information about how
10 she got home?

11 A. Yes, ma'am.

12 Q. And about nobody else having a gun?

13 A. Yes, ma'am.

14 Q. And then you asked her about her being
15 intoxicated. And what did she indicate?

16 A. She indicated that she was not intoxicated.

17 Q. And you asked her, have you been forced or
18 coerced to provide this statement? What was her
19 answer?

20 A. She responded: No.

21 MS. PATTERSON: Beg the Court's indulgence.

22 Please answer any questions Mr. Johnson may
23 have.

24 THE WITNESS: Yes, ma'am.

25 CROSS-EXAMINATION

1 not intoxicated. She didn't appear to be noticeably
2 or appreciably impaired when we dealt with her.

3 She -- regarding the incident itself, she
4 originally told us there had been shooting back and
5 forth during the incident, but she didn't know who
6 shot first. And then she went on to tell us that
7 she got the pistol from somebody she identified as
8 a, quote, homeboy named Cody.

9 And then she told us that she was at the
10 incident location because it was her birthday. And
11 even though she said she didn't know where the
12 handgun was, she told us that the handgun ammunition
13 would be in her nightstand.

14 As we continued to speak with her -- it's
15 pretty typical in these kind of situations -- her
16 story started to change. She said that she had been
17 dealing with the victim, Annette, during the
18 incident. And she said Annette had been throwing
19 dirt at her and, quote, reaching for a gun, end
20 quote, while saying that she was going to shoot her.

21 She actually then told us that she started
22 shooting her own weapon in contradiction to her
23 previous statements where she said that she never
24 saw anybody else with a gun or discharge a gun.

25 Q. Did -- you mentioned that the defendant

1 A. The portion I sat in for was probably 20 to 30
2 minutes, give or take.

3 Q. And during that time, were all her statements
4 freely and voluntarily given?

5 A. They were.

6 Q. And at what point -- or I should say when the
7 oral statement stopped or when the oral questioning
8 stopped, what took place after that?

9 A. Detective Hart offered her to write a written
10 statement. While they were doing that, I excused
11 myself so that I could go supervise the search of
12 her residence that we had a search warrant for.

13 Q. And that was the defendant's residence?

14 A. It was.

15 Q. Did you ever speak to the defendant again after
16 that?

17 A. I did.

18 Q. Tell me about that.

19 A. So during the search, we ultimately found
20 a .40-caliber handgun underneath the dresser in the
21 defendant's bedroom just a few feet from where we
22 found the defendant at. I took a picture of it. It
23 was a -- I believe it was a Taurus .40-caliber
24 PT140. I took a picture of the gun and showed it to
25 the defendant and asked her if that was the gun she

1 used at [REDACTED] State Pond Road. And she told me it
2 was.

3 MR. POGUE: Permission to approach the witness,
4 Your Honor?

5 THE COURT: Yes, sir.

6 And I've had a little bit of trouble hearing on
7 some of this. Was the last response was or wasn't?
8 I just couldn't hear his response.

9 MR. POGUE: Was or wasn't to what? What was my
10 question that you're referring to?

11 THE COURT: That it was or was not the gun.

12 THE WITNESS: That it was the gun.

13 THE COURT: W-A-S, was. Thank you.

14 THE WITNESS: It was, indeed, the gun. Yes.

15 BY MR. POGUE:

16 Q. Sergeant Creech, I'm handing you up what's
17 marked as State's Exhibit 2 for ID purposes. Do you
18 recognize that item?

19 A. I do recognize this item. This was the picture
20 I took of the weapon using my County-issued cell
21 phone.

22 Q. Is that the picture you showed to the
23 defendant?

24 A. It is. It's actually my hand in the picture
25 holding the weapon.

1 Q. And is that the weapon that y'all recovered
2 from her residence?

3 A. It is.

4 Q. And again, just for the Court's edification,
5 what did she say -- did she say that that was or was
6 not the gun she used?

7 A. She said that was the gun that was used.

8 Q. And approximately how long after you left
9 Detective Hart to give -- to take her written
10 statement did you come back with that picture to her
11 did she give you that statement?

12 A. We didn't find the gun right way, as I recall.
13 We searched, I think, most of the residence at that
14 point pretty thoroughly and found it toward the end.
15 So it probably was maybe half an hour or so later.

16 Q. So approximately 30 minutes later?

17 A. Approximately.

18 Q. And when you approached her again, you didn't
19 make any threats or promises in regards to any
20 statements that she gave to your questions about the
21 gun?

22 A. I did not.

23 Q. And that answer was freely and voluntarily
24 given as well?

25 A. It was.

1 MR. JOHNSON: And, at this point, you have not
2 ruled on it. You said -- regarding that statement.

3 THE COURT: I may rule by the end of the day.
4 We'll come back to that. I want to keep moving.

5 MR. JOHNSON: Yes, sir.

6 Judge, would you like me to jump back to number
7 1, the search warrant, the longer motion at this
8 time?

9 THE COURT: That's number 1?

10 MR. JOHNSON: That's number 1, to suppress all
11 evidence seized at [REDACTED] Village Court.

12 THE COURT: Okay. Proceed.

13 MR. JOHNSON: Judge, at this time, I've
14 offered, as part of the motion -- you see the
15 attached motion and the case law that's listed? I
16 point out not only State v. Green, but the Backus
17 case that's mentioned, the other case law. Inside
18 the motion, it says -- first and foremost, it talks
19 about relevance.

20 Now, the State's indicated that they're not
21 going to use items related to drugs or drug
22 paraphernalia. They've agreed to that. But I would
23 argue also ammunition, holster, clips. If they've
24 got things that are not tied to the murder, what's
25 the relevance? It's obviously prejudicial. It's

1 obviously not relevant. If they've got bullets,
2 it's not from a crime scene, it's from a residence.

3 Also, the relevance -- I would argue other
4 things are not relevant. They've got a .40-caliber
5 pistol that they're claiming was linked to the
6 murder. Now they're saying that was seized pursuant
7 to the warrant. I would argue anything else would
8 not be relevant whatsoever. They can attempt to
9 establish relevance of that pistol if they do so at
10 the trial.

11 But to move forward in challenging not only the
12 relevance issue, but when you get to that pistol,
13 this is really what they were going for, the police
14 were going after, a weapon. And I put some language
15 in here because it talks about the language inside
16 the search warrant in the affidavit.

17 Of course my motion would also say items not
18 seized, not relevant -- direct substantive evidence
19 of another crime. The problem is they also have
20 ammunition and things that could lead a jury to
21 believe my client was guilty of another crime,
22 whether that be possession of an unlawful firearm,
23 possession of another firearm, due to the other
24 ammunition that was there. There was
25 nine-millimeter ammunition --

1 THE COURT: Well, is it illegal to have another
2 firearm?

3 MR. JOHNSON: Well, Your Honor, I'm just saying
4 in general --

5 THE COURT: Okay. All right.

6 MR. JOHNSON: Still part of my motion. Also, I
7 point out, they can be -- something can be
8 inadmissible on the grounds of relevance or
9 prejudice even if items were found.

10 Also, moving on, the second part of the motion,
11 search of [REDACTED] Village Court was illegal violation
12 of Article 1, Section 10 of the South Carolina
13 Constitution, and then 17-13-140 and the 4th
14 Amendment of the Federal Constitution.

15 When we get into the -- kind of the nuts and
16 bolts of this, it's talking about what the
17 magistrate needs to issue a warrant: May issue a
18 search warrant only upon finding probable cause.

19 And then it says: The duty of the reviewing
20 court is to ensure the issuing magistrate had a
21 substantial basis upon which to conclude probable
22 cause existed.

23 I'm arguing, of course, the magistrate did not
24 have that basis. I go in and I cite specifically
25 from the search warrant: Affidavit fails to list

1 any information about the relevance of the home at
2 [REDACTED].

3 So when we go to the search warrant, which is
4 attached, it says: Premises to be searched, [REDACTED]
5 Village Court. Residence described as single-story
6 brick residence. Then it goes on to describe the
7 physical exterior of the home: The numbers [REDACTED]
8 affixed. Then it describes the mailbox. Then it
9 says: You're hereby authorized to search the
10 subject description of property.

11 Then it list what they're looking for. It
12 says: Blood, clothing, weapons. But then -- so
13 that's a description of the premises. We go on to
14 description of property sought.

15 Obviously, they put down for ammunition, trace
16 evidence, but they list firearms. Then they go on
17 to description of premises to be searched. Then
18 they go on to reason for affiant's belief that the
19 property sought was on the subject premises; of
20 course, very important section of the search
21 warrant. It says -- gives date and time, says they
22 got a 911.

23 Then it goes down to say: During the
24 altercation, Annette Riley, mother of Jasmine Riley,
25 subject is shot in the face by Chesnee Mattress

1 while Annette Riley was disengaging from the
2 altercation. Through further investigation of the
3 shooting, the incident which took place at [REDACTED]
4 Gaston -- at Lexington County, detectives located
5 information on a known address of suspect Chesnee.

6 Now, let me just slow it down right there.
7 Let's back up and double-check this. The officer
8 says in here: The caller advised that a female
9 known as Annette Riley had been shot in the face by
10 Chesnee Mattress. Now, it says: In reference to a
11 shooting at location. Caller advised that of a
12 female unknown.

13 It does not, according to this, identify the
14 caller, number one. It says: Received 911 call in
15 reference to this altercation. And then it says:
16 Caller. And it says: Female -- and they're talking
17 about the victim, Annette Riley. Then it says:
18 Challenged to a fight by Jasmine Riley. It names
19 that person. And then it says -- tries to give some
20 details of what happened.

21 Then it says: Through further investigation,
22 the shooting incident took place at [REDACTED]. Then it
23 says: Suspect, Chesnee Mattress, positively
24 identified by witnesses as the shooter of Annette
25 Riley.

1 Now, the big problem here is, what's the State
2 giving to the magistrate to rely on? Okay? And the
3 State v. Green case and the other case law starts
4 getting into questions of whether or not somebody is
5 anonymous. Because this is what was given to the
6 magistrate. There's no testimony that I'm aware of,
7 unless, obviously, they can provide, of oral
8 testimony, sworn testimony that went into additions
9 that came with this search warrant. So what we're
10 stuck with is on these pages.

11 And when you look at these pages that's
12 presented to the magistrate, you've got an anonymous
13 caller, and then you've got anonymous people
14 identifying Chesnee Mattress as the shooter. So
15 we've got an anonymous 911 caller, anonymous
16 shooter.

17 And then we've got deputies. It says: Through
18 the investigation, shooting incident -- it says:
19 Detectives located information on a known address
20 for suspect Chesnee Mattress. Now -- who is
21 positively identified by a witness -- and then it
22 doesn't identify the witnesses -- as the shooter.
23 Once again, anonymous people.

24 Deputies -- it goes on to say this
25 specifically, which I put in my motion: West

1 Columbia area. Pinged Chesnee Mattress' cell
2 number. And then it gives number, which is located
3 at [REDACTED] Village Court. And it says: Shortly after
4 the shooting, detectives are seeking a search
5 warrant to further investigate the homicide.

6 Big problem there, Judge, in that section of
7 the search warrant. The testimony that they're
8 going to call -- I mean, obviously, I can't tell you
9 exactly what their officers are going to say. But
10 in this incident report, it talks about a ping
11 and they received information about a ping in an
12 area. Okay? That is not what this says. It does
13 not match the incident report.

14 Obviously, they can call officers to testify.
15 But it's my understanding, based on previous
16 experience, you don't get information from a company
17 saying -- from a cell phone company saying, oh,
18 we've got a ping and John Doe is standing behind
19 that door right there. They're talking about an
20 area.

21 And if they're talking about an area, that's
22 fine. But they're going to have to define what area
23 and they're going to have to define why they thought
24 there was going to be evidence in this residence of
25 a murder or there's going to be a defendant in this

1 residence. It says here what they're looking for,
2 and it's just not specific enough.

3 You've got anonymous sources listed. Clearly,
4 in the Green case, they talk about you can't even do
5 a traffic stop based on anonymous source where
6 they -- I think they got some guns, because how do
7 you know of the reliability?

8 Now, law enforcement will sometimes have cases
9 where they have confidential informants. And
10 they've had case law where they say, look, that
11 confidential informant was reliable. We've got
12 testimony here of all these prior situations where
13 that CI called us and it worked out. So-and-so's
14 got dope, we want to know where so-and-so had dope.
15 So-and-so did a good buy for us. This is a reliable
16 informant. That can be put into a warrant;
17 although, many times, it is not in drug cases.

18 This, however -- it really has the same
19 standard. It's the exact same thing. You can't
20 have anonymous sources plucked here, dropped into a
21 search warrant and say, well, that's good enough on
22 a murder case, because somebody saw a shooting and
23 somebody called 911 and somebody identified the
24 defendant and it was somebody, Magistrate. And
25 then, by the way, somebody said there was a ping,

1 and that means that there's evidence somewhere maybe
2 or a cell phone that we think goes to Chesnee
3 Mattress.

4 They don't establish why that's Chesnee
5 Mattress's phone; they don't establish that being
6 her residence; they don't put anything in here about
7 that. They just say known to law enforcement.
8 Well, they're going to have to give the information
9 up to the magistrate if they're going to survive
10 this test.

11 And that's my motion. You've got several
12 layers of problems here. They're going -- as
13 they've done -- as it happens plenty of times with
14 search warrants, they start throwing out -- and the
15 case law with Backus will start talking about that,
16 about law enforcement making an assumption or a
17 conclusion, and then they just stick it in a search
18 warrant and say, well, they made a conclusion that
19 this was done by this person, so go get them, and
20 they're in that house.

21 Well, not only do they not know who was in that
22 house, they're making all these conclusions and
23 they're just presenting something. The magistrate
24 doesn't even say, well, how do you know that's her
25 house? How do you know she's really in there? How

1 do you know that's her cell phone? If that is her
2 cell phone, how do you know that ping means that
3 she's in that house? And there's all kinds of
4 questions that are not answered by this.

5 Now, if they're going to call witnesses who get
6 up here and give sworn testimony about testimony
7 they gave to the magistrate, of course that could
8 change things. But relying solely on the search
9 warrant, I say it's insufficient. And all the
10 evidence, everything seized, especially the murder
11 weapon, should be suppressed; all testimony and the
12 physical items as well. That's my motion, Judge.

13 THE COURT: Madam Solicitor, any response?

14 MS. PATTERSON: Your Honor, it's the State's
15 position that this search warrant contains
16 sufficient probable cause for the magistrate to
17 issue the search warrant to law enforcement. If we
18 wanted -- I can just go through this, Your Honor.

19 But it's my information, too, that oral
20 testimony was supplemented by this information
21 contained in the affidavit which, I would submit,
22 Your Honor, is certainly enough probable cause for
23 the magistrate to issue the search warrant.

24 Within the reason for the affiant's belief that
25 the property sought is on the subject premises, the

1 911 caller identified Ms. Mattress as the shooter.
2 911 callers, Your Honor, the Court has deemed in
3 many circumstances, is reliable information because
4 the person is under the stress of the event.
5 They're still under excitement; they're trying to
6 give this operator information related to something
7 that had just occurred.

8 As in this case, Your Honor, that 911 caller,
9 Your Honor, wasn't anonymous. It was the victim's
10 niece. She was the caller. She identified herself
11 as the caller and she stated she knew when she
12 indicated that Chesnee was the one who shot her
13 aunt.

14 Also, Your Honor, there were multiple witnesses
15 on the scene who knew Chesnee, Your Honor. They
16 knew her by sight; they knew her by name. Some of
17 them had known her for years. They were the ones
18 who gave law enforcement the information that she
19 was the shooter.

20 Ms. Mattress -- and we won't go into this, Your
21 Honor, but she was known by law enforcement. They
22 knew who she was. When they heard the name, law
23 enforcement went to the residence, which they had
24 her residence. They knew where she lived. They
25 went over there and tried to gain entry. They were

1 unsuccessful, and that's why Sergeant Barr sought to
2 get the search warrant to search that incident.

3 It is very relevant, Your Honor. Not only were
4 they searching a residence, but they were searching
5 a residence known that Chesnee lived there and a
6 residence that she probably went to immediately
7 after the shooting. So, therefore, it makes it very
8 relevant, very probable that she went there and she
9 went there with the murder weapon in hand.

10 Detectives further, Your Honor, tried to
11 confirm the location of Chesnee Mattress. They were
12 able to ping her cell phone, which they pinged to
13 her address at [REDACTED] Village Court. And that was
14 part of the information that was also related to the
15 magistrate at issue in this search warrant.

16 It's our belief, Your Honor, that it is more
17 than sufficient probable cause in this search
18 warrant for the Magistrate to issue it to law
19 enforcement.

20 MR. JOHNSON: Judge, may I -- and this is the
21 same thing that happens over and over again, and the
22 same thing when I was a solicitor here in Lexington.
23 I mean, I'm sure I stood up and said something
24 similar, and it happens over and over again. I've
25 had cases where a search warrant was, hey, we think

1 somebody is in that house. Oh, look we found
2 something; we found drugs. That's his house, let's
3 go in there. And then turned out to get the
4 conviction reversed because it's not about what
5 information the solicitor can provide to the Court
6 here; it's not about what law enforcement can
7 provide -- or the solicitor can provide to Your
8 Honor or law enforcement can provide to Your Honor
9 here. That's not what this is about.

10 Ms. Rhonda said lots of very interesting things
11 that they're going to present evidence about. She
12 talked about who the 911 caller is. She talked
13 about it being the victim's niece. She talked about
14 law enforcement knew Chesnee; law enforcement knew
15 this, and law enforcement knew that. But it's not
16 about that. The whole subject is, what did the
17 Magistrate know?

18 So my problem here and the question stated by
19 the solicitor is, that's great, did the Magistrate
20 know that that was the victim's niece? No. Did the
21 Magistrate know that law enforcement had some
22 previous run-ins with the defendant and, therefore,
23 picked up her license and knew that was her? No.

24 Did the Magistrate know that the ping was
25 coming from that house? Well, is that reliable? Is

1 that what they told the Magistrate? Because,
2 according to this, it sounds like that might be what
3 they told him, but it doesn't match the incident
4 report. The incident report says the ping is
5 talking about an area. And, therefore, they're
6 throwing something in that could come from an
7 expert.

8 Judge, I had a conversation with law
9 enforcement and said, what about this ping stuff?
10 And they're like, well, they say there's a ping but,
11 you know, we just on that. We go over this area and
12 look. Well, that's not an address, Judge.

13 And if they're going to have testimony about
14 that, that's fine, but the solicitor cannot supply
15 that. If they're going to call witnesses, of
16 course, at a pretrial hearing, I assume that's what
17 they're about to do. But they're going to have to
18 call some witnesses to back this up.

19 The solicitor said something about sworn
20 testimony. I have no information about additional
21 sworn testimony given to the Magistrate, so we're
22 stuck with what's on this paper. And if we're stuck
23 with what's on this paper, it doesn't say anything
24 about who was calling, who was shooting, who said my
25 client was shooting, who said my client killed the

1 victim, who said the niece called 911, who said the
2 defendant lived in that residence. It doesn't say
3 that. And it's going to have to, because if you
4 rule and let this in --

5 And, of course, the importance here is you're
6 letting in a weapon they're claiming is the murder
7 weapon. So once you let that in and the search
8 warrant goes under scrutiny, I would argue it's not
9 sufficient. They certainly, I would say, have to
10 continue and start calling some witnesses if they
11 want to bolster them. Maybe you'll change your mind
12 in that situation. But, right now, there's nothing
13 to answer these questions. It's just the solicitor
14 giving you lots of good information that sounds
15 really good, but is not in the search warrant. And
16 that's really all we're talking about, unless
17 they're about to call witnesses about sworn
18 testimony, which they haven't done.

19 THE COURT: Anything else from the State?

20 MR. PATTERSON: Your Honor, I can call Sergeant
21 Barr. She was the sergeant in charge that night.
22 And she went and got the search warrant issued from
23 Judge Whittle, and I can call her. I'm just trying
24 to get my notebook, Your Honor.

25 THE COURT: Okay.

1 MS. PATTERSON: Can I take a little break?

2 THE COURT: Well, actually, I was going to say
3 we've been going since 1:40. So I need a little
4 break myself. Let's take about five minutes,
5 refresh yourselves:

6 MS. PATTERSON: Thank you.

7 (Brief recess.)

8 THE COURT: How much time do you think you
9 need, Madam Solicitor?

10 MS. PATTERSON: Just about ten minutes.

11 THE COURT: Okay.

12 MS. PATTERSON: The State calls Investigator
13 Traci Barr.

14 THE CLERK: Still under oath, Your Honor?

15 THE COURT: Yes.

16 TRACI BARR

17 being previously sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. PATTERSON:

20 Q. Sergeant Barr, I think you previously testified
21 that you were involved in this case, the State vs.
22 Chesnee Mattress?

23 A. Yes, I was.

24 Q. And were you responsible for obtaining a search
25 warrant for a residence located at [REDACTED] Village

1 Court in the West Columbia area?

2 A. Yes, I was.

3 Q. And in obtaining that search warrant, can you
4 explain to the Judge what information you had -- did
5 you prepare the search warrant?

6 A. I did.

7 Q. Can you explain to the Court, at that time,
8 when you prepared the search warrant, what
9 information you had regarding the investigation of
10 this case?

11 A. Can I refer to my --

12 Q. Yes.

13 A. So it's a common procedure of mine, when I
14 obtain a search warrant, is to contact a magistrate.
15 At this time, we were called out in the a.m. hours,
16 so I had to meet with the magistrate at his
17 residence.

18 At that time, it was Judge Whittle that I met
19 with. This was on October 11th. I believe this was
20 approximately 3:30 I was at his residence, little
21 after -- shortly after 3:30 a.m.

22 During that time, I advised Judge Whittle that
23 we had a shooting death involving a victim named
24 Annette Riley. The residence was that of Melissa
25 Riley who is the sister of Annette Riley, located at

1 [REDACTED] State Pond Road in the Gaston area of Lexington
2 County, South Carolina.

3 It's a common practice of mine, when I obtain a
4 search warrant and I hand the search warrant to
5 whichever magistrate I'm meeting with, that I give
6 oral testimony of additional facts and circumstances
7 based on our investigation because it's an ongoing
8 situation at that time. Deputies were on scene.
9 There's several moving parts while this search
10 warrant is being obtained.

11 It was my knowledge while typing the first
12 search warrant for State Pond Road -- correction:
13 For [REDACTED] State Pond Road, it was my knowledge, after
14 receiving a call from Detective Hart, that we had
15 additional information which came in from witnesses
16 on the scene during the shooting. They identified
17 the shooter as Chesnee Mattress. She was known to
18 them by sight and sound. Detectives at this time
19 were still obtaining and gathering information and
20 statements on scene.

21 The search warrant that I followed up with,
22 that was at [REDACTED] Village Court in the Gaston area of
23 Lexington County, the residence we knew to be of
24 Chesnee Mattress. I gave oral testimony to Judge
25 Whittle for this search warrant that deputies on

1 scene had pinged a cell phone number that they knew
2 to be Chesnee Mattress' cell phone number that was
3 obtained by Deputy Woloc.

4 There was also several deputies on scene who
5 worked that area and were familiar with Chesnee
6 Mattress. There were ongoing situations in
7 Lexington County. I can --

8 Q. Let me just ask you something: In the middle
9 of a homicide investigation, is officers -- is it
10 customary for officers to be constantly exchanging
11 information with each other?

12 A. Absolutely. It's evolving; like I said, a lot
13 of moving parts, a lot of information is coming in
14 to us at that time. So we're having to filter this
15 information and follow up on facts and information
16 that's developed in the beginning hours of this
17 incident.

18 Q. So after you had typed up this search warrant,
19 was the information still coming in to you?

20 A. Yes, ma'am.

21 Q. Would you have provided that information to
22 Judge Whittle?

23 A. Absolutely. It's my common practice -- like I
24 said earlier, it's my common practice to give oral
25 testimony as I present the magistrate with the

1 search warrants. And I believe it was two search
2 warrants that I presented to him that morning.

3 Q. And do you have a copy of the search warrant
4 with you?

5 A. I do. Which for 18 --

6 Q. For [REDACTED] Village Court?

7 A. Yes, ma'am.

8 Q. And the description of the property, what --
9 where would you have gotten that description from?

10 A. If I can refer to my file, I believe that
11 one -- for [REDACTED], that one was provided to me, if I'm
12 not mistaken, by Detective Hart. The search warrant
13 for State Pond Road, [REDACTED] State Pond, was provided to
14 me by Deputy Watford.

15 Q. And, again, is this information constantly
16 shared with law enforcement?

17 A. Yes, ma'am.

18 Q. And the reason for you to search the property
19 located at [REDACTED] Village Court?

20 A. Yes, ma'am.

21 Q. What did you provide to Judge Whittle in
22 writing on this search warrant?

23 A. As far as the -- you said the property sought?

24 Q. The reason that you were going to search --

25 A. Yes, ma'am. So on October 11th, shortly after

1 midnight, 41 minutes after midnight, the Lexington
2 County Sheriff's Department -- we received a 911
3 call in reference to the shooting that took place at
4 State Pond Road. This was in the Gaston area of
5 Lexington County, South Carolina --

6 Q. And let me just stop you right there. Do you
7 normally know who the 911 caller is at this point in
8 your investigation?

9 A. It varies. I don't know that I recall who the
10 caller was at that time. But I knew who the victim
11 was and where we were on scene for the shooting.

12 Q. And is it important at this juncture in your
13 investigation to know who that 911 caller is?

14 A. At that time, it wasn't anything that changed
15 the facts and circumstances.

16 Q. What other information did you have?

17 A. So I further advised the name of the victim;
18 that this was a residence of her sister, Melissa
19 Riley; the victim had been shot in the face, from
20 what I was being told by deputies who were on scene;
21 and then, also, that there were multiple witnesses
22 that knew Chesnee Mattress by sight and sound. That
23 was something that I gave oral testimony to.

24 And I put on here that they positively
25 identified the shooter in this incident -- the only

1 shooter in this incident as Chesnee Mattress.

2 Q. And, again, at this point in your
3 investigation, do you necessarily know who these
4 multiple witnesses may be?

5 A. I was not told that at the time. Like I said,
6 there's a great deal of information being filtered
7 in to several deputies and investigators.

8 Q. You can proceed. I'm sorry.

9 A. That's okay. There were -- there was some
10 discussion about an ongoing incident between Jasmine
11 Riley and Chesnee Mattress, which is one of the
12 reasons believed to be why Chesnee was on the
13 premises that morning or that late hour.

14 And then, also, it was my understanding that
15 the victim was a good Samaritan, an innocent
16 bystander, who tried to intervene, and she was the
17 one who was subsequently shot in the face.

18 Q. And what information did you have regarding
19 this incident and Chesnee Mattress, as it related to
20 Chesnee Mattress, the [REDACTED] Village Court?

21 A. So we -- our database, we have incident reports
22 on file. We have investigators who have ongoing
23 investigations that they have case files on and
24 familiar with people in the area. We have resident
25 deputies and deputies on scene who are familiar with

1 commonly known people that they come across with, in
2 a positive or a negative way.

3 And in this particular situation, deputies on
4 scene were very familiar with Ms. Mattress, so they
5 were able to provide a cell phone number for her as
6 a last-known cell phone number. We also had that
7 address prior to -- from my information, to the best
8 of my knowledge, we had that address as a residence
9 for her before the phone was even pinged.

10 Q. So can you tell us about the phone pingging
11 information? How was that relayed to you?

12 A. So I wasn't a part of that particular activity,
13 but Detective Hart had told me over the phone that
14 deputies on scene or a deputy dispatcher, someone
15 with law enforcement, that evening, prior to my
16 arrival on scene, had pinged that cell phone number,
17 which indicated that that cell phone was in the area
18 or at the residence of [REDACTED] Village Court in the
19 Gaston area of Lexington County.

20 Q. And, again, although you wasn't a part of that
21 pingging, were you relayed that information by a
22 fellow law enforcement officer?

23 A. Yes, I did. Detective Hart had told me that
24 while I was typing up that second search warrant for
25 [REDACTED] Village Court.

1 Q. And, again, I think you stated it's a bunch of
2 moving parts. And this is common practice to have
3 one person to go seek the search warrant?

4 A. Yes, ma'am.

5 Q. While they're getting information from other
6 officers that's working the case?

7 A. Yes, ma'am, because -- the reason why I went
8 that evening was because I knew there were so many
9 witnesses on scene. I felt that they would be
10 better utilized that investigators and lead
11 detective on scene versus going to get the search
12 warrant. I was the supervisor over that team, so I
13 had a minimum role. I just had to oversee the
14 investigation. And so that was my reasoning for
15 going to get the search warrant myself that evening.

16 Q. And, again, what time was it when you got to
17 Judge Whittle's house?

18 A. When Judge Whittle signed the search warrant,
19 to the best of my memory, it was 3:51 a.m.

20 Yes, 3:51 a.m.

21 MS. PATTERSON: Beg the Court's indulgence,
22 Your Honor.

23 THE WITNESS: If I might add, I knew the
24 importance of the search warrant. Based on the
25 information we had, the wee hours, the beginning

1 phases of this search warrant, it was very critical
2 to obtain evidence possibly related to this, which
3 is something else I was thinking I forgot to
4 mention. I just wanted to add.

5 BY MS. PATTERSON:

6 Q. And at the time that you got the search
7 warrant, generated the search warrant, and at the
8 time you went to see Judge Whittle about signing the
9 search warrant, did you have absolutely every piece
10 of information regarding this investigation at this
11 time?

12 A. No, ma'am.

13 Q. And was it still an ongoing investigation at
14 the time?

15 A. Yes, ma'am.

16 Q. But, in your experience, did you believe you
17 had the probable cause to get this search warrant
18 issued?

19 A. Yes, ma'am.

20 MS. PATTERSON: Thank you, Your Honor.

21 Please answer any questions Mr. Johnson may
22 have.

23 CROSS-EXAMINATION

24 BY MR. JOHNSON:

25 Q. Officer, did you provide sworn testimony to the

1 Magistrate that is not contained within this search
2 warrant?

3 A. Yes, sir. I gave oral testimony along with the
4 testimony -- the written search warrant details of
5 the search warrant.

6 Q. You were sworn?

7 A. I swear to those. Yes, sir.

8 Q. No. Were you giving sworn testimony at that
9 time?

10 A. Yes, sir.

11 Q. Who swore you in?

12 A. Judge Whittle.

13 Q. How did he do it?

14 A. I advised him, just like you do an arrest
15 warrant, but I swear to the facts of this search
16 warrant.

17 Q. He swore you in at that time?

18 A. Commonly, what happens is they read over the
19 search warrant. I give verbal or oral testimony.
20 And it's a common practice that they question -- if
21 they have any questions about any typos or anything
22 like that. That wasn't the case for this particular
23 search warrant.

24 Q. How were you sworn in when you gave this
25 testimony to the Judge?

1 A. So, in this particular search warrant, from the
2 best of my memory, what I do is I swear to the facts
3 of this search warrant. I just say, Your Honor, I
4 swear to the facts of this.

5 Q. That's what you said to him?

6 A. Yes, sir.

7 Q. When you gave that testimony to him, did you
8 identify who the witnesses were that says -- you
9 said there were multiple witnesses on scene; that
10 Chesnee Mattress came there and that Chesnee
11 Mattress shot the victim. Did you identify those
12 witnesses to the Magistrate?

13 A. From what I was told, there were several family
14 and friends on scene. I wasn't sure, did not have
15 names of those particular people. But I knew that
16 deputies were gathering facts and information from
17 them while I was seeking that search warrant with
18 written statements.

19 Q. So the answer is, you did not identify these
20 witnesses to the Magistrate?

21 A. No, sir. I didn't have all that information at
22 that time.

23 Q. You didn't even have the information. Okay.
24 Did you identify to the Magistrate who called
25 911?

1 A. I don't believe I did, sir. I don't believe I
2 had that information at the time.

3 Q. You did not. Did not. Okay.

4 And you testified just now that you told the
5 Magistrate, in the search warrant, the residence was
6 identified as her residence because -- and I'm
7 reading the search warrant: Deputies pinged Chesnee
8 Mattress' cell number. Then you give a cell number.

9 A. Correct.

10 Q. But you testified just now someone told Hart
11 who told you that he heard from someone that
12 somebody pinged this number. Isn't that what you
13 just said?

14 A. Those weren't my words. No, sir.

15 Q. You didn't say somebody pinged the number?

16 A. I said deputies on scene. Law enforcement
17 pinged that phone, that phone number. Yes, sir.

18 Q. What were the names of those deputies that did
19 that?

20 A. Detective Hart was the one who provided me with
21 that information. But I don't have specifics on
22 exactly which deputy.

23 Q. So you cannot identify -- you did not identify
24 then and you cannot identify now who pinged that
25 cell phone number?

1 A. It's a common practice of law enforcement that
2 the cell phone is pinged through law enforcement. I
3 can't give you specifics for that evening of exactly
4 who it was.

5 Q. Right, because there's a couple hundred people
6 working for Lexington County Sheriff's Department,
7 right?

8 A. Correct.

9 Q. Right. You didn't identify them then; you
10 can't identify them now?

11 A. Certified sworn law enforcement officers were
12 the ones who pinged the phone.

13 Q. You think?

14 A. No. I'm certain.

15 Q. You're certain? Who was that certified officer
16 again? Who did it?

17 A. Sworn law enforcement officers on scene --

18 Q. You just don't know his name?

19 A. I don't --

20 Q. But you're sure he's a great guy?

21 A. I don't know her name or his name, sir.

22 Q. It could be a man; could be a woman?

23 MS. PATTERSON: Objection, Your Honor.

24 MR. JOHNSON: I'm sorry.

25 BY MR. JOHNSON:

1 Q. You think it's a certified officer, but you
2 just don't know their name. So you really don't
3 know who it was?

4 A. You're correct.

5 Q. Thank you. What does it mean to ping a number?

6 A. I'm not familiar with that practice. I just
7 know that technology is available.

8 Q. So if I -- they said, hey, we pinged this phone
9 number, that could mean that she's just somewhere
10 within 50 miles?

11 A. I can't answer that.

12 Q. You don't know?

13 A. I'm not familiar with that technology.

14 Q. Right. You're not an expert about pinging?

15 A. No. I'm not an expert to that technology.

16 Q. And did you tell the officer where this cell
17 phone number came from?

18 A. I did.

19 Q. Where did you tell him?

20 A. The officer or -- I'm sorry.

21 Q. Did you tell the Magistrate where the cell
22 phone number came from?

23 A. Yes. [REDACTED] Village Court in the Gaston area of
24 the Lexington County area.

25 Q. No. But did you tell the Magistrate why this

1 is Chesnee Mattress' cell phone number?

2 A. We obtained that through detectives on scene.

3 Yes.

4 Q. Who was that?

5 A. Detective Woloc.

6 Q. Woloc?

7 A. It's Woloc. I'm not certain if he was on
8 scene, but he provided that information for us.

9 Q. Is that in the search warrant?

10 A. I gave oral testimony to it.

11 Q. You told the Magistrate it was Detective Woloc?

12 A. It's Woloc and deputies on scene.

13 Q. You told the Magistrate that?

14 A. Yes.

15 Q. Okay.

16 A. Because, again, this is a moving part. As I'm
17 driving to the Magistrate's house after typing that,
18 I'm getting additional details.

19 Q. Did you tell the Magistrate how Detective Woloc
20 knew that was the defendant's phone number?

21 A. From my knowledge, Detective Hart provided me
22 with that information of Detective Woloc providing
23 that number.

24 Q. So you didn't speak to Woloc?

25 A. Not directly, sir. No, sir.

1 Q. So you cannot convey that information to the
2 Magistrate?

3 A. The lead detective conveyed that to me.

4 Q. But you were not able to give information that
5 you don't have to the Magistrate about why this is
6 Chesnee Mattress' cell phone number?

7 A. Detective Woloc was familiar and deputies on
8 scene were also familiar with her, is what I was
9 told.

10 Q. Is that what you told the Magistrate?

11 A. Yes, sir.

12 Q. Okay. Did you type this warrant?

13 A. I did.

14 Q. And it says right here -- do you remember what
15 you said about pinging?

16 A. In relation to?

17 Q. What's the importance of a ping and what you
18 learned from a ping, did you put that in here?

19 A. If I can refer to my --

20 Q. I'm just looking at the warrant.

21 A. Yes, sir. Deputies pinged Chesnee Mattress'
22 cell number, (803) 403-5514, which was located at
23 [REDACTED] Village Court in the West Columbia area of
24 Lexington County, South Carolina. My apologies. I
25 believe I indicated it was Gaston.

1 Q. Okay. So beside the fact you said West
2 Columbia, but you think it's Gaston, you said in the
3 search warrant that the pinged information you're
4 referring to as this ping --

5 A. Yes, sir.

6 Q. -- that came from somebody. Don't know who --

7 A. Certified law enforcement.

8 Q. Don't know their name, right?

9 A. Correct. Detective Hart.

10 Q. Right. Well, he didn't do the pinging, did he?
11 That's not what you said?

12 A. No, sir.

13 Q. He said somebody else told him?

14 A. I believe that's right.

15 Q. Right.

16 A. Yes.

17 Q. And you don't know that person's name. So you
18 told the Magistrate that the ping says that phone is
19 located at [REDACTED] Village Court. Is that true?

20 A. Yes.

21 Q. Oh, so a ping means that that phone is inside
22 of that house?

23 A. We had reason to believe that. Yes, sir.

24 Q. Why? Are you an expert on pings?

25 A. No, sir.

1 Q. Well, how do you know that's what that ping
2 meant?

3 A. Based on my experience working with certified
4 law enforcement who are familiar with that
5 technology, that is the information that was
6 indicated to me.

7 Q. Well, let me just back up, because I just asked
8 you a couple minutes ago does a ping mean that phone
9 could be 50 miles away. Do you remember your
10 response?

11 A. I don't remember you asking me 50 miles.

12 Q. I said: Does a ping mean that phone is within
13 50 miles? What does it mean? You said: I'm not
14 qualified to talk about a ping. I don't know.

15 A. It is my understanding that it's in the area or
16 at that location.

17 Q. That's not what you told me earlier, is it?

18 MR. PATTERSON: Objection, Your Honor. We went
19 through this. She said she got the information
20 about a ping by a fellow investigator who was
21 working on the case and that she doesn't have any
22 intimate knowledge how the pings work, but this is
23 the information that she got and used to support her
24 probable cause for this affidavit. We went over
25 this over and over.

1 MR. JOHNSON: Well, I'll change my question,
2 Judge.

3 BY MR. JOHNSON:

4 Q. So who told you, specifically, that a ping
5 meant that phone was at that address? Was it the
6 unnamed deputy or was it Hart?

7 A. Mr. Johnson, it's my understanding, based on my
8 experience working investigations, Detective Hart
9 relayed to me that he and deputies on scene had
10 discovered that this phone had been pinged to [REDACTED]
11 Village Court in Lexington County. That is the
12 information that I had at that time.

13 Q. So you're not sure if that was provided by the
14 unknown officer or Hart?

15 A. I knew that it was provided by Detective Hart
16 and certified officers. That's all I knew at that
17 time. Yes, sir.

18 Q. Okay. But you're not qualified to say anything
19 about a ping?

20 A. I'm not qualified on that technology.

21 Q. So you can't say that a cell phone is really in
22 that house because it pinged? You're not qualified,
23 are you?

24 A. I'm not qualified as an expert in that field of
25 technology.

1 Q. Fair enough. Did you record your sworn
2 testimony in any way to the Magistrate?

3 A. No, sir. I was not equipped with any recording
4 device.

5 Q. Did you do a supplemental report?

6 A. Oral testimony? That's not a common practice
7 of mine.

8 Q. Any other witnesses do it?

9 A. No, sir.

10 MR. JOHNSON: No more questions, Judge.

11 THE COURT: Anything else, Madam Solicitor?

12 MS. PATTERSON: No, sir, Your Honor.

13 THE COURT: All right. This is a situation,
14 obviously, where it's the middle of the night. The
15 witness testified she arrived at the Magistrate's
16 home at 3:30 in the morning. Obviously, this was
17 executed at 3:51 a.m.

18 An affidavit may be supplemented by sworn oral
19 testimony before the Magistrate could establish
20 probable cause. And the Magistrate in this case
21 determined there was probable cause and is entitled
22 to some level of deference.

23 Obviously, hearsay evidence is proper to
24 support a warrant in situations. The paragraph we
25 spent a lot of time talking about pertaining to

1 pinging has a whole lot of language in it in
2 addition to pinging.

3 You know -- anyway, the Magistrate found there
4 was probable cause based upon the written affidavit
5 as well as the oral testimony received from
6 Investigator Barr. And the motion to suppress is
7 denied.

8 MR. JOHNSON: Judge, do you want me to continue
9 with another motion or are we going to revisit the
10 other one, the Denno or --

11 THE COURT: The one you're referring to, the
12 drinking?

13 MR. JOHNSON: Well, I think you said you wanted
14 to --

15 THE COURT: Well, yeah. I'm -- just stop.

16 I'm going to deny your motion to suppress as to
17 the drinking outright. If counsel starts to bang on
18 the table about drinking more and more, obviously,
19 that's an objectionable thing you can bring up at
20 the proper time.

21 MR. JOHNSON: And you --

22 THE COURT: But, for now, an outright motion to
23 suppress is denied.

24 MR. JOHNSON: Yes, sir. Thank you.

25 THE COURT: Number 3: Facebook records, cell

1 MR. POGUE: Annette Riley was a loving mother
2 of three children. She was a proud grandmother.
3 She doted and loved on her little granddaughter,
4 Journey. She was the apple of her eye. She was a
5 woman with a huge heart that rarely met a stranger.
6 She would give you the shirt off her back if you
7 needed it. She was the ultimate mama bear.

8 And, in an instant, on the evening of October
9 11th, 2017, her life was senselessly cut short when
10 she was gunned down by the defendant in this case at
11 her own residence by Chesnee Mattress.

12 Annette Riley lived on State Pond Road with her
13 sister Melissa and her brother-in-law, Melissa's
14 husband, Dwight, and their families. On the evening
15 of October 10th, 2017, Annette had already gone to
16 bed. Her nephew Mike had just gotten off of work,
17 had just gotten home, and was checking on everybody,
18 changed out of his shirt. Her son Jordan and her
19 niece Harrah were in the car on the property
20 charging their phones, doing what young folks do,
21 listening to music.

22 The evidence in this case will show that around
23 12:30 a.m. in the morning, the defendant, along with
24 her girlfriend, Amari Hamm, and her other
25 associates, Ashley Riley, Monyell Fulton, and

1 Treshawn Alexander arrived in a red vehicle on their
2 property at State Pond Road. They began yelling --
3 they, being the defendant and her associates, began
4 yelling, being confrontational and hostile. The
5 defendant already had brought a handgun with her
6 when she had gotten out of the car.

7 The evidence will show that Mike, Dwight, and
8 Jordan met the combative group down at the gate of
9 their property on State Pond Road and attempted to
10 get them to leave the property. There were also
11 no-trespassing signs posted on the gate in case
12 there was any doubt.

13 Annette was awoken by this ruckus. She went
14 outside and also attempted to get the defendant and
15 her associates to leave the property. Shortly
16 thereafter, the defendant's girlfriend, Amari Hamm,
17 began throwing dirt on Annette. During this time,
18 the defendant kept holding her hand in her pocket,
19 her left pocket.

20 The evidence will show that Annette, after
21 Amari began throwing dirt, disengaged and began
22 walking back inside the gate on the property towards
23 the clubhouse. At this point, the defendant's
24 girlfriend made a statement to the defendant and the
25 defendant pulled out a gun and began firing shots,

1 seven all together. They then all got into the
2 vehicle and then fled the scene. Annette, she was
3 hit in the chin. She walked a few steps, collapsed,
4 and bled out. Harrah called 911. The paramedics
5 did not arrive in time.

6 The defendant was found a few hours later by
7 the Lexington County Sheriff's Department at her
8 house where she lived at Village Court in the West
9 Columbia area of Lexington County. She admitted to
10 police that she had shot her pistol into the crowd
11 because she thought that they were going to get a
12 gun, although she admitted to law enforcement that
13 she never saw a gun.

14 She also told law enforcement that she couldn't
15 remember where she put the gun that she used. She
16 couldn't remember where she put it. Well, come to
17 find out, the evidence will also show that Lexington
18 County Sheriff's Department, upon executing a search
19 warrant on the property, found the gun hidden
20 underneath her dresser.

21 Wouldn't you also know that when the gun is
22 sent for analysis, the evidence will also show that
23 all seven casings matched and were identified by the
24 SLED analyst as being fired by that gun that was
25 found at the property. The jacket -- the bullet

1 jacket that was right underneath Annette Riley was
2 also determined to have been fired by the gun hidden
3 under the defendant's dresser, as well as two other
4 bullets that were recovered from the scene also
5 matched the gun that was found under her dresser.

6

7 Senseless, cold-blooded, heartless. Why?

8 Well, that's the thing. We do have a burden here
9 with the State to prove the defendant's guilt beyond
10 a reasonable doubt. One thing we do not have to
11 prove is a motive. That is not a burden that we
12 carry. We don't have to prove why. We don't have
13 to go down the impossible road of every senseless
14 act trying to prove to you why somebody did
15 something that makes no sense.

16 So what do we have to prove? As you may
17 already know, the defendant in this case is charged
18 with two counts: One, murder; and the second is
19 possession of a weapon during the commission of a
20 violent crime. The second one is pretty easy.
21 There's only two elements: One, you possessed a
22 weapon, and you also possessed that weapon while you
23 committed a violent crime. And just for the record
24 and just for your edification, murder is a violent
25 crime.

1 Second, and the primary charge, is murder.
2 What is murder in South Carolina? South Carolina
3 law says that murder is, quote, the unlawful killing
4 of a person with malice aforethought either express
5 or implied.

6 What does that mean, malice? Malice is -- and
7 the Judge will tell you at the end of this trial, is
8 hatred, hostility, or ill-will towards another
9 person. It is the intentional doing of a wrongful
10 act without just cause or excuse and with an intent
11 to inflict an injury. Malice may be inferred from
12 conduct which shows a total disregard for human
13 life.

14 You may or may not hear arguments of
15 self-defense in this case. But there's three main
16 elements of self-defense: One, the defendant must
17 be without fault in bringing on the difficulty. The
18 evidence will show that she showed up
19 confrontational at the victim's property.

20 The second being that they either have to be or
21 reasonably believe that they are in imminent danger
22 of death or serious bodily injury. You will also
23 hear evidence, again, that the defendant admitted to
24 police she saw no gun.

25 Three, that there has to be no probable way to

1 avoid the danger of death or serious bodily injury
2 than to act as the defendant did in this particular
3 case.

4 We also have to prove the elements of murder to
5 you beyond a reasonable doubt. I'm sure many of
6 you, if not all of you, have probably heard that
7 phrase before. What does that even mean, beyond a
8 reasonable doubt? Well, the law in South Carolina,
9 the Judge will tell you that evidence beyond a
10 reasonable doubt is evidence that leaves you firmly
11 convinced of the defendant's guilt. Another way to
12 phrase it would be evidence -- or, excuse me,
13 evidence beyond a reasonable doubt would be evidence
14 that -- or evidence that does not go beyond a
15 reasonable doubt would be evidence that causes you
16 to pause or to cause you to hesitate to act.

17 Now, folks, there are very few things in this
18 world that we know with absolute certainty. The
19 only thing I know with certainty in this world is
20 that my mama loves me. The reason why we don't have
21 to prove to a certainty is because the law does not
22 require that. The law only requires that we prove
23 to you beyond a reasonable doubt, not beyond all
24 possibilities. That's not what the law requires.
25 It does not require that we prove her guilt beyond

1 all possible doubt. Any doubt that you have must be
2 reasonable.

3 The State would put forth that after you hear
4 the evidence in this case, the overwhelming evidence
5 in this case, you will be firmly convinced of the
6 defendant's guilt.

7 Don't make the mistake of losing the forest
8 through the trees. Don't be distracted by what the
9 Defense may try to get you to focus on. If you find
10 yourself asking yourself, well, why does that really
11 matter, it's because it doesn't matter.

12 We chose you folks on this jury because you
13 struck us as people who possess good old-fashioned
14 common sense. That will be the most valuable tool
15 that you'll have with you back there in the jury
16 room when you deliberate this case. I think they
17 let you take a lot of things -- they don't let you
18 take much back there in the jury room. They won't
19 let you take your phones. Maybe they do now. They
20 used to not let you take your phones. They do let
21 you take your common sense. That would be, again,
22 the most valuable tool that you'll have when you go
23 back there.

24 Lastly, at the end of this trial, you'll have
25 to render a verdict. The word verdict is derived

1 from Latin, which means to speak the truth. In
2 other words, you have a duty; you swore an oath to
3 render a verdict which, quote, speaks the truth.

4 Again, the State is confident that after you
5 hear the testimony that comes from that witness
6 stand, after you're presented with the physical
7 evidence, that you will be firmly convinced of the
8 defendant's guilt. We ask that you go back there
9 and render a verdict which speaks the truth, which
10 is that the defendant is guilty of murder and
11 possession of a weapon during the commission of a
12 violent crime. Thank you.

13 MR. JOHNSON: Thank you, Judge.

14 First thing let's do, let's hang all the
15 lawyers. Who said that? I think it was
16 Shakespeare. Not that I read Shakespeare, because I
17 usually don't understand Shakespeare, but he was
18 talking about a guy that was trying to take over the
19 government. First thing he wanted to do was hang
20 all the lawyers because these lawyers were messing
21 around and they had the papers and they talked about
22 people's rights, and that was the last line of
23 defense.

24 The lawyers were trying to keep the government
25 from going after people and abusing the power or

1 going after somebody that was innocent. And this
2 fellow that Shakespeare was writing about had to get
3 rid of the lawyers.

4 The government -- and what is the government?
5 The government is people. This is the government
6 sitting right here, the Solicitor's Office. They
7 take up the third floor, fourth floor, part of the
8 second floor of this courthouse. They've got
9 employees, a huge budget; they've got assistance
10 from the Lexington County Sheriff's Department,
11 State Law Enforcement Division; they've got all the
12 resources in the world.

13 But the government is made up of people, and
14 these people have to make decisions. Sometimes the
15 government gets it right and sometimes the
16 government gets it wrong. The government told my
17 father in Vietnam you can go around with your
18 friends spraying Agent Orange from your planes,
19 that's just fine, not going to hurt you. That was a
20 mistake. That was the government making a call.

21 The Solicitor's Office is part of the
22 government. They have to make a decision. The
23 Lexington County Sheriff's Department, they have to
24 make a decision. They have to go out. And you
25 should focus on not just the decisions they made,

1 evidence they gathered.

2 What did they fail to do? What did they fail
3 to gather? If they did not gather some evidence
4 that would be important and you consider that as
5 well, that is part of your deliberation. What did
6 they fail to do? What did you learn about during
7 this trial? And you're going to learn about a lot
8 of things at this trial that they failed to do.
9 It's going to come up, it's going to come up a lot
10 on cross-examination by me. And I ask you to
11 consider all that as well.

12 The simple fact is that the government has to
13 make decisions, the government is made up of people.
14 And when those decisions are wrong, well, people can
15 suffer. I ask you to consider all that; not just
16 what you see from the State, from the government,
17 but what they failed to show you as well. Use your
18 common sense, of course. And thank you for your
19 attention.

20 THE COURT: State may call its first witness.

21 MS. PATTERSON: Thank you, Your Honor. The
22 State calls Harrah James.

23 HARRAH JAMES

24 being first duly sworn, testified as follows:

25 THE WITNESS: Harrah James.

1 Q. Harrah, in October of 2017, where were you and
2 your family living?

3 A. [REDACTED] State Pond Road, Gaston, South Carolina.

4 Q. And, Harrah, do you know the defendant, Chesnee
5 Mattress?

6 A. Yes, I do.

7 Q. How do you know her?

8 A. I went to school with her.

9 Q. And do you remember an incident involving her
10 on October 11th of 2017?

11 A. Yes, ma'am.

12 Q. And before we get into the specifics of that
13 incident, where had you been that evening?

14 A. I was -- I just had got off work at 10:30 at
15 Burger King in Gaston.

16 Q. And about what time did you get home? Do you
17 remember?

18 A. Probably, like, 10:45.

19 Q. And when you got home from work, what were you
20 doing?

21 A. In the gray car plugging up my phone, listening
22 to music.

23 Q. And who were you in there with?

24 A. Jordan Kelly, my cousin.

25 Q. And back on that day, where was Jordan living?

1 A. They were staying with us on [REDACTED] State Pond
2 Road Gaston.

3 Q. And when you say they, who are you referring
4 to?

5 A. My auntie, Annette Riley; my cousin, Jasmine
6 Riley; and Josiah L. [REDACTED].

7 Q. As well as Jordan?

8 A. Uh-huh.

9 Q. When you and Jordan was in this gray car, where
10 was this car located?

11 A. It was in my yard, [REDACTED] State Pond Road.

12 Q. Okay. Harrah, I'm going to show you what's
13 marked as State's Exhibit 3 right now for
14 identification and ask you if you recognize this
15 photograph.

16 A. Yes, I do.

17 Q. And what does this photograph show?

18 A. The gray car.

19 Q. And where is it located?

20 A. In my yard at [REDACTED] State Pond Road.

21 Q. And does this picture fairly and accurately
22 reflect where the car was located on October 11th of
23 2017?

24 A. Yes, ma'am.

25 Q. Does it look like it's been changed in any way?

1 A. The busted taillight.

2 Q. Just the light bulb?

3 A. Uh-huh.

4 MS. PATTERSON: Your Honor, at this time, we
5 move State's Exhibit No. 3 into evidence.

6 MR. JOHNSON: No objection, Your Honor.

7 THE COURT: State's Exhibit 3 is admitted into
8 evidence without objection.

9 (State's Exhibit No. 3 admitted into evidence.)

10 BY MS. PATTERSON:

11 Q. Harrah, I gave you a pointer. If you can --
12 Harrah, is that the car that you're referring to
13 that you and Jordan were sitting in?

14 A. Yes, ma'am.

15 Q. And kind of explain to the jury the layout of
16 your -- of the property that you-all lived on.

17 A. Okay. So, it's like a clubhouse that's, like,
18 right there where the gray car is --

19 Q. Can you use the pointer, please?

20 A. Oh.

21 Q. I apologize. Let me make sure it's on.

22 A. Right here.

23 Q. That's the car?

24 A. Yes, ma'am.

25 Q. And where is the clubhouse that you're

1 referring to?

2 A. On this side.

3 Q. And as you and Jordan are sitting in that car,
4 what do you see?

5 A. We see car lights at the top of the hill. Me
6 and Jordan got out and we looked and was like, who
7 is that? And four people got out the car.

8 Q. Did you recognize any of these four people?

9 A. Yes, ma'am.

10 Q. And who were they?

11 A. Ashley Riley, Monyell Fulton -- I think that's
12 her last name -- Chesnee Mattress, and Amari Hamm.

13 Q. Was anybody else with them?

14 A. And Treshawn. But he stayed at the top of the
15 road.

16 Q. And what kind of car was this?

17 A. A red four-door.

18 Q. Who was the driver? Did you know?

19 A. Treshawn.

20 Q. Where did he park the car? And if it's not on
21 this picture, just kind of tell us, where was the
22 car parked?

23 A. At the top of my driveway.

24 Q. Harrah, I'm going to show you what's been
25 marked as State's Exhibit 4 and ask you just to take

1 a look at this. Do you recognize what's on this
2 picture?

3 A. Yes, ma'am.

4 Q. And what does this picture show?

5 A. The main road to our house -- our main road to
6 our house.

7 Q. Does it fair and accurately represent the way
8 it looked on October 11th of 2017?

9 A. Yes, ma'am.

10 MS. PATTERSON: Your Honor, at this time, we
11 move State's Exhibit 4 into evidence.

12 MR. JOHNSON: No objection.

13 THE COURT: State's Exhibit 4 admitted into
14 evidence without objection.

15 (State's Exhibit No. 4 admitted into evidence.)

16 BY MS. PATTERSON:

17 Q. Harrah, I'm going to let you stay up there so
18 you can keep your voice up to the jury. Can you see
19 this?

20 A. Yes, ma'am.

21 Q. Again, can you use that pointer to kind of show
22 where that car was located that you and Jordan --

23 A. Right there.

24 Q. Is that what that picture up there shows?

25 A. Yes, ma'am.

1 Q. Where do you see this car when it comes on your
2 property?

3 A. Right here.

4 Q. And where do you see these people? Where do
5 they go?

6 A. Right there.

7 Q. So they come down -- you've described that as a
8 hill?

9 A. Yes, ma'am.

10 Q. What do you and Jordan do?

11 A. Well, me and Jordan stood right there and
12 Jordan said --

13 MR. JOHNSON: Objection, Your Honor --

14 BY MS. PATTERSON:

15 Q. Without saying what Jordan said, but what did
16 y'all do?

17 A. Okay. We just stood there looking at them.

18 Q. Were they saying anything? And you don't have
19 to say what they were saying. But were they saying
20 anything?

21 A. Yes, ma'am.

22 Q. And how did they sound when they were saying --

23 MR. JOHNSON: Objection; hearsay.

24 BY MS. PATTERSON:

25 Q. How were they sounding? What was their

1 demeanor?

2 A. Angry.

3 Q. And so how did this make you feel?

4 MR. JOHNSON: Your Honor, I object to the
5 hearsay.

6 THE COURT: Overruled. I thought she rephrased
7 the question.

8 MR. JOHNSON: Yes, sir.

9 THE COURT: Overruled.

10 BY MS. PATTERSON:

11 Q. So when you heard them, how did this make you
12 feel? What was your reaction?

13 A. I didn't know what was going on because I just
14 got off work.

15 Q. So what did you do?

16 A. I just stood there because I ain't know what
17 was going on.

18 Q. Did anybody else in your family come outside?

19 A. Yes, ma'am.

20 Q. And who came outside?

21 A. Dwight James, Dontavious Riley.

22 Q. And this is your father and brother?

23 A. Yes, ma'am.

24 Q. And when they came outside, what did they do?

25 A. My dad and my brother was trying to get them to

1 get out of our yard.

2 Q. And at this point, who was -- again, where did
3 Treshawn stay?

4 A. Up there at the top of the hill.

5 Q. And so who was down at the bottom of the hill?

6 A. Chesnee Mattress and Amari Hamm.

7 Q. How far did they make it down that hill?

8 A. Like, right here.

9 THE COURT: Just for my clarification, she's
10 pointing at the video board?

11 MS. PATTERSON: Yes, sir.

12 THE COURT: Okay.

13 BY MS. PATTERSON:

14 Q. When your brother and your dad came out, did
15 these people leave?

16 A. No, ma'am.

17 Q. What happened next?

18 A. It was a whole lot of commotion going on.

19 Q. Did anybody else in your family come out there?

20 A. No, ma'am.

21 Q. At some point, did you see your Aunt Annette?

22 A. Yes, ma'am.

23 Q. And when she came out, what did she do?

24 A. She stood beside my father, Dwight James, and
25 my brother Dontavious Riley.

1 Q. And without saying what anybody may have been
2 saying, was she saying anything to anyone?

3 A. She --

4 Q. Or was anybody saying anything to her?

5 A. I just heard a lot of commotion.

6 Q. When you heard this commotion, where were you
7 standing?

8 A. Like, right here.

9 Q. Okay. Again, I'm sorry.

10 A. Right here.

11 Q. How long did you stand there?

12 A. The whole time.

13 Q. So at some point, did you ever see your dad
14 arguing with anyone?

15 A. He was trying to get everybody to leave his
16 yard.

17 Q. Okay. And did you ever see anybody with a gun
18 that night?

19 A. Yes, ma'am.

20 Q. Okay. Tell us what happened before you saw
21 this.

22 A. It was a lot of commotion going on. And then,
23 I guess, they was like, oh, he got a gun --

24 MR. JOHNSON: Objection, Your Honor; hearsay.

25 BY MS. PATTERSON:

1 Q. Yeah. Just what did you see, Harrah?

2 THE COURT: Sustained. Rephrase your question.

3 BY MS. PATTERSON:

4 Q. What did you see happen?

5 A. Okay. I seen Chesnee Mattress pull out a gun,
6 and she was backing up, shooting.

7 Q. And, again, where -- and I'm going to take this
8 down. Again, where on this photograph on the screen
9 were you standing when you saw Chesnee Mattress pull
10 out that gun?

11 A. Right here.

12 Q. And where was Chesnee?

13 A. Backing up, going back up towards the hill.

14 Q. When she pulled that gun out, where did
15 everybody go?

16 A. Like, they were standing still, like, frozen.
17 They couldn't move.

18 Q. Where were you standing?

19 A. Right there.

20 Q. And describe how Chesnee was shooting.

21 A. She was shooting like this, like, backing up.
22 She was backing up shooting.

23 Q. And did you hear one round -- how many rounds
24 did you hear?

25 A. I heard five -- five rounds.

1 Q. And then what happened?

2 A. And then that's when they was like --

3 MR. JOHNSON: Objection; hearsay.

4 THE WITNESS: And Annette Riley said she --

5 MR. JOHNSON: Objection; hearsay.

6 THE COURT: Just a second. Just a second.

7 Rephrase your question, Madam Solicitor.

8 Ma'am, you can't testify to what other people

9 said. Listen to the solicitor's question.

10 THE WITNESS: Yes, sir.

11 BY MS. PATTERSON:

12 Q. So what did you see happen after you saw

13 Chesnee backing up, shooting her gun?

14 A. My Auntie Annette Riley collapsed.

15 Q. Where did you go?

16 A. To the top of the hill to call the ambulance

17 and police.

18 Q. What was the rest of your family doing?

19 A. Helping my auntie.

20 Q. So after you saw your aunt collapse, what --

21 did you call 911 after that?

22 A. Yes, ma'am, I did.

23 Q. Harrah, I'm going to show you State's Exhibit

24 No. 5 and ask you to take a look at it. Do you

25 recognize what this is I handed you?

1 A. Yes, ma'am.

2 Q. What is it?

3 A. A recording of me calling 911.

4 Q. Did you have the opportunity to listen to this
5 before?

6 A. Yes, ma'am.

7 Q. Did you initial it?

8 A. Yes, ma'am.

9 Q. Does this call fairly and accurately represent
10 the call that you made that night?

11 A. Yes, ma'am.

12 MS. PATTERSON: Your Honor, at this time, we
13 move State's Exhibit 5 into evidence.

14 MR. JOHNSON: Objection, Your Honor, based on
15 previous motions and objections and hearsay.

16 THE COURT: It's admitted into evidence subject
17 to Defense's objection.

18 (State's Exhibit No. 5 admitted into evidence.)

19 MS. PATTERSON: Your Honor, permission to
20 publish?

21 THE COURT: Proceed.

22 MR. JOHNSON: Just to be clear, Your Honor, you
23 overruled my objection?

24 THE COURT: Yes.

25 MR. JOHNSON: That's what you said? I'm sorry.

1 I didn't hear you.

2 THE COURT: 5 was admitted subject to your
3 objection.

4 MR. JOHNSON: Yes, sir.

5 (State's Exhibit No. 5 published to the jury
6 and his Honor.)

7 MS. PATTERSON: Your Honor, I apologize. We
8 did check it before we came in.

9 Beg the Court's indulgence. We're going to get
10 our IT person.

11 (State's Exhibit No. 5 concluded.)

12 BY MS. PATTERSON:

13 Q. On the 911 call, you kept referring to they
14 came to my house and started shooting. Who did you
15 see shooting?

16 A. Chesnee Mattress.

17 Q. Did you see anybody else with a gun?

18 A. No, ma'am.

19 Q. Was anybody else shooting that night?

20 A. No, ma'am.

21 Q. And at the time that you were -- I will just
22 hold this up. You still have the pointer?

23 A. Uh-huh.

24 Q. And at the time that you were making the call,
25 where were you?

1 A. Right here.

2 Q. And where had Annette gone to?

3 A. Right here.

4 Q. And why did you initially run back up the hill?

5 A. To wait on the ambulance.

6 MS. PATTERSON: Beg the Court's indulgence.

7 Thank you, Harrah. Please answer any questions

8 Mr. Johnson has.

9 CROSS-EXAMINATION

10 BY MR. JOHNSON:

11 Q. Ms. James, let me ask you quickly, do you
12 recall on the 911, the dispatch operator asking you
13 who shot and that you did not answer at the
14 beginning of the recording? Do you remember that?

15 A. Yes, I remember.

16 Q. Okay. And do you remember later on in the
17 recording that you stated they came to my house,
18 started shooting, referring to more than one person?
19 Correct?

20 A. Yes.

21 Q. And then you said: Can we press charges on all
22 of them?

23 A. Correct.

24 Q. All right. Now, with this map, State's Exhibit
25 4, can you point to where this car was located in

1 that picture you said you were at initially?

2 A. Right there.

3 Q. Okay. Right there. And did you say -- where
4 did you say Ms. Chesnee Mattress was located?

5 A. (Indicating).

6 Q. Down here?

7 A. Yes, sir.

8 Q. Okay. And was that inside the fence that's
9 right here or outside?

10 A. Outside.

11 Q. Okay. How far away?

12 A. Right there.

13 Q. Right about here?

14 A. Right here.

15 Q. Okay. Can you -- any idea how many feet?

16 A. Like, three feet.

17 Q. Okay. And you said she shot. Can you give me
18 the direction with your little pointer there? You
19 said she was backing up.

20 A. Uh-huh. Like this.

21 Q. Now, this here is a dirt road, correct?

22 A. Yes, sir.

23 Q. Okay. How many streetlights are on that dirt
24 road?

25 A. Two.

1 Q. Where are they at?

2 A. At the top of the road.

3 Q. At the top of the road?

4 A. Yes, sir.

5 Q. And you've indicated the shooting took place at
6 the bottom of the road?

7 A. Correct.

8 Q. And this was late at night. It's after
9 midnight?

10 A. About 12:45.

11 Q. So it was dark, correct?

12 A. Yes, sir.

13 Q. Okay. And is it fair to say that you were
14 scared?

15 A. Yes, sir. I was.

16 Q. Is it fair to say that you were emotional?

17 A. Yes, sir. I was.

18 Q. Is it fair to say there was adrenaline in your
19 system and that you could have been distracted
20 because you were scared?

21 A. Yes, sir.

22 Q. Okay. Now, when you actually said my client's
23 name, Chesnee, you did not say that in response to
24 the 911 question later on about who was shot. You
25 just said the name Chesnee, correct?

1 A. Correct.

2 Q. And based on your question to 911, you feel
3 like all these other people are guilty of murder?

4 A. Correct.

5 Q. Correct? Including Ms. Hamm, Amari?

6 A. Correct.

7 Q. And what's your name?

8 A. Harrah James.

9 Q. Okay. Do you know Amari Hamm?

10 A. Yes, I do.

11 Q. Was Amari Hamm being aggressive towards your
12 aunt?

13 A. Yes, sir.

14 Q. Was she being violent?

15 A. No, sir.

16 Q. Did she throw dirt?

17 A. Yes, sir.

18 Q. And if it's dark, how far away were you from
19 Amari Hamm? Excuse me. You need to see Exhibit 4?

20 A. Yes.

21 Q. On Exhibit 4, where was Ms. Hamm?

22 A. Right behind Chesnee.

23 Q. Oh, okay. And so as Ms. Chesnee, you said, was
24 backing up, Ms. Hamm was right there in that same
25 line?

1 A. Correct.

2 Q. And since Ms. Amari Hamm is guilty of murder,
3 according to you --

4 MS. PATTERSON: Objection, Your Honor.

5 MR. JOHNSON: Well, based on her testimony --

6 MS. PATTERSON: She did not say anything about
7 being guilty of murder. She is not an attorney.
8 She asked could they be charged.

9 MR. JOHNSON: Well, I just asked her do you
10 think Amari Hamm is guilty of murder and she said
11 yes. That's why I asked the question.

12 THE COURT: All right. Move on.

13 BY MR. JOHNSON:

14 Q. So she was right there with Ms. Chesnee?

15 A. Correct.

16 Q. So if Ms. Amari had fired a gun and it's dark
17 and that light was all the way at the top of the
18 hill, you could have missed it, if she had a gun,
19 correct?

20 A. No.

21 Q. It's impossible for anyone else there to have a
22 gun because you would have seen it; is that what
23 you're saying?

24 A. Yes, that's what I'm saying.

25 Q. How close were you to that scene outside the

1 gate in feet?

2 A. Can you bring the picture back?

3 Q. Sure. State's Exhibit 4.

4 A. Right here.

5 THE COURT: Can the jury see that?

6 THE JURY (collectively): No.

7 THE COURT: Take a moment and get the tripod,
8 that way we can position it --

9 Sheriff, can you -- thank you.

10 The jury on the back corner was unable to
11 see --

12 MR. JOHNSON: Yes, sir.

13 BY MR. JOHNSON:

14 Q. I'm sorry. Go ahead. Where was Ms. Hamm?

15 A. Right here.

16 Q. Okay. And where were you?

17 A. Right there.

18 Q. Where were you?

19 A. Down here.

20 Q. Where did you move during this? Did you move
21 someplace else?

22 THE COURT: Does she need to step down?

23 MR. JOHNSON: Oh, I'm sorry.

24 THE WITNESS: Yes.

25 BY MR. JOHNSON:

1 Q. Did you move?

2 A. No, sir.

3 Q. When you called 911, you stayed there?

4 A. No. I walked to the top of the hill.

5 Q. You said you did move up here?

6 A. Yeah. Like, right here.

7 THE COURT: Ma'am, if you say anything while
8 you're off the stand, make sure the court reporter
9 can hear you.

10 THE WITNESS: Yes, sir.

11 BY MR. JOHNSON:

12 Q. And, certainly, on the 911, you sound emotional
13 and scared, because you were?

14 A. Yes, sir.

15 Q. Okay. And when you go up at the top of the
16 hill, that's when you have lighting?

17 A. Yes, sir.

18 MR. JOHNSON: No more questions, Your Honor.

19 THE COURT: Redirect?

20 MS. PATTERSON: Yes, sir, Your Honor.

21 You can have a seat, Harrah.

22 MR. JOHNSON: Judge, can I move this so I can
23 see her? Is that okay?

24 THE COURT: I don't know if the solicitor wants
25 to use it or not.

1 MS. PATTERSON: I am.

2 MR. JOHNSON: Okay.

3 REDIRECT EXAMINATION

4 BY MS. PATTERSON:

5 Q. Harrah, did you have any problems seeing who
6 got out of that car that night?

7 A. No, ma'am.

8 Q. Did you have any problems seeing who had that
9 gun that night?

10 A. No, ma'am.

11 Q. Did you have any problems witnessing that
12 shooting that night?

13 A. No, ma'am.

14 Q. Because Mr. Johnson asked you about lighting,
15 was it lighting out there that allowed you to see?

16 A. Yes; the clubhouse light. It's automatic.

17 Q. Now, didn't you, in fact, tell the dispatcher
18 Chesnee was the shooter?

19 A. Yes, ma'am.

20 Q. And you admit that you were scared and
21 emotional during that call?

22 A. Yes, ma'am. I was.

23 Q. So is it fair to say some of the questions you
24 may not have heard clearly from the dispatcher?

25 A. Correct.

1 Q. But did you answer the questions to the best of
2 your ability?

3 A. Yes, ma'am, I did.

4 Q. And are you an attorney? Have you had any
5 legal training?

6 A. No, ma'am.

7 Q. So when you said to the dispatcher about
8 everybody being charged, did you really know what
9 the charges may -- if any, could have been?

10 A. No, ma'am.

11 Q. And where was Chesnee in relation to Amari?

12 A. You said how close?

13 Q. Yes. How close was Chesnee to Amari? If I'm
14 walking towards you...

15 A. Chesnee Mattress was right here and Amari was
16 right behind her.

17 Q. And during the shooting, can you get down and
18 demonstrate how Chesnee's movement was?

19 A. Okay. She was backing up shooting like this,
20 going all the way up the hill, and she got to the
21 red car.

22 Q. And, again, you had no problems seeing what she
23 was doing?

24 A. No, ma'am.

25 MS. PATTERSON: Beg the Court's indulgence.

1 Thank you, Harrah. Please answer any questions
2 Mr. Johnson has.

3 THE COURT: Recross?

4 MR. JOHNSON: Thank you, Your Honor.

5 RE CROSS-EXAMINATION

6 BY MR. JOHNSON:

7 Q. So just to touch on what you testified about,
8 you said the light was automatic at the clubhouse?

9 A. Yes, sir.

10 Q. Does that mean it cuts on when motion happens?

11 A. Yes, sir.

12 Q. And so motion lights also cut back off?

13 A. Yes, sir.

14 Q. How long does it stay on?

15 A. For about, like, five to ten minutes.

16 Q. Okay. And you said that, just now, when you
17 testified through the solicitor, that she was
18 shooting all the way up to the road?

19 A. Correct.

20 Q. Okay. So when you refer to that, you're
21 talking about State Pond Road up here?

22 A. Yes, sir.

23 Q. Okay. And so there should be shell casings
24 going all the way up the road?

25 MS. PATTERSON: Objection, Your Honor;

1 speculation.

2 THE COURT: Overruled.

3 BY MR. JOHNSON:

4 Q. You can answer.

5 A. Yes, sir.

6 Q. Okay.

7 MR. JOHNSON: No more questions, Judge.

8 THE COURT: All right. The witness may step
9 down.

10 Ladies and gentlemen of the jury, we're going
11 to take our midmorning break now. Take a short
12 break. Go back to the jury room, refresh
13 yourselves. Please do not discuss the case in any
14 way. And we'll get you back out here in a few
15 minutes. Thank you.

16 (The jury exits the courtroom at 10:24 a.m.)

17 THE COURT: Let's take a short recess and allow
18 everybody a chance to refresh themselves. Before we
19 do break, obviously, this is a murder trial and
20 there's going to be a lot of tough things for people
21 to hear.

22 I want to ask everyone who is in the courtroom
23 to ensure that if you feel like you can't control
24 your emotions, which is understandable under certain
25 circumstances, you may need to remove yourself from

1 DWIGHT JAMES

2 being first duly sworn, testified as follows:

3 THE WITNESS: Yes, ma'am.

4 THE CLERK: Have a seat over there, please.

5 State your name and spell your last for the record,
6 please.

7 THE WITNESS: My name is Dwight James,
8 D-W-I-G-H-T, J-A-M-ES.

9 DIRECT EXAMINATION

10 BY MS. PATTERSON:

11 Q. Mr. James, how are you today?

12 A. All right.

13 Q. Mr. James, where do you live?

14 A. [REDACTED] State Pond Road.

15 Q. How long have you lived at this address?

16 A. 20 years.

17 Q. Do you own this address?

18 A. Yes, ma'am.

19 Q. Are you married?

20 A. Common law.

21 Q. And who is your common-law wife?

22 A. Melissa Riley.

23 Q. And did you know Annette Riley?

24 A. Yes.

25 Q. And what relation to you was Annette?

1 A. Sister-in-law.

2 Q. Do you have children?

3 A. Yes, I do.

4 Q. And what are your children's names?

5 A. Harrah, Mike, and Malaysia and Dwight, Jr.,

6 Brian James, Carlton. I got one more. I don't

7 recall his name. Jonathan.

8 Q. Does Mike go by another name?

9 A. Yeah; Mike Riley.

10 Q. What's his other name?

11 A. Mike other name? Only thing I know is Mike.

12 Q. Okay. Does Mike go by Dontavious?

13 A. Oh, yeah. Yeah. Dontavious is his real name.

14 Mike is his middle name.

15 Q. And you say you own the property at State Pond

16 Road?

17 A. Yes, ma'am.

18 Q. I'm going show you what's been admitted as

19 State's Exhibit 4. Can you step down for a minute?

20 Keep your voice up.

21 A. (Witness complies).

22 Q. Can you kind of explain the layout of your land

23 to the jury? How many properties are on that land

24 that you own?

25 A. Two.

1 Q. Can you point out the properties that belong to
2 you.

3 A. Right there and there.

4 THE COURT: Mr. James, one thing I need you to
5 do is while you're standing over there, make sure
6 you speak up so the court reporter can hear you.

7 THE WITNESS: Yes, sir.

8 Okay. I got two parts of land, right, two
9 gates. I got one here --

10 BY MS. PATTERSON:

11 Q. You can use the pointer.

12 A. I got one right here and one right here. Both
13 of them went straight down.

14 Q. Who lives at this property right here? Step to
15 the side so the jury can see.

16 A. That's my property.

17 Q. Who lives in this home?

18 A. Dwight James, me.

19 Q. This is where your family lives?

20 A. Yes, ma'am.

21 Q. In October 2017, were you able to live here?

22 A. No, ma'am. I stayed in the clubhouse.

23 Q. Okay. Why were you staying in the clubhouse?

24 A. I had a trailer fire.

25 Q. And where on this property is the clubhouse

1 located?

2 A. Okay. Okay. Trailer right here. Right here.
3 Right here.

4 Q. Stand to the side.

5 A. Clubhouse right here.

6 Q. And in October of 2017, who was living or just
7 staying in that clubhouse?

8 A. It was a lot of us, about ten people: Annette
9 Riley, Melissa Riley, me, Donte Riley, Jasmine
10 Riley, Harrah James, Malaysia.

11 Q. Would it be safe to say all your children?

12 A. All my family.

13 Q. And Annette Riley, her and her family -- you
14 can take a seat.

15 A. Okay.

16 Q. Annette and her family, were they staying
17 there?

18 A. Yes, ma'am.

19 Q. And at the time of this incident, about how
20 long had they been living there with you?

21 A. Going on two or three months.

22 Q. Mr. James, I'm going to show you what's been
23 marked as State's Exhibit 6 just for ID right now,
24 ask you to take a look at that. Can you describe
25 what's in that picture?

1 A. Yes, ma'am.

2 Q. Do you recognize it?

3 A. Yes, ma'am.

4 Q. What do you recognize it to be?

5 A. That's my property.

6 Q. Does this picture fairly and accurately reflect
7 the way your property looked on October 11th of
8 2017?

9 A. Yes, ma'am.

10 Q. Does it look like it's been changed in any way?

11 A. No, ma'am.

12 MS. PATTERSON: Your Honor, at this time, we
13 move State's Exhibit 6 into evidence.

14 MR. JOHNSON: Objection, Your Honor, based on
15 previous motions and objections.

16 THE COURT: State's Exhibit 6 admitted into
17 evidence subject to defendant's objection.

18 (State's Exhibit No. 6 admitted into evidence.)

19 BY MS. PATTERSON:

20 Q. Mr. James, do you have any kind of signs on
21 your property?

22 A. Yes, ma'am.

23 Q. What kind of signs do you have?

24 A. No-trespass.

25 Q. Do you see those signs on this picture?

1 A. Well, my gate right there -- one on my gate
2 right here. I had one right here. I don't see it
3 right now.

4 Q. Now, do you know the defendant, Chesnee
5 Mattress?

6 A. No, I don't.

7 Q. Do you know what she looks like?

8 A. Yes, I do.

9 Q. Had you seen her before the night of October
10 11th of 2017?

11 A. Yes.

12 Q. Now, can you tell us about the incident
13 involving Ms. Mattress at your house on October 11th
14 of 2017? What were you doing?

15 A. I was resting. I had went to bed, laying down.

16 Q. And where -- again, where were you sleeping?

17 A. Yes. I was sleeping in the clubhouse. I was
18 sleeping in the clubhouse.

19 Q. On this picture, where would the clubhouse be,
20 if it could be pictured on this picture?

21 A. Clubhouse back in there. You can't see it by
22 the trees, but it back in there.

23 Q. And as you were sleeping, did anything come to
24 your attention?

25 A. Yes. I heard somebody out there --

1 MR. JOHNSON: Objection, Your Honor; hearsay.

2 A. Well --

3 THE COURT: Rephrase your question.

4

5 BY MS. PATTERSON:

6 Q. Without saying what somebody may have said,
7 what did you hear?

8 A. Well, I heard someone out there -- I heard --
9 well, I heard somebody out there where my daughter
10 and Jordan was out there. Right? I seen them out
11 there talking or something. I got up to see what
12 was going on. They said a car done pulled up. I
13 said what --

14 MR. JOHNSON: Objection, Your Honor; hearsay.

15 THE COURT: Mr. James, sir, please don't
16 testify to what you heard people say. Please try to
17 listen to the solicitor's question and answer it.

18 THE WITNESS: Okay. I saw a red car out there.

19 BY MS. PATTERSON:

20 Q. And before you saw the car, did you hear
21 anything? Not saying what somebody said, but did
22 you hear any noise?

23 A. Yes, I did.

24 Q. What kind of noise did you hear?

25 A. I knew a woman named Ashley Riley.

1 Q. Without saying what she may have said, what did
2 you hear?

3 A. Where Jasmine Riley at.

4 MR. JOHNSON: Objection, Your Honor; hearsay.

5 THE COURT: Sustained. Try to rephrase the
6 question.

7 BY MS. PATTERSON:

8 Q. Did you hear noises?

9 A. Well, when the car pulled up, Ashley Riley got
10 out the car and asked for Jasmine Riley.

11 MR. JOHNSON: Objection; hearsay.

12 THE COURT: Sustained.

13 BY MS. PATTERSON:

14 Q. Did you hear any noise?

15 A. Yes, I did.

16 Q. Okay. Was this noise soft, loud, or something
17 else?

18 A. It was loud enough for me to wake up and see
19 what was going on, on my property.

20 Q. And so when you went out there, how far did you
21 go out to your property?

22 A. I went out there -- see where the gate at?

23 Q. Use your pointer.

24 A. I went right there to the gate.

25 Q. What did you see when you got to the gate?

1 A. I saw a red car up there on the top of my hill
2 and a girl -- a girl -- Ashley Riley was asking for
3 Jasmine Riley.

4 MR. JOHNSON: Objection; hearsay.

5 THE COURT: Sustained.

6 Please try to answer the solicitor's question
7 as to -- she's not asking what people are saying.
8 Okay? Please don't testify about what other people
9 say.

10 THE WITNESS: Okay.

11 BY MS. PATTERSON:

12 Q. Did you see anybody with Ashley?

13 A. Yes, I did.

14 Q. Who?

15 A. I seen this lady here.

16 Q. Who are you referring to? Ms. Mattress?

17 A. Yes, ma'am.

18 Q. Who else did you see?

19 A. I seen two more other girls and a boy -- and a
20 man.

21 Q. Now, where was the man?

22 A. The man was at his car at the top of the hill,
23 and the four girls were down the hill.

24 Q. Where did these four girls -- show us on this
25 picture how far the four girls came.

1 A. See that gate right there?

2 Q. Yes.

3 A. They was standing right there on that hill
4 right there. They was about three foot from the
5 gate right there, right there.

6 Q. When you came out, did you say anything to
7 those girls?

8 A. Yes. I came from this way and they was
9 standing right there. I asked them please to leave.

10 Q. Why did you ask them to leave?

11 A. Because they come -- well, they was acting like
12 they -- really, time of the night it was, I didn't
13 know what was really going on. I just had woke up.
14 Why they down here on my property? That's why I
15 asked them to leave. I didn't invite them.

16 Q. And when you told them to leave, did anybody --
17 not saying what they said, did anybody say anything
18 to you?

19 A. They didn't move. They didn't go nowhere.

20 Q. Did anybody ever say anything to you?

21 A. Yes. Yes. I'm talking to one of the girls. I
22 think her name was -- well, like I said, I don't
23 know their names. You know what I'm saying? I know
24 her by face. I didn't know anybody but Ashley
25 Riley, really.

1 Q. Did you know what this girl looked like? Had
2 you seen her before?

3 A. Yes. I seen this lady here at Annette's house
4 one time.

5 Q. Who is this lady? Who are you referring to?

6 A. Well, I knew her by Pretty.

7 Q. Chesnee?

8 A. Yes, ma'am.

9 Q. The defendant?

10 A. Yes, ma'am.

11 Q. And the other person, did you see -- that you
12 saw with her, did you know her?

13 A. I had seen her before too, but I didn't know
14 her.

15 Q. Okay. And so at some point -- at what point
16 did Annette come outside?

17 A. Well, Annette came right after me.

18 Q. And was anybody -- not saying what they may
19 have said, was anybody saying anything to Annette?

20 A. Well, yes. Mari -- yeah, Mari talking to
21 Annette.

22 MR. JOHNSON: Objection; hearsay.

23 MS. PATTERSON: He didn't say what Amari said.

24 THE COURT: It wasn't a statement. Overruled.

25 BY MS. PATTERSON:

1 Q. When Amari was talking to Annette, what was the
2 tone of their voice?

3 A. Well, they were talking first -- first, they
4 were talking, you know, like fighting, fighting,
5 like, they want to fight or something. And then
6 they calmed down. You know what I'm saying? They
7 calmed down.

8 Next thing I know, Mari picked up some dirt and
9 throwed it in Annette's face and spit in her face.
10 That's what I seen personally.

11 Q. And where were you when you saw this going on?

12 A. I was right here. I was right here. Annette
13 was right beside me.

14 Q. And where was Amari?

15 A. Mari -- Mari right there talking to Annette.
16 Mari was on the hill right here. Mari up here. All
17 of them standing right there. All four of them --
18 all four of them girls standing right there. We
19 were standing down here. We were talking to them on
20 the hill.

21 Q. And all four of the girls, including the
22 defendant?

23 A. Yes, ma'am.

24 Q. Okay. So after you saw this going on with
25 Annette, what did you do or say?

1 A. Well, I told all of them -- really, I told all
2 of them, y'all leave my property. They still
3 wouldn't leave. They still wouldn't leave.

4 Next thing I know, Mari, they hug each other.
5 You know what I'm saying? I thought it was all
6 over. They hugged each other. And it wasn't Mari;
7 it was her.

8 Q. Yes.

9 A. It was you (indicating).

10 Q. Who did she hug?

11 A. She hugged Annette Riley. After she hugged
12 Annette Riley, she start shooting.

13 Q. And did you see her with the gun before she
14 started shooting?

15 A. Well, when she came down there, she always had
16 her hand in her pocket on her left -- well, she had
17 her hand in her left pocket. She was walking down
18 here and had her hand in her left pocket. So I
19 didn't know what was going on, really. I told
20 Nette, go on in the gate. You know what I'm saying?

21 Q. Did Annette go in the gate?

22 A. Yeah, Nette went on.

23 Q. So how far in the gate did Annette get to?

24 A. Well, she went on this way, all the way to the
25 gate. She got to the club. She fell at the club,

1 at the club door. She fell at the club door.

2 Q. At what point did Annette go inside the gate?

3 A. Nette went inside the gate. Nette went inside.

4 After she had hugged her, she thought it was all

5 over. That's when she started shooting.

6 Q. And so were you still at the gate when Nette

7 went inside the gate?

8 A. Yes, ma'am. Yes, ma'am. Me and Mike Riley, my

9 son.

10 Q. Were you still telling these people to leave

11 your property?

12 A. When they start to shooting, I couldn't tell

13 them nothing. Understand that. What I did, I stand

14 right there -- my son stand right there. Mari

15 back -- this lady here, Chesnee, was backing up,

16 shooting. I couldn't move. I was froze. My son

17 was froze. The rest of the people run.

18 Q. And did you have any problems seeing who was

19 shooting that night?

20 A. Like I say, no problem at all.

21 Q. And after you heard these shots, what did you

22 do?

23 A. Well, really, to tell the truth, what I did, I

24 ran up the hill -- I ran behind them up the hill.

25 And time I came up the hill, she shot two more times

1 in the air. Pop, pop, pop. That's when I told my
2 daughter Harrah to call the police, call the police.

3 Q. And at what point did you realize Annette had
4 been hit?

5 A. Melissa Riley called me on top of the hill --

6 MR. JOHNSON: Objection to hearsay.

7 THE COURT: Sustained.

8 Answer the question.

9 THE WITNESS: Well, Melissa called me, told me
10 Nette been shot, Nette been shot.

11 MR. JOHNSON: Objection; hearsay.

12 THE WITNESS: That's what happened.

13 THE COURT: Mr. James, I need you to listen to
14 the attorney who's asking the questions. Okay?

15 THE WITNESS: Okay.

16 THE COURT: And answer the questions that are
17 being asked.

18 BY MS. PATTERSON:

19 Q. When did you see Nette had been shot?

20 A. Well, they were down there crying. And someone
21 said Nette been hit --

22 MR. JOHNSON: Objection; hearsay.

23 THE COURT: All right. Sustained. Move on.

24 BY MS PATTERSON:

25 Q. And, at some point, did the defendant, Chesnee,

1 get in your face and say anything?

2 A. Yes. Yes --

3 MR. JOHNSON: Objection; hearsay, Your Honor,
4 based on previous motions and objections.

5 THE COURT: All right. Overruled.

6 BY MS. PATTERSON:

7 Q. Did she say anything to you?

8 A. Well, I was talking to Mari. And she -- and
9 I -- that's what it was. Yeah. I'm talking to
10 Chesnee and Mari told me that --

11 Q. Without saying what Mari may have said, were
12 you exchanging words with Chesnee?

13 A. Yes, I was.

14 Q. And when this was going on, how close were you
15 two?

16 A. We were face-to-face.

17 Q. Okay. Were y'all talking nicely, loudly, or
18 something else?

19 A. Well, we were talking -- well, like I was
20 telling her, she need to leave my property.

21 Q. And did she say anything back to you?

22 MR. JOHNSON: Objection, based on previous
23 motions and objections.

24 THE COURT: Overruled.

25 BY MS. PATTERSON:

1 Q. Did the defendant, Chesnee, say anything to
2 you?

3 A. Yes, she did.

4 Q. What did you hear her say? Do you remember?

5 A. That's what I'm saying now. It's been about
6 two -- almost three years. And I don't want to say
7 something, you know what I'm saying, that ain't
8 correct.

9 Q. That's fine. But you remember her being in
10 your face saying something?

11 A. Yes, ma'am.

12 Q. And you and her having words?

13 A. Yeah. Back and forth, yes, ma'am.

14 MS. PATTERSON: Beg the Court's indulgence.

15 BY MS. PATTERSON:

16 Q. Now, when you and Chesnee were face-to-face
17 exchanging words, show us where y'all were.

18 A. I was right -- I was right here.

19 Q. Okay. And --

20 A. I was right here. And she was right there by
21 my fence right there.

22 Q. At that point, did you tell her to leave?

23 A. Yes, I did. I told her, you're on private
24 property.

25 Q. And then what direction did you see her going

1 as she was shooting?

2 A. Like, she came this way. She came back in the
3 middle of the gate right here and she started
4 shooting. And she started backing up this way,
5 backing up towards the front. She was backing up,
6 shooting.

7 Q. Can you step down once more? I think you said
8 the clubhouse was here?

9 A. Yes, ma'am.

10 Q. So on this picture, where would this picture
11 be?

12 A. Can't see it, but right here.

13 Q. Point to it right here.

14 A. On this?

15 Q. Stand over here so they can see. Okay. And
16 which direction was the defendant shooting? How was
17 she going?

18 A. Okay. The clubhouse here -- the clubhouse
19 here. Right? She was -- okay. Clubhouse here and
20 the road here. She was backing up this way.

21 Q. Okay. And where was the car parked?

22 A. The car -- the car -- the car was right there
23 at the gate.

24 Q. Where was the car that she got in?

25 A. Up here. She got in a red -- she got in a red

1 four-door car. I believe it was a Ford.

2 Q. Again, show the jury and make sure everybody
3 can see. She went up that way. And where was the
4 car parked?

5 A. Car right there at the top of the hill. All of
6 them jumped in there and left.

7 Q. Okay. You can have a seat.

8 MS. PATTERSON: Beg the Court's indulgence.

9 Thank you, Mr. James. Please answer any
10 questions Mr. Johnson may have.

11 THE COURT: Cross-examination?

12 MR. JOHNSON: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q. Mr. James, I know it's been a long time, like
16 you said, to be fair. Let me ask, if you remember,
17 how many shots did you hear?

18 A. A lot of them.

19 Q. At some point, did you give a number of shots?

20 A. Yeah. I had give a number of 16.

21 Q. Okay. And -- 16, not 6? But you said 16?

22 A. Yes.

23 Q. Okay. And with the exhibit the solicitor
24 showed you, when you say that the defendant was
25 backing up and shooting, did you indicate that that

1 shooting went all the way up to the State Pond
2 Road -- as she backed up, all the way to State Pond
3 Road? Is that what you were intending to say? Is
4 that what you said?

5 A. No, I didn't.

6 Q. How far back did she go while she was shooting?

7 A. Like I say, she was shooting.

8 Q. Okay. Do you remember how far back up the road
9 she --

10 A. No, I don't.

11 Q. I'm sorry?

12 A. No, I don't.

13 Q. Okay. Is there any lighting there at the top
14 of the road?

15 A. No. Ain't no lighting at the top of the road.
16 It's on the side of the road.

17 Q. Okay.

18 A. On the side -- excuse me. My neighbor got one
19 of them out lights that come all -- see that white
20 light up right there?

21 Q. Uh-huh.

22 A. That's my neighbor light there on this side.
23 My neighbor got an out light, stay on all night, go
24 off in the daytime. That's how you can see lights
25 in here. Don't you see that there? You see that,

1 that's dark? If you can see that, you know I can
2 see who's shooting.

3 Q. Now, let me ask -- now, Harrah James, where was
4 she at when you were at the gate?

5 A. Harrah right there.

6 Q. Was she behind you?

7 A. I was in front of her. I was out the gate and
8 she was in the gate.

9 Q. Okay. So you were in front, she was behind?

10 A. Yes.

11 Q. And the police never did anything as far as
12 what are called gunshot residue testing on you --

13 MS. PATTERSON: Objection, Your Honor --

14 Q. -- that you're aware of?

15 MS. PATTERSON: -- speculation. He doesn't
16 know what the police did.

17 THE COURT: Sustained.

18 BY MR. JOHNSON:

19 Q. Did you ever have your hands swabbed or checked
20 by police?

21 A. No, I haven't.

22 Q. And did the police ever ask you about how many
23 guns you owned at your house?

24 A. Yes, they did.

25 Q. Okay. And how many guns do you own at your

1 house?

2 A. None, zero.

3 Q. And did you have any alcoholic beverages that
4 night?

5 MS. PATTERSON: Objection, Your Honor;
6 relevance.

7 THE WITNESS: For as long as that was --

8 MS. PATTERSON: Objection.

9 THE COURT: Don't answer that.

10 MR. JOHNSON: Well, I would argue because it
11 relates to ability to remember, Judge. Just a
12 straightforward question.

13 THE COURT: The question is had you had any
14 alcoholic beverages?

15 MR. JOHNSON: Yes, sir.

16 THE COURT: I'll allow the question.

17 MS. PATTERSON: Your Honor, can we approach?

18 THE COURT: Sure.

19 (Sidebar conference.)

20 THE COURT: Counsel, you're withdrawing that
21 question?

22 MR. JOHNSON: Yes, sir.

23 THE COURT: Okay.

24 BY MR. JOHNSON:

25 Q. Okay. Mr. James, now, how many people did you

1 see out there that night on the road?

2 A. Five.

3 Q. Five people. And you said that Amari Hamm, you
4 said -- I think you said, threw dirt and, did you
5 say, spit on Annette Riley?

6 A. Yes.

7 Q. Okay. And where was Amari Hamm standing in
8 relation to my client Ms. Chesnee Mattress?

9 A. Right beside her.

10 Q. Okay. And as they moved back, did they all
11 move back?

12 A. Well, what I remember, when she started
13 shooting, everybody started running, except me and
14 my son.

15 Q. Okay. But with the group outside the fence,
16 you said, that was with my client, did that whole
17 group start leaving?

18 A. Yes, sir.

19 Q. When the shooting started?

20 A. Yeah. They ran to the car.

21 Q. Okay.

22 MR. JOHNSON: No more questions, Your Honor.

23 THE COURT: Redirect?

24 MS. PATTERSON: No, sir, Your Honor.

25 THE COURT: All right. The witness may step

1 MR. POGUE: Thank you, Your Honor. The State
2 calls Jordan Kelly.

3 THE COURT: All right. He's been sworn.

4 DIRECT EXAMINATION

5 BY MR. POGUE:

6 Q. Good morning, Jordan. How are you?

7 A. Good.

8 THE COURT: I need you to make sure you speak
9 into that microphone so everyone can hear you.

10 Q. Jordan, where were you living on the evening of
11 October 11th, 2017?

12 A. [REDACTED] State Pond Road, Gaston, South Carolina.

13 Q. And who did you live there with?

14 A. My uncle, my aunt, and sisters.

15 Q. Okay. And were you there --

16 THE COURT: Make sure you're speaking up.

17 BY MR. POGUE:

18 Q. Were you there on the evening of October 11th,
19 2017, on the property?

20 A. I was.

21 Q. Okay. Jordan, I'm showing you what's marked as
22 State's Exhibit -- or has been admitted as State's
23 Exhibit 4. Do you recognize this aerial image?

24 A. Yes, sir.

25 Q. What is that?

1 A. That's where we used to live and where
2 everything went down at.

3 Q. Okay. Do you know what county that's in?

4 A. Lexington.

5 Q. Do you have the laser pointer here? Can you
6 show on this aerial image where you were the evening
7 of October 11th -- or, I should say, the early
8 morning hours of October 11th, 2017, when the
9 defendant arrived at the property?

10 A. I was here sitting in the car with my cousin,
11 charging my phone.

12 Q. Okay. Now I'm showing you on the overhead
13 what's marked State's Exhibit 3. Was that the
14 vehicle that you were in?

15 A. Yes, sir.

16 Q. Okay. Who were you in that vehicle with?

17 A. Harrah James.

18 Q. What were y'all doing in there?

19 A. Charging our cell phones.

20 Q. Jordan, I'm handing you what's marked as
21 State's Exhibit 7 for ID purposes. Do you recognize
22 that photo?

23 A. Yes, sir.

24 Q. What is that?

25 A. The car we was sitting in and our phones

1 charging in there.

2 Q. Okay. Is that a fair and accurate reflection
3 of the inside of that vehicle on the early morning
4 hours of October 11th, 2017?

5 A. Yes, sir.

6 MR. POGUE: Your Honor, at this time, the State
7 would move to have State's Exhibit 7 admitted into
8 evidence.

9 MR. JOHNSON: No objection.

10 THE COURT: State's Exhibit 7 is admitted into
11 evidence without objection.

12 (State's Exhibit No. 7 admitted into evidence.)

13 MR. POGUE: Permission to publish State's 7,
14 Your Honor?

15 THE COURT: Yes, sir.

16 BY MR. POGUE:

17 Q. What is that we're looking at one more time
18 here, Jordan?

19 A. Me and my cousin phone chargers that we were
20 using to charge our phones with in the vehicle.

21 Q. All right. I believe your previous testimony
22 is that vehicle was somewhere in this area right
23 here?

24 A. Yes, sir. That is it right there.

25 Q. Where is the gate?

1 A. The gate is here.

2 Q. And where is the clubhouse?

3 A. The clubhouse is right here.

4 Q. All right. And when the defendant arrived on
5 the -- at y'all's property or at the top of the
6 road, at what point -- did they get out the car
7 immediately?

8 A. They all jumped out at the same time.

9 Q. Could you hear them?

10 A. Loud. Yes, sir.

11 Q. What was their demeanor -- well, let me ask you
12 this first: Who all did you see get out the
13 vehicle?

14 A. Ashley Riley, Monyell, Amari Hamm, and Chesnee
15 Mattress.

16 Q. All right. And who all walked down the hill
17 towards the gate?

18 A. Amari, Chesnee, Ashley, and Monyell.

19 Q. What was their demeanor like? How were they
20 acting?

21 A. They was talking loud, a bunch of noise.

22 Q. Okay. All right. And what is Amari's relation
23 to the defendant?

24 A. Her girlfriend.

25 Q. As in a romantic relationship?

1 MR. JOHNSON: Objection, Your Honor; hearsay.

2 MR. POGUE: Your Honor, that's not --

3 THE COURT: Overruled.

4 BY MR. POGUE:

5 Q. Do you have personal knowledge as to the nature
6 of their relationship?

7 A. Yes, sir.

8 Q. What is the nature of their relationship?

9 A. They was going together.

10 Q. All right. When they came down the hill, what
11 did you do?

12 A. I asked them what did they want. Why are you
13 on our property?

14 Q. Did you get out of the vehicle?

15 A. Yes, sir, I did.

16 Q. Okay. I'm showing you State's Exhibit 6. When
17 you got out of the vehicle, where did you go? Where
18 did you walk to?

19 A. I came up right here towards the gate, and they
20 was right here.

21 Q. All right. So you walked outside of the gate.
22 Who was outside of the gate with you from your
23 family?

24 A. My Uncle Dwight and my cousin Dontavious.

25 Q. And Dwight, that was your uncle, the gentleman

1 that just testified?

2 A. Yes, sir.

3 Q. All right. And at that point, you said that
4 you made some statements to them. What did you --

5 MR. JOHNSON: Objection; leading.

6 THE COURT: Overruled.

7 BY MR. POGUE:

8 Q. You previously testified you made a statement
9 to them.

10 A. I did.

11 Q. What did you say to them?

12 A. I asked them could they leave the property.

13 Q. All right. Who was Annette Riley to you?

14 A. My mother, my queen, number one fan,
15 everything.

16 Q. At any point, did your mom walk outside to talk
17 to them?

18 A. She did.

19 Q. Were you still out there when that happened?

20 A. Like, when she went out there, I was still out
21 there, and they was going back and forth.

22 Q. When you say they, who is they?

23 A. Chesnee, Mari, and Ashley.

24 Q. Okay. With your mother?

25 A. No. They was all speaking at once.

1 Q. Okay. At that point in time, did anything
2 occur between Amari and your mother?

3 A. Actually, it did.

4 Q. What happened?

5 A. Mari picked dirt up and threw it in my mom's
6 face.

7 Q. Okay. What was Chesnee doing at this point in
8 time?

9 A. Just standing there.

10 Q. What was she doing with her hands?

11 A. It was in her left pocket, like she was
12 fiddling with something.

13 Q. Just to clarify, she had her left hand in her
14 left pocket?

15 A. Yes, sir.

16 Q. All right. Now, were you up there when the
17 shooting started or had you left?

18 A. I left.

19 Q. All right. Tell me what happens next. After
20 Mari throws dirt at Annette, your mother, what
21 happened after that?

22 A. After she threw the dirt, I walked up the
23 yard -- I went across the fence to get my best
24 friend.

25 Q. So you left the property -- excuse me. You

1 didn't leave the property. You left that location
2 where y'all were to get your friend, you said?

3 A. Yes, sir.

4 Q. Where did your friend live, using State's
5 Exhibit 4?

6 A. She lived across the field this way.

7 Q. Okay. All right. And on State's Exhibit 4,
8 can you show me where -- approximately where you
9 were standing when Annette and Mari started throwing
10 dirt and then, like, where you left, the direction
11 that you traveled?

12 A. I was here. And I went through the cut this
13 way and across the field.

14 Q. Okay. And what happened when you started
15 walking that way?

16 A. When I was walking across the field?

17 Q. Yeah. Did you run into anybody?

18 A. I didn't.

19 Q. At any point, did you walk back towards the
20 location where the group of people were at the gate?

21 A. Yes, sir.

22 Q. Prior to the shooting?

23 A. Yes, sir.

24 Q. Okay. Did you ever find Mo -- I apologize, did
25 you ever find your friend?

1 A. I did.

2 Q. Okay. And at that point, did you stay with her
3 or did you walk back?

4 A. We stayed together.

5 Q. Okay. Before the shooting, did y'all start
6 walking back?

7 A. Yes, sir.

8 Q. Where were y'all walking?

9 A. We was walking back towards the house, like,
10 right here.

11 Q. Okay. All right. And using what's on the
12 overhead, State's Exhibit 6, can you show --
13 actually, let me change that one out.

14 MR. POGUE: State's Exhibit 3, Your Honor.

15 BY MR. POGUE:

16 Q. On State's Exhibit 3, can you show me
17 approximately where you were when you first heard
18 and saw the shooting?

19 A. I was, like, in front of this, like, right
20 here. This is the driveway coming up. So I was,
21 like, right here where the white Honda was. There
22 was another vehicle down here too though.

23 Q. Okay. Jordan, I'm handing you up what's marked
24 as State's Exhibit 8 for ID purposes. Do you
25 recognize that photo?

1 A. Yes.

2 Q. What is that?

3 A. This is the yard leading in where the clubhouse
4 is.

5 Q. Is it daytime or nightttime?

6 A. Daytime.

7 Q. Is it a fair and accurate reflection of that
8 area of the property on the early morning hours of
9 October 11th, 2017?

10 A. Yes, sir.

11 Q. Other than the fact that it's daylight?

12 A. Yes, sir.

13 MR. POGUE: Your Honor, at this time, the State
14 would move to have State's Exhibit 8 moved into
15 evidence.

16 MR. JOHNSON: No objection, Your Honor.

17 THE COURT: State's Exhibit 8 is admitted into
18 evidence without objection.

19 (State's Exhibit No. 8 admitted into evidence.)

20 BY MR. POGUE:

21 Q. If you could, Jordan, show the jury where you
22 were on this picture during the daytime when the
23 shooting started.

24 A. The Honda is, like, towards right here. It's a
25 bunch of trees -- at that time, it was. The Honda

1 was right here.

2 Q. Okay. What did you see when the shooting
3 started?

4 A. I seen -- she had, like, a twist in her head.
5 So that's all I seen. She had camouflaged pants on
6 and a black shirt.

7 Q. And who was the only person on scene that
8 evening who had twists in her hair with camouflaged
9 pants?

10 A. Chesnee.

11 Q. So the person that you saw with a twist in
12 their hair with camouflaged pants, was that the
13 person that was shooting?

14 A. Yes, sir.

15 Q. Can you identify Chesnee Mattress? Could you
16 recognize her if you saw her?

17 A. Yes, sir.

18 Q. Is she in this courtroom?

19 A. Yes, sir.

20 Q. Can you please point her out?

21 A. There (indicating).

22 Q. She's sitting next to the defense attorney at
23 the defense table?

24 A. Yes, sir.

25 Q. Okay. All right. Could you hear anything from

1 where you were standing that was being said by
2 Chesnee?

3 A. Not actually, I couldn't.

4 Q. All right. So do you recall approximately how
5 many times she shot?

6 A. I want to say I heard about 16.

7 Q. About six?

8 A. 16.

9 Q. 16?

10 A. Yes, sir.

11 Q. At the time -- are you certain of that or you
12 don't really know, you're just guessing?

13 A. No. I'm certain.

14 Q. All right. At that point in time, did you --
15 did you ever see your mother after that?

16 A. I did. When I was coming back from the field
17 walking to the clubhouse with my friend.

18 Q. When you saw your mother, was she injured?

19 A. She was. She was holding, like, her neck.

20 Q. At that point in time, what did y'all do next?

21 A. We was -- all of us was screaming and yelling
22 and asking someone to call the policemen.

23 Q. Were the defendant and her associates still on
24 scene at that point?

25 A. No. They all left.

1 MR. POGUE: Beg the Court's indulgence.

2 BY MR. POGUE:

3 Q. All right. Jordan, did you give a written
4 statement to law enforcement officers the evening
5 that this happened?

6 A. I did.

7 Q. Okay. Jordan, I'm handing you State's
8 Exhibit 9. Do you recognize what that is?

9 A. Yes, sir.

10 Q. What is that?

11 A. My statement I wrote.

12 Q. And you wrote that that evening to law
13 enforcement officers?

14 A. Yes, sir.

15 Q. Okay. All right. If you wouldn't mind, just
16 take a chance to look through that and review that,
17 specifically page 2. And after you've refreshed
18 your recollection, I want to ask you some questions.
19 Just let me know when you're done.

20 Okay. Were you -- on the second page, third
21 question down, were you asked by officers how many
22 shots you heard?

23 A. Yes, sir.

24 Q. And what was your answer?

25 A. I wrote down six.

1 Q. Six?

2 A. Yes.

3 Q. As in one, two, three, four, five, six?

4 A. Yes, sir.

5 Q. Not 16?

6 A. Yes, sir.

7 Q. Is it fair to say that your recollection would
8 be better then or would it be better now?

9 A. Better now.

10 Q. You think your recollection as to what happened
11 is better now than it was right after it happened?

12 A. Huh-uh.

13 Q. It was better the night that it happened?

14 A. Yes, sir. Yes, sir.

15 Q. Okay. Just wanted to make sure I was
16 understanding you.

17 MR. POGUE: Beg the Court's indulgence.

18 No further questions, Your Honor.

19 THE COURT: Cross-examination?

20 MR. JOHNSON: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q. Mr. Kelly, just briefly, did you ever name my
24 client to law enforcement?

25 A. I did.

1 Q. And did you give a description?

2 A. Of her? Not that night.

3 Q. Did you see what clothing she was wearing?

4 A. I did.

5 Q. What was she wearing?

6 A. Khaki pants and a black shirt.

7 Q. Khaki pants --

8 A. Camouflaged. I meant to say camouflaged pants
9 and a black shirt.

10 Q. Okay. Camouflaged pants?

11 A. Uh-huh.

12 Q. And a black shirt?

13 A. Yep.

14 Q. And was it 16 shots or six shots?

15 A. Six shots.

16 Q. So now you say it's six shots?

17 MR. POGUE: Objection, Your Honor. He
18 previously has testified it was six and gave a
19 written statement that it was six.

20 THE COURT: Sustained as to the way the --
21 counsel's statement was heard.

22 BY MR. JOHNSON:

23 Q. And where was Ms. Chesnee Mattress when she was
24 firing?

25 A. You can't really see from the picture. But she

1 was, like, on the hill part.

2 Q. Did she move back up towards the highway?

3 A. She was backing up shooting, yes.

4 Q. Okay. Did she shoot all the way up to the
5 highway? Is that what you're saying?

6 A. Pretty much, yes.

7 Q. Okay. And so all the shell casings from the
8 gun would have fallen up there, if she was shooting
9 all the way up the highway, correct?

10 A. She started from where we were standing and
11 backing up shooting.

12 Q. Okay. To the highway?

13 A. Uh-huh.

14 Q. Okay. And where was Ms. Amari Hamm in relation
15 to the defendant when that happened?

16 A. They was all back to where the car at.

17 Q. But near each other?

18 A. No, it was not.

19 Q. Ms. Amari Hamm was not near the defendant?

20 A. When she was shooting?

21 Q. Uh-huh.

22 A. She was not.

23 Q. Where was she?

24 A. They was all back up the hill by then.

25 Q. Okay. They all moved up the hill at that

1 point?

2 A. Uh-huh. Yes, sir.

3 Q. Can you see them as they go up the hill the
4 same as you see them when they're right there at the
5 fence?

6 A. Right. Yes, sir.

7 Q. Oh, you can see them just as good?

8 A. Not as much, because there's a bunch of trees
9 there.

10 Q. Where was Harrah James when this happened?

11 A. She was still by the car right there, this car
12 here.

13 Q. Okay. And was there anybody at the gate in
14 front of her?

15 A. My Uncle Dwight was.

16 Q. Okay.

17 MR. JOHNSON: No further questions, Your Honor.

18 THE COURT: Any redirect?

19 MR. POGUE: Very briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. POGUE:

22 Q. During this hail of gunfire, are you making
23 sure to take note of the exact location that the
24 defendant was standing in when every shot was fired?

25 A. Yes, sir.

1 gentlemen of the jury, welcome back. I hope you had
2 a chance to refresh yourselves. We'll continue on
3 with the State's case in chief.

4 Madam Solicitor?

5 MS. PATTERSON: Thank you, Your Honor. The
6 State calls Malaysia James.

7 MALAYSIA JAMES

8 being first duly sworn, testified as follows:

9 THE WITNESS: Yes.

10 THE CLERK: Have a seat over there and spell
11 your first and last name, please.

12 THE WITNESS: Malaysia James.

13 DIRECT EXAMINATION

14 BY MS. PATTERSON:

15 Q. Could you spell your last name.

16 A. Oh, M-A-L-A-Y-S-I-A, J-A-M-E-S.

17 Q. And, Ms. James, or Malaysia, how old are you?

18 A. I'm 19.

19 Q. On October 2017, you would have been 17?

20 A. Yes, ma'am.

21 Q. Are you working or are you in school?

22 A. I'm in college.

23 Q. And do you know the defendant Chesnee Mattress?

24 A. Yes, ma'am.

25 Q. How do you know her?

1 A. I don't know her personally. I've seen her
2 before. I know of her.

3 Q. And there's already been testimony that you
4 live with your family on State Pond Road.

5 A. Yes, ma'am.

6 Q. Do you remember an incident involving the
7 defendant Chesnee Mattress?

8 A. Yes, ma'am.

9 Q. Let's go back to that night, if you will. And
10 explain to the jury what were you doing before the
11 incident.

12 A. I was sleep.

13 Q. And where were you asleep at?

14 A. In the clubhouse.

15 Q. And what happened?

16 A. I woke up and I heard a loud commotion. So I
17 walked outside. And there was a car parked and it
18 was five people walking down which were Ashley,
19 Monyell, Chesnee, and Amari. They was walking down
20 the hill, so I walked back in the gate.

21 When I walked back in the gate, I went to the
22 front yard to see where Jordan was. Excuse me.
23 Jordan was coming from the neighbor's house. So
24 they went back the other direction, him and his best
25 friend, and I walked up the hill. That's when

1 Josiah and Journey was coming out the front door of
2 the clubhouse.

3 Q. Let me just slow you down for a minute. Before
4 you left, you went to the front gate to see what was
5 going on?

6 A. Uh-huh.

7 Q. What did you see when you got there?

8 A. Five of them was walking down the hill from the
9 car.

10 Q. And not asking what anybody said, did you hear
11 anything?

12 A. Yes, ma'am.

13 Q. And who, if anybody, did you hear?

14 A. Monyell.

15 Q. And then what else did you hear?

16 A. Can I say what she said or --

17 Q. No.

18 A. No. Okay.

19 Q. Just say what you heard.

20 A. Oh, I heard a lot of yelling and, like, a lot
21 of yelling and fussing back and forth.

22 Q. And after you heard this, where did you go?

23 A. I went to see where Jordan was.

24 Q. And you said you saw a Josiah?

25 A. Josiah and Journey.

1 Q. And who is Josiah and Journey?

2 A. They're my first cousins -- well, Josiah is my
3 first cousin. Journey is my second cousin.

4 Q. Do you know how old Josiah was?

5 A. 14, 13 -- 14.

6 Q. Do you know how old Journey was?

7 A. One.

8 Q. Do you know where they were coming from?

9 A. Yes. They were coming out the front door of
10 the clubhouse.

11 Q. After you saw Jordan, what did you do next?

12 A. I ran and got Josiah and Journey. That's when
13 gunshots went off.

14 Q. Where did you go after the gunshots went off?

15 A. After or during -- it was shooting.

16 Q. Well, during the shooting, where were you?

17 A. We went and hid under the white Honda Accord.

18 Q. Who is we?

19 A. Me, Josiah, and Journey.

20 Q. What did you do after you heard the gunshots
21 stop?

22 A. After the gunshots stopped, I walked up.

23 Annette was holding her side. She was saying help
24 me.

25 MR. JOHNSON: Objection; hearsay.

1 THE WITNESS: Annette was holding her side.

2 THE COURT: Just stop. Please don't say what
3 other people said, okay, just what you saw. Answer
4 the question the solicitor is asking you.

5 BY MS. PATTERSON:

6 Q. What did you see?

7 A. I saw Annette holding her side.

8 Q. And did you see who was shooting?

9 A. No, ma'am, I did not.

10 Q. But you heard the gunshots?

11 A. Yes, ma'am.

12 Q. I'm going to show you what's been entered
13 State's Exhibit No. 8. Where were you when you ran
14 into Journey and Josiah?

15 A. Walking up the trail to the clubhouse.

16 Q. Does this picture show where you would have
17 been?

18 A. No, ma'am.

19 Q. Do you see the clubhouse in this picture?

20 A. Yes, ma'am. The clubhouse is over this way.

21 Q. Which way would you have been when you saw
22 Journey and --

23 A. The trail is this way. There's two trails, one
24 this way and this way. So I would have been over
25 here, which is where the Honda Accord was.

1 Q. Did you ever see the defendant, Chesnee, that
2 night having words with anyone?

3 A. Yes, I did.

4 Q. Who did you see her having words with?

5 A. Dwight James.

6 Q. Is that your dad?

7 A. Yes, it is.

8 Q. Where were you when you saw them?

9 A. Walking up that trail.

10 Q. And you didn't have any problems seeing who
11 that was?

12 A. No, ma'am.

13 Q. Could you hear their voices?

14 A. Yes, I did.

15 Q. How far were they to each other when they were
16 exchanging words?

17 A. They were face-to-face.

18 Q. Was that before or after you heard the
19 gunshots?

20 A. That was before.

21 MS. PATTERSON: Beg the Court's indulgence.

22 Thank you, Malaysia. Please answer any
23 questions Mr. Johnson has.

24 THE COURT: Cross-examination.

25 MR. JOHNSON: Thank you, Judge.

1 CROSS-EXAMINATION

2 BY MR. JOHNSON:

3 Q. Do you remember how many shots you heard?

4 A. I am certain I heard 16 shots.

5 Q. 16?

6 A. Yes.

7 Q. Okay. And how many people walked down the hill
8 from the main road?

9 A. Five people.

10 Q. Okay. Nobody stayed up at the car at the road?

11 A. No. I'm incorrect. It was four people walking
12 down the hill, four girls. The dude stayed at the
13 hill.

14 Q. Okay.

15 MR. JOHNSON: No further questions, Your Honor.

16 THE COURT: Redirect?

17 MS. PATTERSON: Beg the Court's indulgence.

18 No further questions.

19 THE COURT: All right. The witness may step
20 down.

21 Next witness.

22 MR. POGUE: Thank you, Your Honor. The State
23 calls Dontavious Mike Riley.

24 DONTAVIOUS RILEY

25 being first duly sworn, testified as follows:

1 THE WITNESS: I do.

2 THE CLERK: Have a seat over there. If you
3 will, spell your first and last name, please, for
4 the record.

5 THE WITNESS: Yes, ma'am. First name is
6 Dontavious, D-O-N-T-A-V-I-O-U-S. Last name is
7 Riley, R-I-L-E-Y.

8 DIRECT EXAMINATION

9 BY MR. POGUE:

10 Q. Dontavious, do you go by Mike?

11 A. Yes, I do.

12 Q. Where are you living right now?

13 A. Right now, I currently stay in Pennsylvania.

14 Q. All right. And where were you living on the
15 evening or early morning hours of October 11th,
16 2017?

17 A. Gaston area, [REDACTED] State Pond Road.

18 Q. Okay. And who all were you living there with?

19 A. My whole family; my mom Melissa Riley, my
20 father Dwight James, my two sisters --

21 Q. If you wouldn't mind just talk a little bit
22 more slower. She's got to take down everything we
23 say. That's probably the most difficult job in this
24 whole courtroom.

25 A. My mother, my father, my two sisters, my aunt,

1 and my cousins.

2 Q. All right. And were you working at this time?

3 A. I was.

4 Q. Okay. Where were you working?

5 A. Burger King up the street.

6 Q. Okay. And the evening of October 10th and
7 transitioning into the early morning hours of
8 October 11th, 2017, were you working at that time or
9 had you just gotten off or...

10 A. I just got off work around 11:30. Didn't get
11 home till about 11:45.

12 Q. Okay. When you got home, what did you do when
13 you got home?

14 A. Went down the hill and changed out of my
15 uniform. Then I came back up the hill. And that
16 was it.

17 Q. When you came back up the hill, what happened?

18 A. I went to check on my mom, and they were inside
19 the clubhouse sleeping.

20 Q. All right. Did the defendant ever arrive at
21 that property shortly after that?

22 A. Yes, she did.

23 Q. All right. And who all arrived with the
24 defendant? Did you see?

25 A. It was four girls and one guy.

1 Q. Okay. All right. Do you have the laser
2 pointer up there?

3 A. I do.

4 Q. Just showing you State's Exhibit 4. For the
5 jury, could you show me where you were when the
6 defendant and her associates arrived?

7 A. Yeah. I was here.

8 Q. Okay. All right. So you were outside when
9 they pulled up?

10 A. I was.

11 Q. Okay. All right. And when they arrived, did
12 they all get out the car at the same time?

13 A. Yeah. But one stayed at the top of the hill.

14 Q. Who stayed at the top of the hill?

15 A. Treshawn.

16 Q. Did you know all the individuals that came with
17 the defendant?

18 A. I did, except for one. And that was Monyell.
19 I didn't know -- I didn't have recollection of
20 knowing who she was, but she did come.

21 Q. Who all walked down the hill?

22 A. It was four girls. It was Ashley, it was
23 Monyell, it was Chesnee, and Mari.

24 Q. Okay. And when they were coming down the hill,
25 what was their demeanor?

1 A. Their demeanor was to come and fight my cousin
2 and -- they wanted to have a confrontation. Excuse
3 me.

4 Q. Without saying what they said -- like, yeah,
5 exactly. Without saying what they said, how were
6 they acting? What was their attitude?

7 A. Hostile, angry.

8 Q. Okay. At that point in time, what did you do?

9 A. Well, I stood outside the gate with my father
10 and Jordan.

11 Q. Okay. When you say you stood outside the
12 gate --

13 MR. POGUE: Beg the Court's indulgence.

14 BY MR. POGUE:

15 Q. I'm showing you State's Exhibit 6. Use that
16 laser pointer and show me where you were standing
17 when you engaged with the defendant.

18 A. I was right here. My father was right here.
19 Jordan was right here. And the defendant was
20 standing right here on this hill.

21 Q. Okay. All right. What were you saying to the
22 defendant? Were y'all trying to get them to leave?

23 A. Yes, sir.

24 Q. Okay. Who was Annette Riley to you?

25 A. My aunt.

1 Q. Okay.

2 A. She was like a second mother to me.

3 Q. Did she ever come out there?

4 A. She did.

5 Q. What happened when she walked out there?

6 A. She tried to calm down everybody and defuse the
7 problem.

8 Q. And did anything ever happen between Amari and
9 Annette?

10 A. Yes.

11 Q. What happened?

12 A. Amari and her was going back and forth. They
13 had a few words and Amari was throwing dirt on her
14 and spit on her.

15 Q. Approximately where was this happening?

16 A. Right up here in this area.

17 Q. Okay. All right, sir. And at that point in
18 time -- well, let me ask you this question: Did
19 Annette stay out there the whole time or did she
20 ever disengage --

21 A. No. She left.

22 Q. When you say she left, where did she walk?

23 A. She walked from here and she walked towards
24 this way.

25 Q. And as she was walking towards that way,

1 without saying what she said, did Amari say anything
2 to the defendant Chesnee?

3 A. Yes.

4 Q. Okay. And after Amari said something to
5 Chesnee, what did Chesnee do?

6 A. She pulled out her gun and started firing.

7 Q. Let me ask you this question: Where y'all
8 live, are there a lot of trees around there?

9 A. Correct.

10 Q. There's a lot of open area?

11 A. Yes.

12 Q. Does it echo a lot around there?

13 A. Yes.

14 Q. When you hear a gunshot, does the gunshot echo?

15 A. Yes.

16 Q. Is it easy to confuse --

17 MR. JOHNSON: Objection, Your Honor; leading.

18 MR. POGUE: I'm asking a yes-or-no question,
19 Your Honor. I'm not asking him a question that
20 suggests an answer.

21 THE COURT: Overruled.

22 BY MR. POGUE:

23 Q. When you hear a gunshot, would it be easy or
24 not easy to confuse a gunshot -- let me ask you,
25 does a gunshot echo?

1 A. Yes.

2 Q. When it echoes, is it easy to confuse or is it
3 not easy to confuse, potentially, with the echo of
4 the gunshot that you would maybe think you hear more
5 than you hear?

6 A. It was easy because you can hear more than one.

7 Q. So the echo would sometimes make you feel like
8 you heard more than one -- there was more than one
9 shot?

10 A. Correct.

11 Q. All right. And did you see -- prior to her
12 shooting, did you see the defendant do anything or
13 act in any way with her hands?

14 A. Yes.

15 Q. What was she doing?

16 A. She kept her hand in her left pocket.

17 Q. In her left pocket?

18 A. Correct.

19 Q. Did you see her pull out the gun?

20 A. I did not. But I did see the sparks fly out
21 the gun.

22 Q. Show me just exactly how close you were to her
23 when she was shooting?

24 A. I was still standing right here in this area.

25 Q. So you were standing almost right next to her?

1 A. Yes, sir.

2 Q. Are you certain that it was Chesnee Mattress,
3 the one that was the shooter?

4 A. Yes, positive.

5 MR. POGUE: No further questions.

6 THE COURT: Cross?

7 MR. JOHNSON: Briefly, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. JOHNSON:

10 Q. Mr. Riley, how many shots were fired?

11 A. It was 14 shots fired, and then two up the hill
12 as she left out, for a total of 16.

13 Q. All right. So the two were fired up by the
14 main road; is that what you're saying?

15 A. That's correct.

16 Q. For a total of 16?

17 A. Correct.

18 Q. And do you remember giving a statement to law
19 enforcement?

20 A. I do.

21 Q. Okay. And so do you remember giving another
22 number of shots?

23 A. I do.

24 Q. Okay. But now you're saying 16?

25 A. Correct.

1 Q. Okay. And where was Ms. Hamm located in
2 relation to Ms. Chesnee Mattress?

3 A. She was standing right behind her.

4 Q. Okay. And you --

5 A. Before the gun was pulled out, Amari walked up.
6 But when she had words with Chesnee, that's when
7 everything else went down.

8 Q. Now, when you said you were very close and you
9 heard shots, what did you do physically? What was
10 your reaction?

11 A. My reaction was not move.

12 Q. You didn't move at all?

13 A. Not at all, no. For what?

14 Q. Where was Harrah James in relation to you?

15 A. Where was she?

16 Q. Was she behind you?

17 A. No.

18 Q. Where was she?

19 A. She was -- behind me?

20 Q. Uh-huh.

21 A. She was down here in this area.

22 Q. Is that behind you?

23 A. Yes. I'm sorry.

24 Q. Okay.

25 MR. JOHNSON: No further questions, Your Honor.

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MR. POGUE:

4 Q. Mike, did you give a written statement to law
5 enforcement the evening that this happened?

6 A. I did.

7 Q. I'm handing you what's marked as State's
8 Exhibit 10 for ID. Do you recognize that?

9 A. I do.

10 Q. What is that?

11 A. It's the statement I wrote.

12 Q. All right. I'm going to direct your attention
13 to the middle of the first paragraph on the first
14 page where you discussed a number of shots that you
15 heard.

16 A. Right.

17 Q. How many did you indicate on your written
18 statement that you heard that --

19 A. On my written statement, I said between five
20 and six.

21 Q. All right. And you gave that statement right
22 after this happened, right?

23 A. Correct.

24 Q. Okay.

25 MR. POGUE: No further questions.

1 THE COURT: All right. Thank you.

2 MS. PATTERSON: The State's ready, Your Honor.

3 THE COURT: Are you ready, Mr. Johnson?

4 MR. JOHNSON: Yes, sir.

5 THE COURT: All right. Let's bring the jury
6 in, please.

7 (The jury enters the courtroom at 1:50 p.m.)

8 THE COURT: Mr. Foreman, ladies and gentlemen
9 of the jury, welcome back. I hope you had a nice
10 lunch. We're now ready to begin the afternoon's
11 testimony. We'll get started.

12 The State may call their next witness.

13 MS. PATTERSON: Thank you, Your Honor. The
14 State calls Deputy Ryan Hoover.

15 THE CLERK: If you'll have a seat, please.
16 State your name and spell your last for the record.

17 THE WITNESS: Ryan Hoover, H-O-O-V-E-R.

18 DIRECT EXAMINATION

19 BY MS. PATTERSON:

20 Q. Deputy Hoover, where are you employed?

21 A. Lexington County Sheriff's Department.

22 Q. How long have you been employed at the
23 Lexington County Sheriff's Department?

24 A. Approximately five years and five months.

25 Q. What is your title at the Lexington County

1 Sheriff's Department?

2 A. K-9 deputy.

3 Q. Back in October of 2017, what was your job
4 title?

5 A. Resident deputy of Pelion.

6 Q. And did you have the opportunity to get
7 involved in the case of the State vs. Chesnee
8 Mattress?

9 A. I did. Yes, ma'am.

10 Q. And, can you tell us, how did you become aware
11 of the incident?

12 A. I was working extra duty at Copart; obviously
13 had my radio on and heard the tones go out --

14 MR. JOHNSON: Objection, Your Honor; hearsay.

15 THE COURT: What was your objection?

16 MR. JOHNSON: Hearsay. He was discussing
17 something over the radio. Hearsay.

18 THE COURT: Thank you. Overruled.

19 BY MS. PATTERSON:

20 Q. How did you come to get involved in this case?

21 A. Made aware that there was a gunshot wound and
22 responded with my lights and sirens to the location,
23 as I was the closest unit.

24 Q. And I think you said you were working off-duty.

25 A. Yes, ma'am.

1 Q. And approximately how far were you from the
2 location?

3 A. Just a few miles, maybe three or four miles.

4 Q. Once you heard the call, how long did it take
5 you to get to the scene?

6 A. Maybe two or three minutes.

7 Q. Were you in your Lexington County vehicle?

8 A. Yes, ma'am.

9 Q. And when you were going there, did you activate
10 your lights and sirens?

11 A. I did.

12 Q. When you got to the scene, describe what you
13 saw.

14 A. It was chaos. I went down a long driveway. I
15 was waved in from the road by some individuals down
16 a dirt driveway. Came to a gate, parked my vehicle,
17 and got out; approached the scene. There were
18 people around, of course, yelling and screaming.
19 Everybody was frantic.

20 I noticed the victim laying on the ground in
21 front of a building right in front of the door with
22 blood pooling around. Didn't notice any obvious
23 signs of life. Immediately started backing
24 individuals up to try and get them away from the
25 scene and be able to secure it as much as possible.

1 Q. Let me stop you right there. State's Exhibit
2 No. 6, does it show where you may have been or where
3 you parked your car?

4 A. It's just off to the left -- just off to the
5 left side of the screen over here.

6 Q. And you described the driveway as -- how did
7 you describe the driveway?

8 A. Dirt driveway, kind of a medium length; not
9 real long but not real short.

10 Q. How did you approach the scene?

11 A. I came in from this direction and approached
12 down here. Came down -- the driveway Y's right
13 here, which is where you can see on the screen over
14 here. And I parked my vehicle -- here, where the
15 gate is at, I parked my vehicle to the left of the
16 gate, as you're looking at it, and walked in.

17 Q. And where was those people that you described?

18 A. There were several people down the driveway,
19 whenever I arrived from the road, showing me where
20 to go, responders where to go. There was a couple
21 of people inside the gate. And then there was, I
22 know, one, possibly two, at or near the victim.

23 Q. And did you check on the victim?

24 A. I did. I attempted to. My first priority was
25 to get everybody away from the scene because it was

1 a crime scene, as to not disturb any evidence. And
2 then I immediately went to try and check on the
3 victim. As I was doing so, fire department and EMS
4 started arriving, and the medical stuff was turned
5 over to them because they have a higher
6 certification than I do in that stuff.

7 Q. And the people that you got away from the
8 scene, were they compliant with you?

9 A. Yes, ma'am, as compliant as they could be.
10 Obviously, they're frantic and stuff like that due
11 to what they just witnessed. But they were
12 compliant, did back up for me.

13 Q. Where did you have them back up to?

14 A. I had them initially just back up away from the
15 victim and then start getting out of the gate, out
16 of the immediate crime scene.

17 Q. And once EMS and other units arrived, what did
18 you do?

19 A. I began assisting Deputy Still with marking off
20 the crime scene with crime scene tape, as you can
21 see there across the gate there, and anywhere else
22 that we might have needed crime scene tape, and just
23 securing -- basically securing the scene; started
24 helping him get paperwork ready and stuff like that.

25 Q. And about how many units responded around this

1 time?

2 A. I couldn't tell you an exact number. Maybe --
3 I know we were having more pour in while we were
4 doing all this stuff. So it could have been three
5 or four, maybe five at that point.

6 Q. Did you remain at the scene after the other
7 units arrived?

8 A. No. I ended up -- like I said, Deputy Still
9 got there and took the crime scene security over.
10 And I ended up leaving with, I believe it was,
11 Deputy Sharp and going to an address off of Village
12 Court to attempt to locate the defendant or the
13 offender in this case.

14 Q. So once you got there, was someone identified
15 as being the shooter?

16 A. During the course of --

17 MR. JOHNSON: Objection, Your Honor; hearsay.

18 THE COURT: Overruled.

19 THE WITNESS: During the course of me driving
20 there, a name was spoken over the radio through
21 dispatch, possibly given by somebody on scene, is
22 the way dispatch put it. The name was Chesnee. And
23 I immediately started thinking back to previous
24 talks with deputies and whatnot in South Region.

25 Q. Let me stop you right there. So where did you

1 respond after State Pond Road?

2 A. After State Pond, I went to Village Court.

3 Q. What was your purpose for going to Village
4 Court?

5 A. To locate Chesnee Mattress.

6 Q. I'm going to show you what's been marked as
7 State's Exhibit 11 and 12 for ID only at this point.
8 Do you recognize what's depicted in these pictures?

9 A. Yes, ma'am.

10 Q. And what are they?

11 A. This is the house that we responded to on
12 Village Court. Myself here, Deputy Sharp here, the
13 white, I believe it was a Mercedes, parked in the
14 carport area.

15 Q. And do they fairly and accurately represent how
16 you remember presenting at that location?

17 A. Yes, ma'am.

18 Q. On October 11th of 2017?

19 A. Yes, ma'am.

20 Q. Look like they've been changed or altered in
21 any way?

22 A. No, ma'am.

23 MS. PATTERSON: Your Honor, at this time, we
24 move State's 11 and 12 into evidence.

25 MR. JOHNSON: Object, Your Honor, based on

1 previous motions and objections.

2 THE COURT: State's Exhibit 11 and 12 admitted
3 into evidence, subject to previous objection.

4 (State's Exhibit Nos. 11 and 12 admitted into
5 evidence.)

6 BY MS. PATTERSON:

7 Q. So after you responded to the Village Court
8 address, what does State's 11 show?

9 A. This shows myself here and Deputy Sharp here
10 approaching a side door underneath the carport. I
11 was, obviously, looking inside this vehicle to make
12 sure there was nobody in there that could have been
13 a threat to myself or Deputy Sharp or any other
14 deputy that might have shown up after us. We were
15 attempting to make contact at the door with
16 individuals inside.

17 Q. State's 12, what does that show?

18 A. This is me, I believe, further checking the
19 vehicle. I believe I ran the tag on the vehicle as
20 well.

21 Q. And it's kind of hard to see, but do you see
22 the door in this image?

23 A. The side door here?

24 Q. Uh-huh.

25 A. I cannot, really. It's very hard to see.

1 Q. And what did you and Deputy Sharp do?

2 A. We knocked -- we -- when we initially pulled
3 up, there were no signs of any activity outside at
4 that particular point. We knocked loudly at the
5 door and announced ourselves as the Lexington County
6 Sheriff's Department, received no response.

7 Q. And so after you check that residence, what did
8 you do next?

9 A. After we checked the residence, we responded
10 back, advised dispatch that we did not find anybody
11 at the location. We responded back to the State
12 Pond address to see if we could further assist the
13 units there and what they might have needed.

14 Q. Did you remain at State Pond Road?

15 A. We did for a length of time, and then we left
16 again.

17 Q. Where did you go after you left State Pond Road
18 that time?

19 A. Back to this location on Village Court, this
20 same house.

21 Q. Why did you respond back?

22 A. Through the course of the investigation, it was
23 found that the location for Chesnee might have been
24 at the Village Court address. So we responded back
25 in an attempt to locate again.

1 Q. I'm going to show you what's been marked as
2 State's Exhibits 13, 14, and 15, and ask you to take
3 a look at these pictures. Do you recognize what's
4 in those pictures?

5 A. I do.

6 Q. What do you recognize them to be?

7 A. This is our -- my second approach to the house.
8 Obviously, I'm underneath the carport here,
9 approaching the side door. This second picture has
10 me pointing at a camera that was mounted underneath
11 the carport. And then the third picture is of the
12 camera pointed more up towards the ceiling.

13 Q. Do they fairly and accurately represent your --
14 do they fairly and accurately represent the way you
15 would have presented at this Village Court address
16 on October 11th of 2017?

17 A. Yes, ma'am.

18 Q. Do they look like they've been changed or
19 altered in any way?

20 A. No, ma'am.

21 MS. PATTERSON: Your Honor, at this time, we
22 move State's Exhibit 13, 14, and 15 into evidence.

23 THE COURT: Subject to previous objection?

24 MR. JOHNSON: Objection, yes, sir, based on
25 previous motions and objections.

1 THE COURT: So admitted, subject to previous
2 objection.

3 (State's Exhibit Nos. 13, 14, and 15 admitted
4 into evidence.)

5 BY MS. PATTERSON:

6 Q. State's Exhibit 13, what does this show?

7 A. This shows my second approach to the house back
8 to that side door again.

9 Q. And what did you do when you got to that side
10 door?

11 A. We knocked loudly and announced ourselves as
12 sheriff's deputies, Lexington County Sheriff's
13 Department, in an attempt to locate somebody inside
14 the house, to get someone to come to the door.

15 Q. Did you get any response?

16 A. No, ma'am.

17 Q. State's Exhibit 14, what does that show?

18 A. This shows myself and another deputy securing
19 the location. I'm here -- you can't see it really
20 well in that photo, but I'm pointing at this camera
21 that is showing me right now.

22 Q. Who was the other deputy that responded with
23 you?

24 A. Honestly, couldn't tell you.

25 Q. I'll show it to you.

1 A. Yeah, if you don't mind. I couldn't tell you,
2 based on that. Looks like Sergeant Creech, if I'm
3 not mistaken, possibly.

4 Q. Again, why are you pointing to that camera?

5 A. I was pointing to the camera letting, I believe
6 it was Sergeant Creech there, know that there was a
7 camera there and, potentially, somebody could be
8 watching us on live feed via those cameras, what our
9 actions were.

10 Q. So after you noticed those cameras, did you do
11 anything?

12 A. Yes, ma'am. We pushed the cameras up so that
13 anybody that was monitoring those cameras could no
14 longer see -- or could see as little of what we were
15 doing as possible.

16 Q. State's Exhibit 15, what does this image show?

17 A. Shows the video camera pushed up and out toward
18 the driveway.

19 Q. After you pushed the camera up, what was your
20 role?

21 A. I stood by and secured the location, assisted
22 in securing the location as a search warrant was
23 being obtained for the property.

24 Q. What was your purpose for securing the
25 location?

1 A. Make sure no individuals came in or out of the
2 location without my knowledge.

3 Q. And do you know if a search warrant was
4 obtained?

5 A. It was.

6 Q. Were you involved in the execution of that
7 search warrant?

8 A. I was involved with security as far as making
9 sure the deputies were -- everything was secured
10 while they were conducting the search warrant.

11 Q. What was your next involvement in this case?

12 A. I was tasked with transporting Chesnee to the
13 Lexington County Detention Center and booking her
14 into the detention center.

15 Q. And after you booked her, did you do anything
16 related to her next?

17 A. Yes. I was instructed to take her clothes and
18 put them into evidence -- put them in a bag and put
19 them into evidence.

20 MS. PATTERSON: Beg the Court's indulgence.

21 BY MS. PATTERSON:

22 Q. I'm going to show you State's Exhibit No. 16
23 and ask you to take a look at it.

24 A. Yes, ma'am.

25 Q. Do you recall this item?

1 A. Yes, ma'am. These are the clothes from Chesnee
2 that were taken whenever she was booked into
3 Lexington County Detention Center. And I placed
4 them in evidence by myself.

5 Q. When did you place them into evidence?

6 A. Immediately after leaving the detention center.

7 Q. How do you recognize that being the clothes you
8 took from Ms. Mattress?

9 A. These are my initials here on the evidence tape
10 sealing the package.

11 Q. Okay. Does it look like it's been changed or
12 altered, your signature or anything?

13 A. No, ma'am.

14 MS. PATTERSON: Your Honor, at this time, we
15 move State's Exhibit 16 into evidence.

16 MR. JOHNSON: Objection, Your Honor, based on
17 previous motion and objection, as well as
18 foundation.

19 THE COURT: State's Exhibit 16 will be
20 admitted, subject to objection.

21 (State's Exhibit No. 16 admitted into
22 evidence.)

23 BY MS. PATTERSON:

24 Q. Deputy Hoover, would these be what you took
25 from Ms. Mattress that night?

1 A. Yes, ma'am.

2 Q. These camouflaged --

3 A. Yes, ma'am.

4 Q. -- jogging pants?

5 A. That's correct.

6 MS. PATTERSON: Beg the Court's indulgence.

7 Thank you, Your Honor.

8 Please answer any questions Mr. Johnson may
9 have.

10 THE COURT: Cross-examination?

11 MR. JOHNSON: Thank you, Judge.

12 CROSS-EXAMINATION

13 BY MR. JOHNSON:

14 Q. Officer, you said you were careful about -- or
15 you were helping with securing the crime scene,
16 correct?

17 A. Yes, sir.

18 Q. And you put up tape?

19 A. Yes, sir.

20 Q. That was in that picture.

21 And when you secure a crime scene, why are you
22 doing that?

23 A. So nobody goes in and messes with the crime
24 scene. It's a -- there's a log. Everybody that
25 goes in must sign in, and when they come out, they

1 must sign out.

2 Q. What's wrong with just having people roll
3 through a crime scene? What could happen?

4 A. Evidence could be messed with.

5 Q. When you say messed with, do you mean
6 destroyed?

7 A. Could be destroyed; could be picked up and
8 taken.

9 Q. By anybody?

10 A. Correct.

11 Q. Correct. So that's very important, correct?

12 A. Yes. Yes. I'm sorry.

13 Q. And if you fail to secure a crime scene
14 properly and people or people in vehicles are
15 rolling through a crime scene, as you just
16 testified, that could damage evidence, destroy
17 evidence, or could just be lost?

18 A. Correct.

19 Q. All right. Now I'll go ahead and show you,
20 again, State's Exhibit 4. And could you point out
21 again -- do you have that little pointer?

22 A. I do.

23 Q. Could you point, again, where you traveled when
24 you rolled in?

25 A. I pulled down this driveway here and parked --

1 there's a split right there. I parked over to the
2 left side.

3 Q. So State Pond Road, all the way down that road,
4 you drove?

5 A. Pretty much. I mean, down to that little
6 split, yes, sir.

7 Q. And how many other vehicles did you say
8 responded?

9 A. There were several other vehicles. I couldn't
10 tell you how many other vehicles responded down that
11 driveway.

12 Q. Fire truck?

13 A. I couldn't tell you. I don't remember. I
14 don't remember where they parked.

15 Q. You don't remember where they parked?

16 A. Not specifically. I know that they showed up,
17 but I couldn't tell you exactly where they parked.

18 Q. Could have been five?

19 A. Could have been. I'm not sure.

20 Q. Could it have been ten?

21 A. I'm not sure. I'm not sure how many vehicles
22 traveled down that driveway and parked.

23 Q. Oh. So let me ask you a question: That road
24 you drove down, is that a crime scene?

25 A. Could potentially be part of the crime scene.

1 Q. Oh. So if a witness testified about shooting
2 on that road, that would be a crime scene?

3 A. I would agree.

4 Q. Okay. Well, let me ask you again, is there
5 another road that would allow access to this scene
6 on this property from State's Exhibit 4?

7 A. Could be this second driveway.

8 Q. Could be. And, of course, are you aware of any
9 shooting reported over here related to this
10 incident?

11 A. Not positive.

12 Q. No. Just on this road that you drove on,
13 correct?

14 A. Yes.

15 Q. Yes. Did you do anything to check this road
16 before you drove down it for shell casings?

17 A. No.

18 Q. Were you the first vehicle to drive down it?

19 A. I was.

20 Q. But you were certainly not the last?

21 A. Couldn't answer that. I'm not sure.

22 Q. You're telling me you don't know if other
23 vehicles drove down that road that night?

24 A. I'm telling you I can't testify as to what
25 other people have done. I can tell you what I've

1 done, but I can't tell you what other people have
2 done.

3 Q. All right. Let's be clear. You did not see
4 law enforcement vehicles on that road; is that what
5 you're telling me?

6 A. I know I was down there. I can't tell you
7 where other people parked for sure. I cannot --

8 Q. No. I didn't say where other people were
9 parked.

10 Were there responding vehicles on that road
11 other than you?

12 A. I'm not sure. I can't remember specifically.
13 I know my vehicle and exactly where it was parked
14 at, but I don't remember where everybody else parked
15 at.

16 Q. Well, before you said three or four or five.
17 Maybe more?

18 A. I said units responded to the scene. She asked
19 specifically how many units responded. I said there
20 could have been three, four, five more units there
21 by that time.

22 Q. And units are not people walking. That's
23 vehicles?

24 A. Correct.

25 Q. And that's what you said, responded?

1 A. Correct. That's not to say that they parked on
2 that driveway or drove down that driveway.

3 Q. Oh. You just don't know?

4 A. Cannot recall completely. No, sir.

5 Q. Golly. Isn't it important to remember some
6 details at a crime scene when you're a police
7 officer?

8 A. Absolutely.

9 Q. Well, isn't that kind of a big deal when you
10 want to secure a crime scene like that road?

11 A. Absolutely.

12 Q. But, somehow, the memory is just lost from your
13 mind about maybe there was ten vehicles or no
14 vehicles, I can't remember? Is that your answer?

15 A. Like I said, I cannot recall exactly how many
16 vehicles drove down that driveway that evening.

17 Q. Or drove into your crime scene that you were
18 securing?

19 A. At the particular point that I was there, the
20 crime scene that we were aware of at that particular
21 moment was at that gate and beyond. That's where I
22 secured that crime scene at, was at that gate and
23 down the -- or inside the gate.

24 Q. So you're saying on this side of the gate, on
25 the road, is not a crime scene?

1 A. That's not what I'm saying. I'm saying the
2 part that I secured was beyond that gate towards the
3 clubhouse, as I recall what it was called earlier.

4 Q. So since you were not paying attention to the
5 area on the other side of the gate up to the main
6 road, you certainly took no means or any effort to
7 secure it, prevent vehicles driving down it, or
8 people walking up and down it because, as you just
9 testified, you didn't consider that a crime scene at
10 that time?

11 A. I wasn't aware that was part of the crime scene
12 at that time.

13 Q. Right. So you didn't treat it like a crime
14 scene?

15 A. Correct.

16 Q. Correct.

17 MR. JOHNSON: No more questions, Your Honor.

18 THE COURT: Redirect.

19 REDIRECT EXAMINATION

20 BY MS. PATTERSON:

21 Q. Deputy Hoover, were you familiar with that
22 driveway in that area before you responded to the
23 call?

24 A. Not necessarily familiar. I was familiar with
25 State Pond Road, but not specifically that driveway.

1 Q. So when you approached the incident location,
2 how did you get down this driveway?

3 A. I was -- approached from this side here, drove
4 down the road. There was people standing out along
5 the driveway there and waved me in and pointed down
6 the driveway.

7 Q. So you were waved down that driveway?

8 A. Yes, ma'am.

9 Q. And at the time you responded, what were the
10 people on scene -- what did it appear they were
11 concerned about?

12 A. The safety or the welfare of the victim that
13 was on the ground at the clubhouse there.

14 Q. So when you initially responded, were you aware
15 of what the entire crime scene would end up being?

16 A. No, ma'am.

17 Q. And so what were you focused on?

18 A. Focused on getting to the victim and,
19 obviously, trying to assess that situation, and then
20 moving people out from there, from the immediate
21 crime scene that we knew of at that point.

22 Q. And identify the immediate crime scene. Is
23 that what you usually do, the first responder?

24 A. Yes, ma'am.

25 Q. Is it up to -- who is it up to in case the

1 crime scene needs to be expanded?

2 A. That would be up to investigators and
3 detectives as they arrive on scene and gather more
4 information.

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

6 Thank you, Deputy Hoover.

7 THE COURT: Anything else, Mr. Johnson?

8 MR. JOHNSON: Just briefly, Your Honor.

9 RECROSS-EXAMINATION

10 BY MR. JOHNSON:

11 Q. How many people did you say were up here waving
12 at you?

13 A. At the road?

14 Q. Uh-huh.

15 A. A handful. I mean, total from there to the
16 scene were probably maybe 10, 12, 15 people,
17 something like that, if I had to guess.

18 Q. Walking up and down the road?

19 A. Yes.

20 Q. And when you went inside that fence, you did
21 not do anything to secure access to the fence area
22 right there where you go through the fence?

23 A. No.

24 Q. Because you were busy?

25 A. Correct.

1 Q. And all them 10, 12, 15 people, you have no
2 idea where they were at and what they were doing?

3 A. Correct; at that particular moment.

4 MR. JOHNSON: No more questions, Your Honor.

5 THE COURT: The witness may step down. Thank
6 you, sir.

7 Next witness.

8 MR. POGUE: Thank you, Your Honor. State calls
9 Detective Doug Edmonson.

10 DOUG EDMONSON

11 being first duly sworn, testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Have a seat, please. State your
14 name and spell your last for the record.

15 THE WITNESS: Doug Edmonson -- Douglas
16 Edmonson, E-D-M-O-N-S-O-N.

17 DIRECT EXAMINATION

18 BY MR. POGUE:

19 Q. Good afternoon, Agent Edmonson. How are you
20 doing?

21 A. How are you doing?

22 Q. Were you ever involved in this case that we're
23 here today about?

24 A. Yes.

25 Q. And on the evening of October -- excuse me. On

1 the evening or early morning hours of October 11th,
2 2017, did you ever respond to [REDACTED] Village Court?

3 A. I did.

4 Q. And what was the purpose of you responding to
5 [REDACTED] Village Court?

6 A. To assist with a search warrant of a residence.

7 Q. I failed to ask you this, but where are you
8 currently employed?

9 A. Lexington County Sheriff's Department.

10 Q. In what capacity?

11 A. Narcotics agent.

12 Q. And how long have you been a narcotics agent?

13 A. Ten years or so.

14 Q. How long have you been in law enforcement
15 altogether?

16 A. I've been in law enforcement, in some aspect of
17 law enforcement, about 22 years.

18 Q. Okay. And so two years ago, if you've been a
19 narcotics for nine years, you were still a narcotics
20 agent back then as well?

21 A. Yes, sir.

22 Q. But you responded to assist at [REDACTED] Village
23 Court?

24 A. Yes.

25 Q. Why was that?

1 A. To assist with a search warrant.

2 Q. Do you recall what that search warrant was in
3 relation to?

4 A. Looking for a firearm.

5 Q. All right. At any point in time, did y'all
6 ever obtain or did one of your fellow officers
7 obtain a search warrant for that property?

8 A. They did.

9 Q. What did you do after they obtained that search
10 warrant?

11 A. I created an entry team, and then we did entry
12 into the residence.

13 Q. Okay.

14 MR. POGUE: Beg the Court's indulgences.

15 MR. JOHNSON: May we approach, Your Honor?

16 (Sidebar conference.)

17 MR. POGUE: Appreciate the Court's indulgence.

18 BY MR. POGUE:

19 Q. Agent, I'm handing you what's marked as State's
20 Exhibits 17 through 44 and 46 through 51. Could you
21 take a look at those images and let me know if you
22 recognize them.

23 A. All right. Yes.

24 Q. Do you recognize those items?

25 A. Yes.

1 Q. What are those images?

2 A. These are photographs --

3 MR. JOHNSON: Objection, Your Honor, based on
4 previous motion and objections.

5 THE COURT: Overruled.

6 THE WITNESS: These are photographs that I took
7 while at [REDACTED] Village Court.

8 BY MR. POGUE:

9 Q. Do they fairly and accurately depict and
10 represent the areas and items that are represented
11 in the photos?

12 A. Yes.

13 MR. POGUE: Your Honor, at this time, the State
14 would submit State's Exhibits 17 through 44 and 46
15 through 51 into evidence.

16 MR. JOHNSON: Objection based on previous
17 motions and objections.

18 THE COURT: Mr. Solicitor, may I look at them?

19 MR. POGUE: Yes, sir.

20 THE COURT: After reviewing the photographs
21 myself, 17 through 44 and 46 through 51 will be
22 admitted into evidence, subject to Defense's
23 objection.

24 MR. POGUE: Thank you, Your Honor. Permission
25 to publish, Your Honor?

1 THE COURT: Very well.

2 (State's Exhibit Nos. 17 through 44 and 46
3 through 51 admitted into evidence.)

4 BY MR. POGUE:

5 Q. Agent Edmonson, I'm showing you what's marked
6 as State's Exhibit 17. What are we looking at here?

7 A. Front of the house at Village Court.

8 Q. Is that the property y'all searched?

9 A. Yes, sir.

10 Q. And I believe you said that you had to force
11 entry; is that correct?

12 A. That is correct.

13 Q. Did you or anyone else attempt to try to get
14 them to open the door at any point before forcing
15 entry?

16 A. I know I was told -- yes. People knocked on
17 the door. Nobody came to the door.

18 Q. All right. At that point in time, you said,
19 you forced entry. Was there anybody in the home?

20 A. Yes.

21 Q. Who was in the home?

22 A. This young lady here, Ms. Mattress, and another
23 female.

24 Q. Where were they in the home?

25 A. Back bedroom, on the bed; that bed to the

1 right.

2 Q. And I'm going to show you what's marked as
3 State's Exhibit 18. What are we looking at right
4 here?

5 A. That is a -- that's a room placard. We put
6 them in every room once we start taking photos so we
7 know -- all the photos you're about to see from
8 Room 6. It goes one through infinity. We make them
9 as we go. Room 6, as I labeled in my report, would
10 be the room where Ms. Mattress was found.

11 Q. Just so I'm understanding, y'all label the
12 rooms that y'all search as you search them so you
13 know which items came from which room?

14 A. Correct.

15 Q. And which photos came from which room?

16 A. Yes.

17 Q. State's Exhibit 19, is this Bedroom 6?

18 A. It is.

19 Q. Okay. Is this the room that those two
20 individuals, the defendant and the other female,
21 were located?

22 A. It is.

23 Q. Where were they within that room?

24 A. Right there on the bed. Right there.

25 Q. All right. At that point in time, what did you

1 do with the defendant and the other female
2 individual?

3 A. So they were passed off to secure the residence
4 so we could conduct a search of the house.

5 Q. Okay. All right. So they were taken out of
6 the residence?

7 A. Yes.

8 Q. After they were taken out of the residence, did
9 y'all begin a search at that point?

10 A. I photographed, labeled, and searched. Yes.

11 Q. All right. Do you try to photograph things
12 before you move them or do you move things and then
13 you go back and photograph them later?

14 A. No. We like to get it in place as it is, kind
15 of an off-shot and work your way in. If you have to
16 manipulate it at that point, that's when you would
17 do so.

18 Q. Okay. All right. State's Exhibit 20, is this
19 just another photo of the bed that you referenced?

20 A. Yes.

21 Q. Okay. State's Exhibit 21, what is that we're
22 looking at right here?

23 A. That's one of the drawers. And my photograph
24 was getting me a shot of the ammunition that you
25 would see in the -- right there. Right there.

1 Q. Okay. State's Exhibit 22, what is this?

2 A. That's a close-up of the ammo. I'm trying to
3 get the make, model, grain, so forth like that.

4 Q. Okay. Next photo in sequence, State's Exhibit
5 23?

6 A. That's the inside of that box -- previous box
7 you just showed. That's the inside of it.

8 Q. What sort of ammunition is this right here?

9 A. That would be a nine-millimeter Luger.

10 Q. Is that a reference to the caliber?

11 A. Yes.

12 Q. Is that a handgun or a rifle?

13 A. It goes to a handgun. Yes.

14 Q. State's Exhibit 24?

15 A. That would be the other box that was in the
16 drawer. That's Federal ammunition.

17 Q. And what type of ammunition was that, State's
18 Exhibit 25?

19 A. Also nine-millimeter.

20 Q. Okay. State's Exhibit 26?

21 A. Would be the holster for a handgun.

22 Q. State's Exhibit 27?

23 A. That's me attempting to get the stamp of the
24 back of the -- back of the -- of ammo that was
25 found.

1 Q. Okay.

2 A. Camera is not that great.

3 Q. State's Exhibit 28?

4 A. Magazine that was found.

5 Q. Was that also in the drawer?

6 A. Yes.

7 Q. State's Exhibit 29 and then State's Exhibit 30?

8 A. Right. So that was the picture of a box. And
9 inside that was that single bullet.

10 Q. All right. And, also, State's Exhibit 31?

11 A. Right. That would be --

12 Q. Is that the same --

13 A. That would be that bullet out of the box,
14 trying to get -- so you can see the caliber.

15 Q. State's Exhibit 32 and then State's Exhibit 33?

16 A. Both of those are pictures of an ammunition box
17 for .40-caliber Smith & Wesson, which is a typical
18 handgun round.

19 Q. That's a different caliber than
20 nine-millimeter?

21 A. Yes. It's slightly larger.

22 Q. State's Exhibit 34, is that the same
23 ammunition?

24 A. Those would be loose bullets founds.

25 Q. State's Exhibit 35, what are we looking at

1 here?

2 A. What's believed to be a gun case.

3 Q. State's Exhibit 36, is that that same case?

4 A. Yep; inside same case.

5 Q. What is that inside the case?

6 A. Those look like Hornady Critical Defense
7 nine-millimeter rounds.

8 Q. How do you recognize that those are Hornadys?
9 Is there anything significant about Hornadys that
10 would make you think that those were Hornadys?

11 A. The polymer tip that they have there.

12 Q. You're referring to the red-colored tip?

13 A. Right. Yes, sir.

14 Q. Is that cheap ammo or expensive ammo, typically
15 speaking?

16 A. Costs a little bit.

17 Q. State's Exhibit 37?

18 A. Smith & Wesson handgun box.

19 Q. State's Exhibit 38?

20 A. Would be the serial number, caliber, and type.

21 Q. Was there actually a gun in that box?

22 A. I don't believe so.

23 Q. State's Exhibit 39, what are we looking at
24 here?

25 A. That was part of a -- part of a DVR box.

1 Q. Okay. Going back to State's Exhibit 19 --

2 A. Yep.

3 Q. Do you have a laser pointer up there?

4 A. Yep.

5 Q. Show me the item in this photo.

6 A. Right. So if you look there and then you look
7 here, that's the monitor of the TV that was used to
8 be the monitor to see what activity was going on.

9 Q. What was that monitor --

10 A. I'm sorry?

11 Q. What was that monitor -- first of all, was that
12 monitor on when you entered the room?

13 A. Yes.

14 Q. And what was that monitor depicting?

15 A. Outside angles of the house.

16 Q. All right. Agent Edmonson, anybody that was
17 laying in that bed, as you said, the defendant and
18 female also removed from the home were doing, would
19 they be able to see that monitor and observe what
20 was being displayed on that monitor?

21 A. Oh, absolutely. Yes.

22 Q. All right. Very quickly, State's Exhibit 40,
23 is that the back of it?

24 A. That's the back of it, trying to get the make
25 and model.

1 Q. All right. Now, State's Exhibit 41, what is
2 this that we're looking at right here?

3 A. Back side of a dresser -- the large dresser
4 that's in the room.

5 Q. Okay. Do we see that dresser in this picture?

6 A. Yeah. It would be this one here. It runs this
7 way. It's pretty lengthy.

8 Q. Just for clarification, all the items that we
9 saw in the exhibits and photos we've gone through,
10 those were all found in this same room?

11 A. Yes.

12 Q. So this is behind that dresser?

13 A. Right.

14 Q. Why did you take a photo behind this dresser?

15 A. I eventually found an item of evidence behind
16 there.

17 Q. All right. Skipping to State's Exhibit 43, not
18 quite as clear on the monitor as it is here, but can
19 you show me what we're looking at here?

20 A. So right beside that gold box is going to be a
21 firearm.

22 Q. Okay. State's Exhibit 44?

23 A. There you go.

24 Q. Where was that? Is that underneath or behind?

25 A. It was underneath the very back, against the

1 wall.

2 Q. All right. Is that that same gun?

3 A. Right. Yes.

4 Q. That was State's Exhibit 46.

5 State's Exhibit 47 is the other side of that
6 same weapon?

7 A. Other side of it.

8 Q. This one might be a little bit darker. What
9 are we looking at here?

10 A. So that would be how many bullets were inside
11 the weapon when we found it.

12 Q. How many was that?

13 A. I count five.

14 Q. What is this item right here?

15 A. That's the magazine that holds the bullets.

16 Q. And that was in the handgun at the time?

17 A. Yes.

18 Q. And were the rounds inside the magazine?

19 A. You mean the chamber or --

20 Q. Were the rounds in the gun?

21 A. Yes. Yes.

22 Q. Was one in the chamber?

23 A. The way I have this photo here, I don't
24 particularly think so, because I have one
25 disseminated on top of the chamber to show there's

1 one inside. So I can't say for sure. But looking
2 at this, the way I have it staged, I'd say it was in
3 the magazine but not in the chamber.

4 Q. Okay. State's Exhibit 49, what are we looking
5 at here?

6 A. That's the stamp head of the Federal
7 .40-caliber.

8 Q. And what was the caliber of the weapon that --

9 A. .40-caliber.

10 Q. So it's the same ammunition?

11 A. Yes.

12 Q. Okay.

13 MR. POGUE: Permission to approach the witness,
14 Your Honor?

15 THE COURT: Yes, sir.

16 BY MR. POGUE:

17 Q. Agent Edmonson, I'm handing you what's marked
18 as State's Exhibit 45. Can you tell me what that
19 item is?

20 MR. JOHNSON: Your Honor, I object if the
21 witness is going to retrieve that item out of the
22 box. It is not in evidence at this time.

23 THE COURT: He can look at it. But --

24 MR. JOHNSON: Yes, sir, as long as it's not out
25 of the box to publish it.

1 THE WITNESS: Appears to be the weapon located
2 at the scene.

3 BY MR. POGUE:

4 Q. How do you know that, Agent Edmonson?

5 A. Looking at the search warrant, the model
6 number, the type of caliber.

7 Q. All right.

8 A. And it also matches the return that I copied in
9 my report, serial number-wise.

10 Q. So you know that that's the same weapon because
11 it has the same serial number as the --

12 A. Serial number, same model, same make.

13 Q. Same serial number that you recorded when you
14 collected the item?

15 A. Yes.

16 Q. What did you do after you collected this item?
17 Who did you give it to?

18 A. Creech at Lexington County Sheriff's
19 Department.

20 Q. In fact, what did you do with all of the items
21 that we've seen photos of that you collected?

22 A. Adam Creech.

23 Q. You turned them over to Adam Creech?

24 A. Yes.

25 Q. Was he on scene and assisted you with the

1 search warrant?

2 A. Yes.

3 MR. POGUE: Your Honor, at this time, the State
4 would enter State's Exhibit 45.

5 THE COURT: Y'all approach.

6 (Sidebar conference.)

7 MR. JOHNSON: Your Honor, for the record, I
8 object based on previous motion and objections.

9 THE COURT: So noted.

10 MR. POGUE: State's Exhibit -- Your Honor, the
11 State moves State's 45 into evidence.

12 THE COURT: State's Exhibit 45 will be admitted
13 into evidence, subject to Defendant's objection.

14 (State's Exhibit No. 45 admitted into
15 evidence.)

16 MR. POGUE: Permission to hold it just to
17 display it to the jury, Your Honor?

18 THE COURT: Yes, sir.

19 (State's Exhibit No. 45 published to the jury
20 and his Honor.)

21 BY MR. POGUE:

22 Q. Agent Edmonson, I'm handing you what's marked
23 as State's Exhibit 52 for ID purposes. Does that
24 appear similar to an item that you collected?

25 A. It does.

1 Q. Which item would that be?

2 A. One of the gun cases. The Gun Guard gun case.

3 Q. And that's one of the items you collected and
4 turned over to Detective Creech?

5 A. Yes.

6 Q. And from the time that you collected it to the
7 time that you turned it over to Detective Creech,
8 was it in your sole care, custody, and control?

9 A. Yes.

10 Q. State's Exhibit 53, do you recognize that item?

11 A. I do.

12 Q. What is that?

13 A. This is the previously shown M&P box, handgun
14 box.

15 Q. What caliber handgun is that box?

16 A. This one here indicates it's a nine-millimeter.

17 Q. To clarify, could that possibly be the same box
18 for the weapon that you recovered?

19 A. No.

20 Q. Is that a completely different make and model?

21 A. Make, model, caliber, all that.

22 Q. Not the same gun?

23 A. Not the same gun. Not even close.

24 Q. And from the time that you collected this item
25 to the time you turned it over to Detective Creech,

1 it was in your sole care, custody, and control?

2 A. Yes.

3 Q. And State's Exhibit 54?

4 A. That's the generic holster we found in the
5 drawer.

6 Q. Does it appear to be in the same condition it
7 was when you collected it?

8 A. Yes.

9 Q. All right. And from the time that you
10 collected it to the time that you turned it over to
11 Detective Creech, was it in your sole care, custody,
12 and control?

13 A. Yes.

14 Q. State's Exhibit 55, same thing. Do you
15 recognize that item?

16 A. Yes. The gun case.

17 Q. All right. Is that a gun case that you
18 collected from the scene?

19 A. Yes.

20 Q. All right. And from the time that you
21 collected that gun case to the time -- well, let me
22 ask you this: Did you turn that over to Detective
23 Creech as well?

24 A. Absolutely. Yes.

25 Q. And from the time you collected it until the

1 time you turned it over, it was in your sole care,
2 custody, and control?

3 A. Yes.

4 Q. All right. I'm going to hand you up a sequence
5 of items, Agent Edmonson. State's Exhibit 56, do
6 you recognize that?

7 A. I do.

8 Q. What is it?

9 A. It is a handgun magazine.

10 Q. Was that the handgun magazine we saw in the
11 photo?

12 A. One of them, yes.

13 Q. Was that a separate handgun magazine or one in
14 the gun?

15 A. This is separate.

16 Q. All right. State's Exhibit 57?

17 A. The ammunition that you saw in the photograph
18 of the nine-millimeter.

19 Q. State's Exhibit 58?

20 A. Same quantity, nine-millimeter in the
21 photograph.

22 Q. All right. State's Exhibit 59?

23 A. Winchester .40-caliber handgun.

24 Q. Okay. State's Exhibit 60?

25 A. This is the nine-millimeter Hornady bullets.

1 Q. State's Exhibit 61?

2 A. Nine-millimeter ammunition.

3 Q. State's Exhibit 62?

4 A. .40-caliber ammunition, one round.

5 Q. One round?

6 A. Yes, sir.

7 Q. .40-caliber?

8 A. Yes, sir.

9 Q. State's Exhibit 63?

10 A. Four rounds of .40-caliber ammunition.

11 Q. Okay. State's Exhibit 64?

12 A. One round of .40-caliber ammunition.

13 Q. Okay. And, finally, State's Exhibit 65?

14 A. Five rounds, 45 ammunition.

15 Q. Were those the five rounds that were recovered
16 from the gun?

17 A. Yes.

18 Q. Okay. All right. And for State's Exhibits 56
19 through 65, those items you collected, were they --
20 did you turn those over to Detective Creech as well?

21 A. I did.

22 Q. And from the time those were collected and the
23 time they were turned over to Detective Creech on
24 scene, were they in your sole care, custody, and
25 control?

1 A. Yes.

2 Q. Okay.

3 MR. POGUE: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 MR. POGUE: No further questions, Your Honor.

6 THE COURT: Counsel, quick question, please.

7 (Sidebar conference.)

8 THE COURT: Cross-examination?

9 MR. JOHNSON: Thank you, Judge.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q. Officer, does -- a .40-caliber and a
13 nine-millimeter, do they make different noises when
14 they fire? Can you tell?

15 A. You're asking if I can tell?

16 MR. POGUE: Your Honor, objection. He's not
17 qualified, first of all, as a gun expert. And,
18 secondly, I don't understand if he has a foundation
19 basis for this question to begin with.

20 MR. JOHNSON: I'm just asking if he knows.

21 THE COURT: I'll allow the question. Proceed.

22 BY MR. JOHNSON:

23 Q. Do you know?

24 A. Personally, I think I can tell.

25 Q. How many bullets can that 40 hold?

1 A. Which -- the weapon we found on scene?

2 Q. Uh-huh.

3 A. Based on the magazine that's inside the weapon
4 at the time.

5 Q. What about the magazine you found?

6 A. I'd have to count the holes in it to know for
7 sure.

8 Q. Did you testify that 56 was the clip from the
9 gun?

10 A. No, sir.

11 Q. Which one?

12 A. That clip right there will not fit in that
13 firearm.

14 Q. Well, Exhibit 56, what kind of gun does it go
15 to? It doesn't go to a 40?

16 A. That's a single-stack magazine.

17 Q. It doesn't go to a 40?

18 A. This is an aftermarket. It holds seven rounds.

19 Q. Uh-huh.

20 A. This is not a -- this is a generic magazine.
21 It can go to several different weapons.

22 Q. Does it go to a 40?

23 A. I'd have to take it out and look at it to tell
24 you definitively, unless you see markings on it.

25 Q. What was the exhibit number, do you remember,

1 for the clip that went to the weapon that was
2 seized?

3 A. The number, I don't remember. The exhibit
4 number, I don't know. I don't have the exhibit
5 numbers memorized.

6 Q. All right. I'm going to hand you -- this is
7 the pistol you seized, correct?

8 A. Correct.

9 Q. All right. Is there a clip in there?

10 A. There is.

11 Q. Okay. How many bullets did it hold?

12 A. I have to take it out.

13 Q. Unless there's an ejection?

14 A. You want me to look at the clip?

15 Q. Look at the clip.

16 MR. POGUE: Your Honor, this is Defense
17 counsel's examination.

18 MR. JOHNSON: There's not been an objection.
19 I've asked him to do it.

20 THE WITNESS: It indicates that it can hold
21 ten.

22 BY MR. JOHNSON:

23 Q. Hold ten?

24 A. Yes.

25 Q. And that's for a 40?

1 A. Correct.

2 Q. And that's that gun that you seized?

3 A. Yes.

4 Q. Okay. That's my question.

5 A. All right.

6 Q. You want me to put it back?

7 A. I got it. I think I can handle it.

8 Q. Yes, sir. Now, it holds ten. And you said
9 there was another lady in there. Wasn't that
10 Ms. Amari Hamm?

11 A. Not familiar with her name. But there was
12 another --

13 Q. Another lady?

14 A. Yes, sir.

15 MR. POGUE: Your Honor, may we approach?

16 THE COURT: Yes, sir.

17 (Sidebar conference.)

18 MR. JOHNSON: No further questions, Your Honor.

19 THE COURT: Any redirect?

20 MR. POGUE: No, Your Honor.

21 THE COURT: The witness may step down.

22 (Sidebar conference.)

23 THE COURT: Ladies and gentlemen, we're going
24 to take a very short recess. Refresh yourselves and
25 we'll get started again when you get back. Please

1 MR. POGUE: Thank you, Your Honor. The State
2 calls Sergeant Adam Creech.

3 ADAM CREECH
4 being first duly sworn, testified as follows:

5 THE WITNESS: I swear.

6 THE CLERK: Have a seat. State your name and
7 spell your last for the record.

8 THE WITNESS: Sergeant Anthony Adam Creech.
9 Creech is C-R-E-E-C-H.

10 DIRECT EXAMINATION

11 BY MR. POGUE:

12 Q. Good afternoon, Sergeant Creech. Were you ever
13 involved with this case, Sergeant Creech?

14 A. I was. I was one of the detectives on October
15 11th, 2017, who was contacted by then-Sergeant Barr
16 to respond to a shooting homicide [REDACTED] State Pond
17 Road.

18 Q. Are you currently employed with the Lexington
19 County Sheriff's Department?

20 A. I am. I'm currently employed as a detective
21 sergeant in the major crimes unit.

22 Q. Were you also employed, obviously, at the time
23 of this incident in 2017 as well?

24 A. I was. I've been with the Lexington County
25 Sheriff's Department since August 24th, 2009, so ten

1 years, five months. And I was with major crimes as
2 a detective on October 11th, 2017.

3 Q. Okay. And where did you initially respond in
4 regard to this incident?

5 A. I initially responded to the incident location,
6 ████ State Pond Road, and worked with other
7 responding detectives and uniform patrol deputies to
8 kind of gather additional information and work out
9 what was going on.

10 Q. When you responded to █████ State Pond Road on
11 October 11th, 2017, what county is that in?

12 A. That is in Lexington County.

13 Q. All right. After you finished assisting at █████
14 State Pond Road, did you do anything related to the
15 case?

16 A. I did. So we had developed information that
17 indicated that our person of interest in this case
18 was Chesnee Mattress. And we had intel that
19 indicated that she was possibly at █████ Village
20 Court, which was a known address for her.

21 Q. Did you respond to █████ Village Court?

22 A. I did. I responded to █████ Village Court. And
23 this was after some deputies had gone over there to
24 try to make contact and, I believe, tried to make
25 contact again, and we stood by to get a search

1 warrant.

2 Q. Is that also -- is that in the West Columbia
3 area of Lexington County, somewhere between Gaston
4 and West Columbia?

5 A. Yes. Gaston and West Columbia kind of blends
6 together in that area.

7 Q. Do you recall who was on scene or who you
8 arrived with at [REDACTED] Village Court?

9 A. I remember myself and Detective Hart
10 responding. And, shortly after that, some
11 additional officers showed up. I couldn't tell you
12 the exact order.

13 MR. POGUE: Permission to approach the witness,
14 Your Honor?

15 THE COURT: Yes, sir.

16 BY MR. POGUE:

17 Q. I'm handing you State's Exhibit 14 that's been
18 admitted into evidence. Do you recognize that
19 image?

20 A. I do.

21 Q. What is that?

22 A. This is when we were back at that address.
23 This is then-Resident Deputy Hoover, who just
24 testified earlier, standing at the door. And that's
25 me standing at the front corner of the residence.

1 Q. Okay. And just for the jury's edification,
2 I'll put it on the overhead. State's Exhibit 14, is
3 this you here?

4 A. That is correct. That is me.

5 Q. Okay. When y'all arrived on scene, what was
6 the purpose for y'all responding there?

7 A. We were trying to locate Ms. Mattress. And,
8 like I said, we had reason to believe that she was
9 possibly at that residence, even though she had not
10 responded to officers attempting to make contact
11 with her.

12 Q. What actions did you or Sergeant Barr may have
13 taken in regard to that particular address?

14 A. Once Sergeant Barr let us know that the search
15 warrant was ready and signed by a magistrate, we
16 executed the search warrant, at which time we made
17 contact. The entry officers, Deputy Edmonson, who
18 just testified, and I don't remember who else was
19 part of the entry team with him, but I was right
20 behind them. And they located Chesnee Mattress and
21 Amari Hamm in the back bedroom on a mattress.

22 Q. Were they removed from the residence?

23 A. They were. They were removed from the
24 residence. We finished clearing it. Nobody else
25 was there. And then we secured it to begin

1 searching it a short time later.

2 Q. Did you assist in the search in any way?

3 A. I did. But, prior to that, I assisted
4 Detective Hart with an initial interview with
5 Ms. Mattress.

6 Q. Let's talk about that. Where did this
7 interview with the defendant take place?

8 A. Detective Hart, who had been designated as the
9 lead investigator in this case, we relocated with
10 Ms. Mattress who was detained, which means she was
11 in handcuffs. And we relocated to his unmarked
12 patrol car. He drove a Crown Vic at the time.

13 She sat in the front passenger seat; he sat in
14 the driver's seat; and then I sat in the back seat.
15 And Detective Hart primarily conducted the
16 interview, and I took notes, from my perspective, in
17 the back.

18 Q. Just to recap, Detective Hart is in the
19 driver's seat, you are in the back seat, and the
20 defendant is -- is she restrained at that time?

21 A. She is restrained at that time in the front
22 passenger seat.

23 Q. And I believe you said you took notes while he
24 asked questions; is that correct?

25 A. That's correct.

1 Q. And what did Ms. Mattress -- what statements
2 did she make to you all?

3 MR. JOHNSON: Objection, Your Honor, based on
4 prior motion and objections.

5 THE COURT: Overruled.

6 BY MR. POGUE:

7 Q. What did she tell you-all, Detective?

8 A. Yes. So she told us that it was -- it had been
9 her birthday and that she had been arguing with
10 Jasmine Riley. She said that she was in a car
11 driven by somebody she identified as her homeboy T.
12 And we later figured out this was Treshawn
13 Alexander.

14 She said they went to the residence of Harrah
15 James, which would have been the [REDACTED] State Pond
16 Road. And she said, quote, everybody started
17 fighting, end quote. She said it was herself, T,
18 Amari -- who is Amari Hamm, the other female in the
19 residence at Village Court -- and two other females
20 that she didn't identify that we later figured out
21 were actually Riley and Monyell Fulton.

22 She said they were all part of the group that
23 went over there. She said that Amari had issues
24 with some of the people at that location. And she
25 told us that Jasmine Riley and her mother, Annette

1 Riley, the victim in the case, were at the home.
2 And she initially told us that us that Annette had a
3 gun herself and -- as well as somebody that was
4 identified as Annette's brother.

5 She told us then that she had a nine-millimeter
6 handgun herself, and she said that she didn't know
7 where it was at the time. This was a short time
8 later. She said she had the gun then and, not very
9 long afterwards, she said she doesn't know where
10 it's at.

11 Q. Let me stop you real quick. So, just to
12 clarify, she said she had a nine-millimeter gun, but
13 yet she could not tell you where it was?

14 A. That's correct.

15 Q. Continue.

16 A. She told us that she was drinking that night,
17 but that she wasn't intoxicated. That seemed
18 consistent with how she appeared with us. She
19 didn't appear to be drunk or impaired in any
20 appreciable way.

21 As she's telling us all this, she said that
22 there was initially some shooting back and forth
23 during what took place, but she didn't know who shot
24 first. We knew from reports coming from evidence at
25 the scene that --

1 Q. Just to stop you real quick, she indicated that
2 there were -- initially what she told y'all was
3 there was shots back and forth, but she couldn't
4 remember who shot first. Is that what she said?

5 A. Correct. That's what she initially said.

6 Q. She said she couldn't remember whether she shot
7 first or they shot first?

8 A. That's correct.

9 Q. Continue.

10 A. Let's see. So kind of had her go over it
11 again. That's very typical in this kind of case, is
12 that they tell us what happened. Okay, tell us what
13 happened again. And sometimes you'll see stories
14 start to change.

15 In this case, she told us again that she was
16 there because it was her birthday. She said that
17 she and the group that she was with had not been
18 invited over to that address. And she said -- she
19 continued to say, I don't know where the gun is, but
20 there's going to be handgun ammunition in my dresser
21 in my bedroom, which we later ended up finding in
22 the dresser.

23 She went on to change her story considerably
24 when she said that while dealing with Annette Riley,
25 the victim in this case, she said Annette was

1 throwing dirt at her. Actually, her words were
2 throwing dirt, quote, and, she said, reaching for a
3 gun, end quote, saying that she was going to shoot
4 her. She said when this happened, she started
5 shooting herself.

6 And she said, at this time, she didn't actually
7 see anybody else with a gun or presented or fire a
8 gun; that she was the only person who she knew of to
9 shoot a gun.

10 Q. All right. At that point when y'all concluded
11 the interview, just to go back and clarify, you said
12 she then changed her story and admitted that she did
13 not ever see any gun and nobody else was shooting
14 except for her. Is that what you said she said?

15 A. Correct. That's what she said. So the verbal
16 interview only took 20 or 30 minutes. It was a
17 pretty short interview. She then spoke with
18 Detective Hart about giving him a written statement.

19 So they started the written statement. And
20 instead of sitting and waiting while she sat and
21 wrote, I excused myself and I went and helped
22 Detective Edmonson with the search of the house at
23 ████████ Village Court.

24 Q. Okay. At any point did they locate a firearm,
25 to your knowledge, at her house, at the residence?

1 A. They did. More towards the end of the search,
2 we did find a .40-caliber handgun underneath a
3 dresser in the bedroom where Ms. Mattress and Amari
4 Hamm were located within, probably, arm's reach of
5 the mattress, stuck underneath the left corner.

6 Q. What did you do after y'all located that
7 handgun?

8 A. After we located that handgun, secured it. I
9 took a photograph of it using my County-issued cell
10 phone at the time. And I took that photograph and I
11 went back outside. At this point, Chesnee had
12 finished her statement.

13 I approached her and showed her the picture of
14 the handgun that we found and asked her if that was
15 the gun. And she said that that was the gun that
16 she fired at [REDACTED] State Pond Road.

17 MR. POGUE: Permission to approach the witness,
18 Your Honor?

19 THE COURT: Yes, sir.

20 BY MR. POGUE:

21 Q. Sergeant Creech, I'm handing you what's marked
22 as State's Exhibit 2. Do you recognize that image?

23 A. I do. This would be the aforementioned picture
24 that I took with my County-issued cell phone.

25 That's actually my hand holding up the gun while

1 taking a picture of it.

2 Q. Is that the image that you showed to the
3 defendant?

4 A. That is the image I showed to the defendant,
5 correct.

6 Q. And that's the gun that she said that she used
7 during this shooting?

8 A. That is correct.

9 Q. And that's the gun that y'all recovered from
10 her bedroom?

11 A. That is correct.

12 MR. POGUE: Your Honor, at this time, the State
13 would move State's Exhibit 2 into evidence.

14 MR. JOHNSON: Objection, Your Honor, based on
15 previous motion and objection.

16 THE COURT: State's 2 admitted into evidence,
17 subject to objection.

18 (State's Exhibit No. 2 admitted into evidence.)

19 BY MR. POGUE:

20 Q. Sergeant Creech, I'm letting you keep State's
21 Exhibit 2 photograph. And I'm also handing you up
22 State's Exhibit 45, which is the firearm that has
23 been admitted to evidence.

24 Could you tell me whether the firearm in your
25 image is the same firearm that's been admitted into

1 evidence that was collected?

2 A. Yes, it is the same firearm.

3 Q. And how do you know that?

4 A. Based on the visual appearance and the serial
5 number indicated on the picturing on the firearm
6 itself.

7 Q. Sergeant, I'm handing you up what's marked for
8 ID purposes as State's Exhibit 66. Do you mind
9 opening that and telling me what that item is or if
10 you recognize that item?

11 A. This would be the digital video recorder and
12 four surveillance cameras taken from the home at
13 [REDACTED] Village Court.

14 Q. Okay. Did you collect those items?

15 A. I did.

16 MR. POGUE: Your Honor, at this time, the State
17 would move to offer the digital video surveillance
18 system and all contents that it recorded into
19 evidence, Item No. 66.

20 MR. JOHNSON: Objection based on previous
21 motion and objections, Your Honor.

22 MR. POGUE: Your Honor, may we approach?

23 THE COURT: Yes.

24 (Sidebar conference.)

25 MR. POGUE: Your Honor, based upon Defense

1 counsel's objection to the video surveillance, we
2 will withdraw our motion to admit that into
3 evidence.

4 THE COURT: Very well.

5 BY MR. POGUE:

6 Q. Okay. Sergeant, I'm handing you what's marked
7 as State's 67 for ID purposes. Do you recognize
8 that image?

9 A. I do.

10 Q. What is that?

11 A. That's the DVR system that was in the attic
12 crawl space where it was connected to the exterior
13 cameras. And then there were cables running down
14 into the monitor that was in the bedroom previously.
15 So this is taken just over the bedroom.

16 Q. And that's part of State's Exhibit 66 that is
17 marked for ID?

18 A. Correct.

19 Q. Okay. And you collected that?

20 A. I did. I had to crawl up there and get it.

21 Q. And also --

22 MR. POGUE: Your Honor, the State moves 67 into
23 evidence.

24 MR. JOHNSON: Object based on previous motion.

25 THE COURT: State's Exhibit 67 is admitted,

1 subject to objection.

2 (State's Exhibit No. 67 admitted into
3 evidence.)

4 BY MR. POGUE:

5 Q. State's 67, that's the item that you collected
6 that's part of State's 66 for ID?

7 A. Correct.

8 Q. And, also, I never did publish State's Exhibit
9 2, which is the photo of the gun you took that you
10 showed to the defendants. I'll just publish that
11 for the jury.

12 THE COURT: Just for my purposes, the previous
13 exhibit sticker was upsidedown. And we were looking
14 at it the right way, correct?

15 MR. POGUE: That's correct, Your Honor. That
16 was my fault. I put it upsidedown.

17 BY MR. POGUE:

18 Q. Sergeant Creech, I'm going to hand you what's
19 marked for ID, State's Exhibits 56 through 65. And
20 I'll let you look at these items one at a time.
21 After you're done looking at them, let me know,
22 please.

23 A. This was on an ammunition handgun magazine that
24 we previously identified that we located in Chesnee
25 Mattress' bedroom.

1 Q. Who did you take custody of that evidence from?

2 A. From Detective Edmonson.

3 Q. And when you took custody of the evidence,
4 State's Exhibits 56 through 65, what did you do with
5 those items after that?

6 A. I later logged them into evidence at the
7 Sheriff's Department.

8 Q. All right. And from the time you took custody
9 of these items, they were in you sole care, custody,
10 and control?

11 A. Correct.

12 MR. POGUE: Beg the Court's indulgence.

13 No further questions, Your Honor.

14 THE COURT: Cross-examination?

15 MR. JOHNSON: Thank you, Judge.

16 CROSS-EXAMINATION

17 BY MR. JOHNSON:

18 Q. Officer, who was at the residence?

19 A. Who, referring to law enforcement or occupants?

20 Q. Occupants.

21 A. Occupants. Inside the home, we found Chesnee
22 Mattress, who is seated in the courtroom today, and
23 her girlfriend Amari Hamm.

24 Q. And Lexington County Sheriff's Department
25 basically went out. And you arrested all the people

1 in that group reported in that car for murder,
2 including Amari Hamm, Treshawn Alexander, and the
3 other people, correct?

4 A. That was done. But I can only speak to that
5 indirectly because, not being the case officer, I
6 didn't swear to any warrants in this case.

7 Q. But you understand all those people were
8 arrested for murder?

9 A. Yes. They were all arrested for murder.

10 Q. Okay. And did you do any investigations as far
11 as gunshot residue testing?

12 A. I did not. But that wouldn't have been my role
13 in this investigation either.

14 Q. Why was your role not limited -- limited so you
15 could not do that? I don't understand that. Why
16 couldn't you do that?

17 A. Gunshot residue testing is typically done by
18 the crime scene investigators, not detectives. I
19 don't have any of the equipment that would be
20 necessary to perform that test.

21 Q. Could you request it be done by the appropriate
22 people or no?

23 A. I could have. But, again, that would not have
24 been my call under these circumstances.

25 Q. Okay. And just to be clear, you're saying that

1 my client told you she fired a nine-millimeter?

2 A. That's what she said.

3 Q. And just to be clear, you went with a search
4 warrant and you found nine-millimeter ammunition?

5 A. We did, in addition to the .40-caliber
6 ammunition.

7 Q. Did you go to the crime scene and do any work
8 there?

9 A. No. When I initially responded to [REDACTED] State
10 Pond Road, I parked on the far side of the road and
11 barely stepped just over -- I can show it on the
12 map. I didn't go very far at all, and never
13 proceeded in very far until I went to Village Court.

14 Q. Well, I'll hold up Exhibit 4. Do you have that
15 little laser pointer? Maybe you can show me what
16 you did at the crime scene.

17 A. When I arrived, I parked, roughly, somewhere
18 over here. And I may have gone on foot as far as
19 here, then no further than that. I actually spoke
20 with Master Deputy Platt, who was the patrol
21 supervisor on scene, right there.

22 And then, I think, I spent most of my time over
23 here where Lieutenant Frier, who was the watch
24 commander on duty, was parked. I never proceeded
25 any further in there until I went to Village Court.

1 Q. Well, how many vehicles responded to this call
2 down here?

3 A. I wasn't counting, so I couldn't tell you.

4 Q. But you had to count because there was more
5 than one, wasn't it?

6 A. There were multiple officers there, so there
7 were multiple vehicles there. But I couldn't tell
8 you where anybody was parked except myself and, like
9 I said, Lieutenant Frier, because I spoke to him at
10 the window of his vehicle.

11 Q. Okay. And did you record with audio or video
12 these statements by my client?

13 A. We didn't. At the time, we weren't issued
14 equipment to do audio or video recording of the
15 interviews. And it also was not within our agency
16 policy, at the time, to do so.

17 Q. Did you make any request for gunshot residue
18 testing of Amari Hamm who was at the scene where you
19 were at?

20 A. I did not make any such requests.

21 Q. Okay. You said you brought a picture out to my
22 client.

23 A. That's correct.

24 Q. Did you bring the firearm out to my client?

25 A. I did not.

1 MR. JOHNSON: No further questions, Your Honor.

2 THE COURT: Redirect?

3 MR. POGUE: Thank you, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. POGUE:

6 Q. Now, and I want to make sure I get this right,
7 Defense counsel just said to you, you had to have
8 counted because you knew there was more than one; is
9 that correct?

10 A. That's correct.

11 Q. I'm showing you what's marked as State's
12 Exhibit 23. How many rounds were in State's Exhibit
13 23?

14 A. I have no idea.

15 Q. Was there more than one?

16 A. More than one.

17 Q. Well, you had to have counted because you knew
18 there was more than one, correct?

19 A. More than one.

20 Q. Did you find a nine-millimeter handgun there at
21 her property?

22 A. We did not.

23 Q. What kind of handgun did you find?

24 A. A .40-caliber handgun.

25 Q. Did you also find .40-caliber ammunition?

1 A. We did, in a box that was missing ammunition.

2 Q. Did you also find nine-millimeter ammunition?

3 A. We did.

4 Q. And did you also find a nine-millimeter box for
5 a nine-millimeter handgun?

6 A. We did.

7 Q. Did you find other holsters there at the
8 scene -- or a holster at the scene?

9 A. We found a holster, but it's not
10 caliber-specific.

11 Q. Did you find any gun casings at the scene?

12 A. We did.

13 MR. POGUE: No further questions.

14 MR. JOHNSON: Nothing further.

15 THE COURT: All right. The witness may step
16 down.

17 (Sidebar conference.)

18 THE COURT: All right. Ladies and gentlemen,
19 we've reached a point in the afternoon where I don't
20 want to start another witness and have to cut them
21 off at the end of the day. So we're going to break
22 early.

23 First of all, I didn't tell you this morning,
24 but everybody was here on time. We started,
25 essentially, about five after 9:00 or ten after

1 MS. PATTERSON: Not from the State, Your Honor.

2 MR. JOHNSON: No, sir.

3 THE COURT: Let's go ahead and bring them in,
4 please.

5 (The jury enters the courtroom at 9:19 AM.)

6 THE COURT: Mr. Foreperson, ladies and
7 gentlemen of the jury, welcome back. Hope you had a
8 nice evening. I want to thank you all for being
9 here at 8:45 this morning. I had an early morning
10 appointment, and those folks showed up late.

11 So I want you to know that the lawyers were
12 here on time, everyone was here and ready to go, and
13 we're delayed here because of me this morning. So I
14 apologize for keeping you back there a little longer
15 than I told you I would.

16 But we're ready to start now and continue on
17 where we left off yesterday with the State's case in
18 chief.

19 Next witness, please.

20 MS. PATTERSON: Thank you, Your Honor. The
21 State calls Investigator Michael Hart.

22 MICHAEL HART

23 being first duly sworn, testified as follows:

24 THE WITNESS: My name is Michael Hart, H-A-R-T.

25

1

2

DIRECT EXAMINATION

3

BY MS. PATTERSON:

4

Q. And, Investigator Hart, where are you employed?

5

A. The Lexington County Sheriff's Department.

6

Q. And can you give us a little bit about your
7 background?

8

A. Yes, ma'am. After high school, I joined the

9

Marine Corps. infantry for four years; left the

10

military, went to college for four years where I

11

earned a Bachelor's in history from University of

12

South Carolina. Then in 2011, I joined the

13

Lexington County Sheriff's Department where I served

14

as a road patrol; later, field training officer,

15

then a resident deputy; and now, an investigator.

16

Q. Okay. So you've been in law enforcement about
17 eight, nine years?

18

A. Almost eight and a half years. Yes, ma'am.

19

Q. What is your job title at Lexington County

20

Sheriff's Department?

21

A. Investigator.

22

Q. Investigator. Can you tell the jury what types
23 of crimes that you're responsible for investigating.

24

A. Yes, ma'am. I'm assigned to the major crimes

25

division. We investigate any crime against a

1 person; anything from assault to harassment up to
2 armed robbery and homicides.

3 Q. And were you assigned the lead investigator in
4 this case?

5 A. Yes, ma'am, I was.

6 Q. And before we get specifically to Ms. Mattress
7 and that investigation, were there other murder
8 warrants signed in this case?

9 A. Yes, ma'am, there were.

10 Q. And who were those warrants obtained on?

11 A. Monyell Fulton, Ashley Riley, Treshawn
12 Alexander, and Amari Hamm.

13 Q. Under what theory were these people charged
14 with murder?

15 A. They were under the hand of one, hand of all
16 theory. It's the theory that if multiple people go
17 together to commit a crime, if a crime is committed,
18 then all of those people all culpable for that
19 crime, even if they didn't take part in the actual
20 crime at the time, if they went together with the
21 purpose to commit that crime.

22 Q. And what happened to those charges on those
23 people?

24 A. They were dismissed.

25 Q. At any time during this investigation of

1 Ms. Mattress, was anybody else identified as the
2 shooter in this case?

3 A. No, ma'am.

4 Q. Let's go back to when you were initially
5 assigned to the case. Can you tell us how you got
6 called out to the scene?

7 A. Yes, ma'am. I received a call from Sergeant
8 Traci Barr just after 1:00 in the morning to respond
9 to the scene in reference to a homicide. I
10 responded to the scene at [REDACTED] State Pond Road in the
11 Gaston area of Lexington County.

12 Q. And what did you do when you first got to the
13 scene?

14 A. When I arrived on scene, I made contact with
15 the master deputy on patrol, Master Deputy Shawn
16 Platt. And I told -- I asked him to brief me on the
17 information that they had at the time, because
18 things change from the time I get the phone call
19 until the time I arrive on scene because information
20 is slowly coming in and they're discovering more and
21 more.

22 So I asked him to brief me on the information
23 that he had at the time. And then he told me he had
24 several witnesses --

25 MR. JOHNSON: Objection, Your Honor; hearsay.

1 THE COURT: Rephrase the question. Sustained.

2 BY MS. PATTERSON:

3 Q. Did you ask Master Deputy Platt anything?

4 A. Yes, ma'am. I asked if there were witnesses on
5 scene. And he advised that there were.

6 MR. JOHNSON: Objection, Your Honor; hearsay.

7 THE COURT: Overruled. Let's try to focus on
8 answering the solicitor's question and not what
9 other people told you and what you --

10 THE WITNESS: We determined there were several
11 witnesses on scene.

12 BY MS. PATTERSON:

13 Q. And what, if anything, did you say to Master
14 Deputy Platt regarding speaking to witnesses?

15 A. I asked him -- well, I told him that I wanted
16 to speak to the witness that had the best view of
17 the incident and that had the best knowledge of the
18 suspect.

19 Q. Who were you directed to?

20 A. Dontavious Riley.

21 Q. Were there other witnesses still at the scene?

22 A. Yes, ma'am, there were several others.

23 Q. Had the scene been secured when you arrived?

24 A. Yes, ma'am. They had crime scene tape up.

25 Q. So kind of tell us what else was going on

1 besides talking of witnesses at the scene when you
2 arrived.

3 A. When I arrived, there were several deputies on
4 scene. There were several witnesses. They were
5 trying to keep the witnesses away from the scene and
6 trying to keep them where we could know where they
7 were at. And deputies were conducting research on
8 information that we had, people that we had on
9 scene, and all of that to try to provide the most
10 information so that we had information, working
11 information, that we could start our investigation.

12 Q. And were y'all able to keep people away from
13 the scene?

14 A. Yes, ma'am.

15 Q. Without any problem?

16 A. Yes, ma'am.

17 Q. And what was your next involvement in the case?

18 A. My next involvement was, after speaking to a
19 couple witnesses, we determined that Chesnee
20 Mattress was a suspect in the case. And we
21 determined that there was a high likelihood, based
22 on information we had, that she was at her
23 residence, which was [REDACTED] Village Court. So we
24 responded to that scene in an attempt to make
25 contact with her at her residence.

1 Q. Was contact initially made with Ms. Mattress?

2 A. No, ma'am, it was not.

3 Q. So what was the next step after that attempt
4 was not fruitful?

5 A. Yes, ma'am. Based on the information that we
6 had at the time, we believed that there would likely
7 be -- if Ms. Mattress was not located in the
8 residence, which we believed that she was there,
9 there would at least be evidence of the crime in the
10 residence.

11 So we determined that -- we thought we had
12 probable cause to search the residence. So I
13 contacted Sergeant Traci Barr and provided her the
14 necessary information that we had at the time, the
15 description of the residence, the information on the
16 incident that she needed, and what we'd be looking
17 for inside the residence that she needed to type a
18 search warrant to present to a magistrate.

19 Q. Was a search warrant obtained for the Village
20 Court address?

21 A. Yes, ma'am, it was.

22 Q. And what happened once the search warrant was
23 obtained?

24 A. Once the search warrant was obtained -- I had
25 responded back to the incident location while

1 awaiting the search warrant to speak to other
2 witnesses. Once the search warrant was obtained,
3 investigators and deputies made entry into the
4 residence. And then I got a phone call on scene
5 that Ms. Mattress and Ms. Hamm were --

6 MR. JOHNSON: Objection, Your Honor; hearsay.

7 MS. PATTERSON: Your Honor, he's telling what
8 was determined --

9 THE COURT: Go back to the sentence and start
10 again.

11 BY MS. PATTERSON:

12 Q. What happened once the search warrant was
13 obtained?

14 A. I was notified that Ms. Hamm and Ms. Mattress
15 were located in the residence.

16 Q. What did you do?

17 A. At that point, I returned to the residence to
18 be able to speak with Ms. Mattress.

19 Q. Were you able to make contact with her?

20 A. I was.

21 Q. How did you make contact with her? Describe
22 how you made contact with her.

23 A. Yes, ma'am. When I arrived, she was with
24 Sergeant Traci Barr. Sergeant Barr walked her over
25 to my patrol car. It's common for us on scenes

1 outside of the Sheriff's Department for us to speak
2 with people inside of our issued patrol cars for
3 privacy.

4 She walked her over to the car; she was read
5 her Miranda warnings, and then she was sat in my
6 patrol car. Then myself and Sergeant Adam Creech
7 sat in the patrol car with her, made sure she was
8 aware of her rights and wanted to speak with us,
9 which she advised that she was willing to. Then we
10 interviewed her in reference to the incident.

11 Q. Who read the defendant her rights?

12 A. Sergeant Traci Barr initially read her her
13 rights.

14 Q. And were you present when these rights were
15 read to her?

16 A. Yes, ma'am.

17 Q. And did you make sure she understood these
18 rights before you spoke with her?

19 A. Yes, ma'am, I did.

20 Q. Did she agree to speak with you?

21 A. Yes, ma'am, she did.

22 Q. Again, who was present when you spoke with her?

23 A. Sergeant Adam Creech.

24 Q. Did either you or Sergeant Creech force her to
25 speak with you?

1 A. No, ma'am.

2 Q. Did either you or Sergeant Creech make her any
3 promises to speak with you?

4 A. No, ma'am.

5 Q. Did you have any concerns about her ability to
6 understand her rights?

7 A. I did not.

8 Q. Now, at the time that you spoke to her, did you
9 have a recording device?

10 A. I did not, no, ma'am.

11 Q. And was this policy with the Lexington County
12 Sheriff's Department at that time?

13 A. No, ma'am.

14 Q. Did you inform the defendant why you wanted to
15 speak to her?

16 A. Yes, ma'am.

17 Q. What did you tell her?

18 A. I told her that we had responded to an incident
19 at [REDACTED] State Pond Road; we had spoken to witnesses
20 on scene, and that they had given us information and
21 we wanted to hear what she had to say about her side
22 of what happened at that location.

23 Q. And what did Ms. Mattress initially tell you --

24 MR. JOHNSON: Objection, Your Honor, based on
25 previous motion and objection.

1 THE COURT: So noted and overruled.

2 THE WITNESS: Initially, Ms. Mattress told us
3 that they went to the incident location, there was
4 an argument, and then they left.

5 BY MS. PATTERSON:

6 Q. Did she say who this was, they?

7 A. If you give me just a second, if you don't
8 mind.

9 Q. Sure.

10 A. Initially, she did not tell me who they were.
11 And I told her she needed to be more specific; we
12 needed more details on what she was telling us, if
13 we were going to investigate properly.

14 And she told us that she left -- she told us
15 that she was hanging out at a house on State Pond
16 Road with two girls whom she didn't know, her
17 girlfriend at the time Amari Hamm, and a black male
18 whom she knows as T. She stated they got in a car
19 and rode down to the incident location.

20 Q. Did she state what purpose they went to the
21 incident location for?

22 A. Yes, ma'am. She said they went down there to
23 fight.

24 Q. What else did she say?

25 A. She said that once they arrived on scene,

1 Ashley began arguing with the victim, Annette, and
2 Chesnee was trying to keep the peace between
3 everybody.

4 She advised that Annette and a man who was with
5 her who she thought might be her brother who was
6 later determined was Mr. Dwight James, so
7 Ms. Annette and Mr. James, she stated they both
8 presented handguns and she shot at them as she and
9 the girls were running back to the car.

10 And she stated that T then dropped Ashley and
11 Monyell back at their house, which was on State Pond
12 Road, and then drove her and Amari back to her house
13 on Village Court.

14 Q. And, based on the information that you had at
15 this time in your investigation, did you say
16 anything to Ms. Mattress regarding this story?

17 A. Yes, ma'am. I told her that we had
18 investigators and crime scene investigators on scene
19 and we had no evidence of any other guns on scene
20 and we had no other witness testimony of any other
21 guns on scene.

22 Q. And what, if anything, was her next story?

23 A. Then Chesnee told me that Annette was going
24 crazy and spitting and throwing dirt. She didn't
25 say anything else about any other guns. Then I

1 asked her if she was willing to provide a written
2 statement of her account of what happened, and she
3 stated she would be willing to.

4 MS. PATTERSON: Beg the Court's indulgence.

5 BY MS. PATTERSON:

6 Q. Detective Hart, I'm going to show you what's
7 been marked as State's Exhibit No. 1 for ID purposes
8 and ask you to take a look at this. Do you
9 recognize what I just passed up to you?

10 A. Yes, ma'am, I do.

11 Q. And what is that?

12 A. That's Chesnee's written statement.

13 Q. And is this the written statement that she
14 filled out when you spoke to her about this incident
15 on October 11th of 2017?

16 A. Yes, ma'am, it is.

17 Q. Is it the original document?

18 A. It is.

19 Q. Has it been in your possession this entire
20 time?

21 A. Yes, ma'am.

22 Q. Does it fairly and accurately represent her
23 statement she gave that night?

24 A. Yes, ma'am, it does.

25 Q. Is it changed or altered in any way?

1 A. No, ma'am.

2 MS. PATTERSON: Your Honor, at this time, we
3 move State's Exhibit No. 1 into evidence.

4 MR. JOHNSON: Objection, Your Honor, based on
5 previous motions, objections, and hearsay.

6 THE COURT: Objection noted but overruled.
7 State's Exhibit No. 1 will be in evidence.

8 (State's Exhibit No. 1 admitted into evidence.)

9 BY MS. PATTERSON:

10 Q. Do you have a copy up there with you?

11 A. I do not. No, ma'am.

12 Q. Detective Hart, is this the standard form that
13 the Lexington County Sheriff's Department uses for
14 statement forms?

15 A. It's the standard, what we call, suspect
16 statement form. Yes, ma'am.

17 Q. At what time was this form filled out by
18 Ms. Mattress?

19 A. Approximately 5:00 a.m.

20 Q. And the top portion of this form, what does it
21 contain?

22 A. Contains her biographical information, her
23 name, age, date of birth, place of birth, her
24 address, the number of grades she claims to have
25 completed, and initials where she initialed she

1 could read and write.

2 Q. Who filled out that top portion of this form?

3 A. Ms. Mattress did.

4 Q. And what was the last grade that she indicated
5 she had completed?

6 A. 12th grade.

7 Q. And did she indicate anything about her ability
8 to read and write?

9 A. She indicated that she could by initialing it.

10 Q. And what part -- what does this information
11 contain on this form?

12 A. Those are Miranda warnings of her rights.

13 Q. Did you read these to Ms. Mattress?

14 A. Yes, ma'am, I did.

15 Q. How did you read them to her?

16 A. I read them line-by-line.

17 Q. Could you read them to the jury, each line that
18 you read to Ms. Mattress.

19 A. Yes, ma'am. Number one: I have the right to
20 remain silent. Number two: Anything I say can and
21 will be used against me in a court of law. Number
22 three: I have the right to talk to a lawyer for
23 advice before answering questions and to have him or
24 her present with me during questioning.

25 Number four: If I have no money for lawyer's

1 fees, the Court will appoint one to represent me
2 without cost to me, if I wish. Number five: If I
3 decide to answer questions now without a lawyer
4 present, I will still have the right to stop
5 answering questions at any time. I also have the
6 right to stop answering questions at any time until
7 I talk with a lawyer.

8 And then there's a waiver at the bottom where
9 it says: I have read this statement of my rights
10 and I understand what my rights are, and then an
11 area to initial, and then I make the following.

12 Q. If Sergeant Barr had already given these rights
13 to Ms. Mattress, why did you give them to her again?

14 A. It's standard procedure on our suspect form.
15 The rights are there to make sure we don't get a
16 statement without providing a suspect of their
17 rights.

18 Q. Did she indicate whether or not she understood
19 these rights?

20 A. Yes, ma'am, she did.

21 Q. And, once again, you instructed her that
22 anything she says can and will be used against her
23 in a court of law?

24 A. Yes, ma'am, I did.

25 Q. And what is this portion of the form?

1 A. That is her initial written statement.

2 Q. And can you read to the jury, just in case
3 someone is unable to make that out, what did she
4 say?

5 A. Yes, ma'am. It says: I went to a friend house
6 for my birthday. We went down the street and
7 everybody was about to fight. They said they was
8 fixin' to shoot, so we started running to the car.
9 I let a shot off, and we left.

10 Q. Again, why did she say they went down the
11 street?

12 A. To fight.

13 Q. And what did she say about anyone else having a
14 gun?

15 A. There was no mention of anybody else having a
16 gun in her initial statement.

17 Q. And what did she say she thought was about to
18 happen?

19 A. She said she thought that they was fixin' to
20 shoot.

21 Q. So what did she do as a result?

22 A. She said she let a shot off.

23 Q. Now, after she wrote that, did you follow up
24 with any questions?

25 A. Yes, ma'am.

1 Q. And what is the purpose of you following up
2 with questions when someone gives a statement?

3 A. We normally do. It's common procedure to do
4 what we call follow-up questions after a statement.
5 If the statement doesn't contain all the information
6 that we need to clarify, we ask follow-up questions
7 for further clarification or additional details.

8 Q. And what, if any, questions did you follow up
9 with, with Ms. Mattress?

10 A. I asked several questions. Would you like me
11 to read them?

12 Q. Yes, please.

13 A. I asked: Who was in the car?

14 She responded: Me and my friends T, two girls,
15 and my girlfriend Amari.

16 I asked: What kind of car were you in?

17 She responded: Four-door car, red.

18 I asked: What kind of gun did you have?

19 She responded: Nine.

20 I asked: What did the gun look like?

21 She responded: Black.

22 I asked: Where did you get the gun?

23 She responded: Friend, Cody.

24 I asked: Where is the gun now?

25 She responded: I can't remember.

1 I asked: How did you get home?

2 She responded: Car, same ride.

3 I asked: Who drove the car?

4 She responded: Homeboy T.

5 I asked: Where did T go after you got back?

6 She responded: I don't know.

7 I asked: Did you see anyone else with a gun?

8 She responded: No. But they said they was
9 grabbing it, the man who was with her, and her as
10 well.

11 I asked: Did you change clothes when you got
12 home?

13 She responded: No.

14 I asked: How did the argument start?

15 She responded: I can't remember.

16 I asked: Do you know how many times you shot?

17 She responded: No. And then responded: A
18 couple times.

19 I asked: Where do you normally keep the gun?

20 She responded: Home.

21 I asked: Where do you keep the bullets for the
22 gun?

23 She responded: My dresser drawer.

24 I asked: Are you intoxicated now?

25 She responded: No.

1 I asked: Is there anything else you want to
2 tell me?

3 She responded: No.

4 I asked: Have you been forced or coerced to
5 provide this statement?

6 She responded: No.

7 I asked: Do you consent to a gunshot residue
8 test?

9 She responded: Yes.

10 Q. So Ms. Mattress was able to tell you what the
11 gun looked like and what color it was?

12 A. Yes, ma'am.

13 Q. And, again, what did she state about the
14 location of the gun?

15 A. She stated that she could not remember where
16 the gun was.

17 Q. And what, again, did she state about seeing
18 anyone else with a gun?

19 A. She responded: No. But they said they was
20 grabbing it, the man who was with her, and her as
21 well.

22 Q. What did she say about the number of times she
23 was shot?

24 A. She said a couple times.

25 Q. Why did you ask her if she was intoxicated?

1 A. Because it's important, when we're speaking to
2 suspects, to make sure that we don't infringe on
3 their rights. It's one thing to read someone their
4 rights, but we have to make sure they understand
5 them.

6 Obviously, if they're intoxicated, too
7 intoxicated to understand, then, obviously, we would
8 not want to question her at that time and infringe
9 on her rights. We would go back and question her at
10 a later time where she is not intoxicated.

11 Q. About how long was the interview, including the
12 time that she spent writing her statement?

13 A. No more than about 30 minutes altogether.

14 Q. Once she completed her statement, what did you
15 do?

16 A. Once she completed her statement, I informed
17 her we had probable cause to believe that she had
18 committed a murder. And I told her she was under
19 arrest for murder. And then we placed her in the
20 rear passenger compartment of, I believe it was,
21 Resident Deputy Hoover's County-issued patrol car.

22 Q. At some point, did you ever make a request --
23 did you ever make a request for the GSR?

24 A. No, ma'am, I did not.

25 Q. Can you kind of explain to the jury, what is a

1 GSR test?

2 A. A GSR test is simply a test to determine if
3 someone was in the vicinity of gunfire.

4 Q. And why wasn't that request made?

5 A. So SLED won't analyze a GSR test if somebody
6 admits to being in the vicinity of gunfire.

7 Ms. Mattress admitted she fired a handgun, so we
8 weren't going to take the time to waste the
9 government resources to send them to SLED, because
10 they wouldn't test them because she admitted to
11 shooting.

12 Q. Did you ever make a request for any evidence to
13 go over to SLED to be analyzed?

14 A. Yes, ma'am, I did.

15 Q. And what items did you request be sent over?

16 A. I requested the defendant's handgun, shell
17 casings located on scene, jackets that were located
18 on the scene, on the fence, and the lead filling
19 from a projectile from the autopsy to be sent to
20 SLED.

21 Q. Who did you make this request to?

22 A. To evidence, Lexington County Sheriff's
23 Department evidence department.

24 MS. PATTERSON: Beg the Court's indulgence,
25 Your Honor.

1

2 BY MS. PATTERSON:

3 Q. Just to clarify, when you said that you
4 requested that the jacket be sent to SLED, what do
5 you mean by that?

6 A. We requested the jackets to be sent to SLED for
7 comparison to see if they matched the firearm that
8 we located in the residence.

9 Q. What type of jackets are these? Are they
10 clothing items?

11 A. No, ma'am. I'm sorry. The jackets are a piece
12 of the projectile from the bullet. It's part of the
13 bullet. Once it's fired, there's two parts that are
14 fired, and it's part of that bullet.

15 MS. PATTERSON: Thank you, Detective Hart.
16 Please answer any questions Mr. Johnson has.

17 THE WITNESS: Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MR. JOHNSON:

20 Q. Detective, what color is the .40-caliber pistol
21 that was seized?

22 A. According to the report, I believe it's black.

23 Q. And did you find a nine-millimeter pistol?

24 A. I didn't find any pistol.

25 Q. Did anybody find a nine-millimeter pistol, to

1 your knowledge?

2 A. To my knowledge, no, sir, nobody found a
3 nine-millimeter in this case.

4 Q. Did anybody find nine-millimeter ammunition or
5 bullets?

6 A. Yes, sir. I believe nine-millimeter ammunition
7 was located.

8 Q. Where was that?

9 A. In the defendant's residence.

10 Q. Okay. And who was at that residence?

11 A. The defendant and her girlfriend Amari Hamm.

12 Q. Okay. And the statement that you testified
13 about, you said that GSR testing would actually tell
14 whether or not somebody, I believe you testified,
15 was in the presence of a firearm -- or did you say
16 firing a firearm?

17 A. Was in the presence of a firearm that was
18 discharged.

19 Q. Okay. So that would be important to know if
20 you were trying to find out who was firing a gun?

21 A. It won't tell you who fired a gun. It will
22 just tell you if somebody was in the presence of a
23 gun that was fired.

24 Q. How far away do they have to be?

25 A. That, I don't know, sir.

1 Q. And that could have been done. But you said
2 because SLED won't test it, you didn't send it,
3 correct?

4 A. We could have taken a sample. But yes, sir,
5 SLED wouldn't test it.

6 Q. Did you request DNA testing from the shell
7 casings or the gun, touch DNA or anything?

8 A. No, sir. At the time, I believe it's a very
9 small point percentage to get DNA off of shell
10 casings. And, no, sir, we had -- we didn't have
11 reason to waste -- again, to waste the resources to
12 test DNA for the gun. The defendant admitted it was
13 hers. We found it in her residence. And she said
14 it was the gun that was used.

15 Q. Well, let's be clear. You said the defendant
16 admitted it was hers.

17 A. Yes, sir.

18 Q. The defendant told you what kind of gun she had
19 and she said a nine?

20 A. Yes, sir. She said a nine in her statement.

21 Q. You did not find a nine; you found a 40?

22 A. No, sir.

23 Q. Is that correct?

24 A. That's correct. Well, I didn't find it. But,
25 yes, sir, it was found.

1 Q. A 40 was found?

2 A. Yes, sir.

3 Q. But she said she had a nine?

4 A. Yes, sir, correct.

5 Q. So, knowing that, you still did not ask for DNA
6 and you also did not check for fingerprints off the
7 gun or the shell casings, correct?

8 A. Correct.

9 Q. You didn't ask for anybody to do it?

10 A. That's correct.

11 Q. All right. And did you specifically ask
12 anybody to do any type of analysis regarding a
13 pattern for the shell casings ejectment at the scene
14 to determine where the person was standing, where
15 they test-fire the gun and they see how far the
16 bullets fly -- the shell casings fly to see where
17 that person might have been standing? Did you ask
18 about getting that done?

19 A. No, sir, I didn't. Handguns generally eject to
20 the left. Some eject to the left and the rear. But
21 even if you have the same handgun and you fire it
22 several times, different circumstances would
23 dictate. You know, wind, terrain, obstacles would
24 dictate where the shell casings land, so you would
25 never get the same thing twice.

1 Q. Are you a ballistics expert?

2 A. I am not, sir.

3 Q. Did you ask for a ballistics expert to do that?

4 A. No, sir.

5 Q. Did you ask a ballistics expert to try to
6 determine the distance between the victim's injury
7 and the point where the bullet was fired to give
8 some idea of what distance there was between the gun
9 and the victim?

10 A. No, sir.

11 Q. Distance determination. Oh, okay.

12 Did you ask any ballistics expert or anybody to
13 do any sort of a crime scene sketch where they could
14 try to track the trajectory to determine the
15 direction of bullets and where someone might have
16 been standing when they fired the bullets?

17 A. I believe our crime scene investigator did
18 document where the shell casings were located and
19 where the victim was struck. So I believe that's --

20 Q. But I'm saying, specifically, did you ask --

21 A. No, sir. I did not ask an expert to do
22 anything.

23 Q. Okay. And let's talk about your report. Were
24 you aware of information given, ultimately, to
25 Sergeant Barr about the defendant wearing jeans and

1 not camo pants?

2 A. No, sir. I'm not aware of that.

3 Q. Would it refresh your memory to see that part
4 of the report?

5 A. Yes, sir. If I were to see it, it would
6 refresh my memory.

7 MS. PATTERSON: Your Honor, I would object to
8 that. That's not even his report; it's not Sergeant
9 Hart's report. It's another officer's report.

10 THE COURT: May I see it?

11 (Sidebar conference.)

12 BY MR. JOHNSON:

13 Q. Okay. Officer, let's talk about the crime
14 scene itself.

15 MR. JOHNSON: Judge, I'm just looking for an
16 exhibit.

17 Q. Officer, what is State's 4? Is this where you
18 went?

19 A. Yes, sir. That's the location I responded.

20 Q. Okay. And you've got a little laser pointer up
21 there you can use.

22 A. Yes, sir.

23 Q. Okay. And which road did you pull in on?

24 A. I pulled in -- I'm sorry. I pulled in on this
25 road here from this direction.

1 THE COURT: Can everyone on the jury see?

2 Q. You pulled in right here?

3 A. No. I can show you. I pulled in on this road
4 from this direction.

5 Q. Okay. And where did you guys have your crime
6 scene tape set up?

7 A. When I arrived on scene, they had crime scene
8 tape around this pole and back down, all the way
9 down here.

10 Q. Was this road blocked?

11 A. The driveway here?

12 Q. Yes.

13 A. When I arrived on scene, yes, sir, it was.

14 Q. And where did you go to find the victim?

15 A. I didn't go find the victim.

16 Q. Oh, you didn't go down here at all?

17 A. No, sir.

18 Q. Did you ever go down here?

19 A. I went after the victim was removed and after
20 we had finished at Village Court. I interviewed
21 Ms. Hamm after Ms. Mattress. After they had
22 finished the search warrant, I responded back to the
23 scene at that point.

24 Q. Okay. So you're the lead investigator?

25 A. Yes, sir.

1 Q. This is your case?

2 A. Yes, sir.

3 Q. Did you have anybody check this area or this
4 area, the sides off of the road, search those areas?

5 A. Our CSI techs did, yes, sir.

6 Q. How do you know they searched these areas right
7 here?

8 A. Because they told us they did.

9 Q. Who did that?

10 A. CSI Smith.

11 Q. Did you go all the way down and ask them if
12 anybody had been traveling on that road?

13 A. Did I ask CSI if anybody had been traveling on
14 that road?

15 Q. The first deputy on scene or anybody about who
16 had been traveling on that road.

17 A. Since the deputies arrived, is that what you're
18 asking?

19 Q. Since the call, yeah, are they aware of anybody
20 traveling down that road?

21 A. I didn't ask who all had traveled down that
22 road because they had crime scene tape up at the
23 time.

24 Q. So this road is your crime scene?

25 A. Yes, sir.

1 Q. So the purpose of the tape was to keep people
2 from going down that road?

3 A. Yes, sir.

4 Q. So if a deputy allows people to come down that
5 road or if he drives down that road, he's driving
6 through a crime scene?

7 A. Depends on your meaning of crime scene.

8 Q. Well, I'm just basing it on what you just said.

9 A. Well, at the time that I was there, it was
10 marked with tape, so it was official us saying that
11 that's the crime scene. But when deputies arrive on
12 scene, they have to determine what they believe the
13 crime scene is, based on the facts they had at the
14 time.

15 So if deputies drove down there at the time and
16 they didn't know that that was a crime scene, then
17 they wouldn't have been driving on a crime scene.
18 We later determined that it became part of our crime
19 scene.

20 Q. Why would you put up tape and not want people
21 to go down there?

22 A. Because you don't want anybody in your crime
23 scene because of the potential to inadvertently
24 destroy evidence.

25 Q. Oh, so rescue vehicles could do that?

1 A. Potentially, yes, sir.

2 Q. Patrol deputies' cars, the first responders,
3 they could do that?

4 A. Potentially, yes, sir.

5 Q. Civilians walking up and down could do that?

6 A. Potentially, yes, sir.

7 Q. It could destroy evidence, right?

8 A. Potentially.

9 Q. People could remove evidence. That's another
10 danger?

11 A. Potentially.

12 Q. Potentially. So it's very important -- is
13 there a reason that you didn't go down this road?

14 A. I didn't go down -- sir, I didn't go down this
15 road until much later.

16 Q. Was there a reason other officers didn't just
17 go down that road and stay off that road?

18 MS. PATTERSON: Objection; calls for
19 speculation.

20 THE COURT: Sustained.

21 MR. JOHNSON: Withdrawn. Okay.

22 BY MR. JOHNSON:

23 Q. Would it be important to you as the
24 investigator to immediately start questioning
25 witnesses about anybody else owning a gun?

1 A. No, sir.

2 Q. So if you go to a scene full of witnesses, you
3 don't want to know if anybody has got a gun?

4 A. I want to know if they have a gun. But owning
5 a gun and having a gun are two different things.

6 Q. As an investigator, is it important for you to
7 get to the scene -- go down to the scene where the
8 victim is at with all those people, would it be
9 important to go down there and ask those people,
10 anybody have a gun?

11 A. It would be important to know if anybody had a
12 gun. And my understanding, from Master Deputy Platt
13 at the time, obviously, since they arrived
14 several -- almost an hour before I did, they had
15 ascertained that nobody else on scene had a gun at
16 the time.

17 Q. So you didn't question anybody about that?

18 A. I didn't question -- I didn't go to each
19 individual person on scene and ask them, no, sir.

20 Q. When did you arrest Amari Hamm?

21 A. Shortly after arresting Ms. Mattress.

22 MR. JOHNSON: No further questions, Your Honor.

23 THE COURT: Redirect?

24 MS. PATTERSON: Briefly, Your Honor.

25

1

2

REDIRECT EXAMINATION

3

BY MS. PATTERSON:

4

Q. Investigator Hart, I'm going to ask you to take

5

a look at State's Exhibit 45, which is the handgun

6

that was found at Village Court. What color is that

7

handgun?

8

A. It's black.

9

Q. Can you take it out and just take a look at the

10

handgun?

11

A. Yes, ma'am.

12

Q. Can you identify the ejection port?

13

A. Yes, ma'am, I can.

14

Q. And which side of the gun is it located?

15

A. It's on the right side of the gun.

16

Q. Also, is it reasonable when officers first

17

respond to a scene to know exactly where the crime

18

scene dimension is going to be?

19

A. No, ma'am. That's not information dispatch

20

provides.

21

Q. And what is the primary concern when officers

22

respond to a scene where someone has been shot?

23

A. Their primary concern is to protect life.

24

Obviously, when they get on scene and they know

25

somebody has been shot, they want to make contact

1 with the person who has been shot to determine if
2 they're still alive and, if they are, to make sure
3 the scene is secure so EMS can arrive and provide,
4 hopefully, life-saving measures.

5 Q. So is it usual for the crime scene to be
6 expanded after officers talk to witnesses at the
7 scene?

8 A. Yes, ma'am.

9 MS. PATTERSON: Thank you. No further
10 questions.

11 THE COURT: Any recross?

12 MR. JOHNSON: Briefly, Your Honor.

13 RECROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q. Did you interview -- well, can you tell the
16 difference between the sound of a 40 and a
17 nine-millimeter?

18 A. I can't say that I can.

19 Q. Did you ask anybody to check for
20 shoe-impression evidence, footwear-impression
21 evidence on that road?

22 A. Honestly, I don't remember if I did or not.

23 MR. JOHNSON: No more questions, Your Honor.

24 THE COURT: All right. The witness may step
25 down.

1 MS. PATTERSON: Beg the Court's indulgence.

2 We have a lot of pictures that we're going to
3 show this next witness.

4 THE COURT: Y'all need a short break?

5 MS. PATTERSON: Yes. Just five minutes so we
6 can speed the testimony up.

7 THE COURT: Ladies and gentlemen, we're going
8 to take a short break. I'll get you back out here
9 in a few minutes. Please don't discuss the case.
10 Thank you.

11 (The jury exits the courtroom at 10:03 AM.)

12 (Brief recess.)

13 THE COURT: Are we ready to proceed?

14 MS. PATTERSON: Yes, sir.

15 THE COURT: Mr. Johnson, are you ready to
16 proceed?

17 MR. JOHNSON: Yes, sir.

18 (The jury enters the courtroom at 10:16 AM.)

19 THE COURT: Mr. Foreman, ladies and gentlemen,
20 we'll get started back where we left off.

21 Next witness.

22 MS. PATTERSON: Thank you, Your Honor. The
23 State calls Investigator Tom Smith.

24 THOMAS SMITH

25 being first duly sworn, testified as follows:

1 THE CLERK: Have a seat. Please state your
2 name and spell your last name.

3 THE WITNESS: The name is Thomas Alvin Smith,
4 S-M-I-T-H.

5 DIRECT EXAMINATION

6 BY MS. PATTERSON:

7 Q. Investigator Smith, where are you currently
8 employed?

9 A. I'm currently employed at the South Carolina
10 Criminal Justice Academy.

11 Q. How long have you been employed at the South
12 Carolina Criminal Justice Academy?

13 A. For about two weeks now.

14 Q. Where were you previously employed?

15 A. I was previously employed with the Lexington
16 County Sheriff's Department.

17 Q. In what capacity were you employed at the
18 Lexington County Sheriff's Department?

19 A. The first two years that I was there, I was
20 employed as a road deputy; the last four years of
21 that, within the crime scene unit.

22 Q. Can you tell us a little bit about your
23 training and experience as a crime scene
24 investigator.

25 A. Yes. My crime scene investigating experience

1 actually goes back to while I was in the military.
2 In the military, I spent six and a half years with
3 the United States Army Criminal Investigation
4 Division Command where I conducted felony
5 investigations to include the investigation as well
6 as crime scenes. And I did that for approximately
7 six and a half years.

8 Upon leaving there, I eventually came on with
9 the crime scene unit with Lexington County. So I
10 have a little over ten years of crime scene
11 experience now.

12 Q. And were you involved in the case of State of
13 South Carolina vs. Chesnee Mattress?

14 A. Yes, I was.

15 Q. Can you tell us a little bit about how you got
16 called out to this case.

17 A. I received a phone call that morning,
18 approximately 1:00 in the morning, where I was
19 notified there was a shooting incident and they
20 requested that I respond. I got on scene
21 approximately 1:50 in the morning. Upon getting on
22 scene, I began, as I always do, by talking to the
23 first deputy that was on scene.

24 Q. What time did you arrive on the scene?

25 A. Approximately 1:50 a.m.

1 Q. I'm going to show you what's been marked as
2 State's Exhibit No. 4.

3 MS. PATTERSON: Your Honor, permission for the
4 witness to step down?

5 THE COURT: Feel free to step down, sir.

6 Please make sure when you're off the stand that
7 the court reporter can hear what you're saying.

8 THE WITNESS: Roger that, Judge.

9 BY MS. PATTERSON:

10 Q. Can you kind of explain to the jury the layout
11 of the scene?

12 A. Let me get my bearings just a second. All
13 right. So this is State Pond Road. This right here
14 is a driveway. I believe it services approximately
15 three different residences, to include the residence
16 in question which consisted of a single-wide mobile
17 home, a white metal construction storage center, and
18 right here is a wooden building as well.

19 Q. Okay. And what are the conditions out here at
20 the time that you responded?

21 A. It had just rained slightly; not a heavy rain,
22 just more of a misting. There was no water runoff.

23 Q. Okay. Is -- what is the -- how would you
24 describe, like, the soil type out here?

25 A. This is a heavy sand soil. And it's not a

1 maintained road.

2 Q. And as a crime scene investigator, when you got
3 out there, was the scene already secured?

4 A. The scene was secured. I observed that there
5 was individuals, deputies that were in the scene
6 assist -- trying to assist me. I immediately had
7 them exit that area and, actually, extend the scene
8 out because of what they were finding.

9 Q. How far did you extend the scene out?

10 A. We extended the scene -- originally, the scene
11 was here. There's two four-by-four posts that,
12 basically, marked the gate entrance. We extended it
13 out to where this road actually combines with the
14 driveway of the rest of the residence.

15 Q. Is that normal protocol for the crime scene to,
16 at times, be expanded out?

17 A. Yes. We expand a crime scene because of what
18 we're finding in the area. Our deputies and all, as
19 earlier said, their first response is to get in
20 there and preserve life, and then we start worrying
21 about crime scenes.

22 They had extended the crime scene out to
23 include this four-by-four post right here. And we
24 just extended it further to try to preserve anything
25 that might still be out there to keep people out of

1 that area to search it.

2 Q. Were you able to keep people out of that area?

3 A. Yes. They actually had the majority of the
4 family and everything up here, actually, closer to
5 State Pond Road. There was one individual that had
6 attempted to come around and enter the scene from
7 the side. One of the deputies was able to intercept
8 him and bring him back up where the rest of the
9 family was.

10 Q. So he was unable to get inside the area that
11 you had designated as the crime scene?

12 A. Correct. He came back behind this trailer and
13 was coming across the wood line to hit this road to
14 come over to the trailer, but our deputies
15 intercepted him and brought him back over.

16 Q. You may return to your seat.

17 Investigator Smith, what -- were you able to
18 identify -- was the victim still present at the
19 scene when you arrived?

20 A. Yes, the victim was still present.

21 Q. Were you able to make location of the victim?

22 A. The victim was located, basically, in the
23 doorway of that wooden building, up at the top part
24 of that property along the fence line.

25 Q. And can you kind of describe the position of

1 her body.

2 A. The female was laying on her -- if you don't
3 mind, I'm going to refer to my notes to make sure I
4 get this accurate.

5 Q. Sure.

6 A. Per my notes and my photographs, the individual
7 was laying on their right side. They had -- the
8 left leg was bent at approximately a 90-degree angle
9 at the hip and then 45 degrees at the knee. The
10 right leg was tucked underneath the left leg. The
11 leg extended out below the body, and then the upper
12 torso was in a general straight line. She was on
13 her right side. And I immediately noticed a
14 projectile defect to her left chin.

15 Q. Can you describe how the victim was dressed?

16 A. Yes. She was wearing -- she had a black
17 hairpiece on. She had a flowery top and black pants
18 on.

19 Q. Did you note in your -- going back up, you
20 described the scene. I think you talked about some
21 posts. Was this area fenced in?

22 A. Yes, it was. It had -- there was, on each side
23 of the driveway, four-by-four posts that were sunk
24 into the ground. Extending out from there, there
25 was a four-foot chain-link fence, commonly referred

1 to as a hurricane fence.

2 Q. And, again, when you first respond out to the
3 scene, do you speak with any of the investigators at
4 the scene?

5 A. I first spoke to the first-arriving deputy, and
6 then I spoke to Deputy Hart.

7 Q. Why is that important for you to speak with
8 these deputies?

9 A. It's important for me to speak with them
10 because they're the first ones that arrive on scene.
11 So, therefore, they have the impression and take
12 note of what the condition was like in its purest
13 form before fire arrives and before EMS arrives and
14 often before -- and, obviously, before the
15 investigators arrive.

16 So I speak to them, ask them what activities
17 took place inside the crime scene. I ask them
18 whether or not any lifesaving measures were
19 performed on the victim, and also ask if there was
20 any noises, sounds, or anything that they observed
21 and, also, what, if anything, they observed within
22 the crime scene when they arrived.

23 Q. Why is this information important to you?

24 A. Because they're the first on scene, they're
25 going to be able to explain to me who all went into

1 the scene, for what purpose. They're also going to
2 be able to tell me whether or not they saw something
3 on the scene that is important for me to identify.

4 Often, they'll tell me, hey, I had to move this
5 out of the way in order to perform a duty or a task.
6 And then that explains to me why this item is in a
7 position that I would not normally find it in.

8 Q. And did you ultimately search this area?

9 A. Yes, I did.

10 Q. And before you searched the area, did you have
11 to wait on the search warrant?

12 A. Yes. There was a search warrant that had not
13 been signed yet, so we were waiting on that.

14 Q. Once that search was obtained, what did you do?

15 A. Once that search warrant was obtained, the
16 first thing that we always do is we start
17 photographing, just simply because we want to
18 photograph and document the scene prior to starting
19 collecting stuff. That way, we can show, A, in
20 court, where it came from, but, also, that's the
21 purest state that we as crime scene investigators
22 are able to work with the scene.

23 Q. Do you remember what area you began searching
24 first?

25 A. We actually began on the exterior of that

1 chain-link fence along that driveway.

2 Q. And, again, what time was it when you responded
3 out?

4 A. 0150 in the morning.

5 Q. So it was dark outside?

6 A. Yes, ma'am.

7 Q. I'm going to show you what's been marked as
8 State's Exhibit 91 through 99 and ask you to take a
9 look at those photographs. While we're at it, let
10 me just show you these too. Do you recognize what's
11 depicted in 91 through 99?

12 A. Yes. The photographs 91 through 99 depict the
13 area outside the fence. It's the area -- basically,
14 the driveway up to the residence.

15 Q. Do they fairly and accurately represent the
16 photographs and the area that you took at [REDACTED] State
17 Pond Road on October 11th of 2017?

18 A. Yes, ma'am.

19 Q. Have they been changed or altered in any way?

20 A. No, ma'am.

21 MS. PATTERSON: Your Honor, at this time, we
22 would move State's Exhibits 91 through 99 into
23 evidence.

24 MR. JOHNSON: Objection based on previous
25 motion and objection, as well as items not in

1 evidence.

2 THE COURT: Duly noted. Objection is
3 overruled. May I look at them real quick?

4 MS. PATTERSON: Yes, sir.

5 MR. JOHNSON: Just to be clear, Judge, to add
6 to my previous motion and objection, it shows
7 pictures of items that are not in evidence, so in
8 addition to previous motion and objection.

9 THE COURT: All right. State's Exhibit 91
10 through 99 will be admitted, subject to Defendant's
11 objection. Thank you.

12 (State's Exhibit Nos. 91 through 99 admitted
13 into evidence.)

14 BY MS. PATTERSON:

15 Q. Let me show you State's Exhibit 68 and ask you
16 to take a look at that.

17 A. Okay.

18 Q. Do you recognize what's depicted in that
19 photograph?

20 A. Yes. This is the driveway and the entrance
21 into the property and -- with the chain-link fence
22 flanking each side of the driveway.

23 Q. Did you take that photograph?

24 A. I did.

25 Q. Does it fairly and accurately represent the

1 photograph of the area located at [REDACTED] State Pond
2 Road on October 11th of 2017?

3 A. It does.

4 Q. Does it look like it's been changed or altered
5 in any way?

6 A. It does not.

7 MS. PATTERSON: Your Honor, we move State's
8 Exhibit 68 into evidence at this time.

9 MR. JOHNSON: Object based on previous motions
10 and objections.

11 THE COURT: Overruled. State's Exhibit 68 will
12 be admitted into evidence, subject to Defendant's
13 objection.

14 (State's Exhibit No. 68 admitted into
15 evidence.)

16 BY MS. PATTERSON:

17 Q. Now, you stated the first area that you
18 searched was outside the fence.

19 A. Correct. It was.

20 Q. Can you explain to the jury what we're looking
21 at in this image?

22 A. Yes. There is the four-by-four post on here,
23 the four-foot hurricane fence flanking on both
24 sides, as well as a vehicle that was in the
25 driveway. And referencing my earlier comment about

1 the amount of rain, you see the difference between
2 this underneath the car and this outside the car?
3 It's just a little discoloration. There's no
4 runoff.

5 Q. And was any evidence collected in that
6 driveway?

7 A. Yes, there was.

8 Q. And what did you collect in that driveway?

9 A. In that driveway we were able to locate and
10 collected seven spent cartridge cases.

11 Q. And how are they labeled when you locate
12 evidence?

13 A. When we locate evidence, we take -- we put down
14 what's called an evidence placard beside each piece
15 of evidence. That placard allows us to reference
16 that piece of item in our photographs, in our
17 documentation, and in our report so that everything
18 lines up. And we used placards 1 through 7 on the
19 exterior of the driveway.

20 Q. How did you photograph -- what does this image
21 show?

22 A. So this photograph here shows the cartridge
23 casings. There's one, two, three, four here. I
24 think there's a couple more down -- no. One, two,
25 three, four, five. There's one over here in the

1 treeline. I'm not sure where the other one is in
2 that photograph. No. My bad. One, two, three,
3 four, five, six, and there's one here in the
4 treeline for seven.

5 Q. And do you take several images of this item?

6 A. I do. Whenever I take my photographs, I take
7 an overall photograph of just the general area in
8 which I'm taking evidence from or that I found
9 evidence in. Then I take a midrange photograph,
10 something closer to where it's more viewable. And
11 then I take an up-close photograph of that item so
12 you can tell exactly where that item is with the
13 placard, so you can tell this item is this picture
14 in my blow-up picture.

15 So, basically, I've got a large picture there
16 with one through seven in it. So then, I will take
17 a midrange photograph where I'm breaking it down to
18 where I can just see that evidence placard and a
19 little bit of what's around it so you get an
20 identification of where that is inside the crime
21 scene. And then I take an up-close photograph of
22 just that single piece of item with the evidence
23 placard.

24 Q. Now, in this photograph, are we looking at the
25 same image, just another angle?

1 A. Yes. So the first photograph you saw was from
2 the west side of the crime scene. This photograph
3 is from the south side of the crime scene going in.

4 Q. And can you kind of describe this roadway?

5 A. That roadway is a heavy sand drive meant for
6 one lane. It's just a driveway from -- it's the
7 driveway off of a driveway to that residence.

8 Q. So what we're looking at is not a main
9 driveway?

10 A. No. The main driveway actually connects -- is
11 over there where that patrol vehicle is right there.
12 Just down from that patrol vehicle is the main
13 driveway. This driveway actually just comes off of
14 that driveway.

15 Q. Is it a slopey area?

16 A. It does slope down from the driveway down to
17 the residences in a down angle.

18 Q. And, based on your placards, were you able to
19 tell the direction that the shooter may have been
20 moving in?

21 A. Yes. Due to the layout, with a placard here
22 and a placard here, I can tell you that the shooter
23 was moving in a north-south direction, but I can't
24 tell you if they were moving closer to the fence or
25 further from the fence. So they were moving between

1 the north and south.

2 The direction in which they were traveling
3 during that time cannot be determined. The only one
4 that would know that is the shooter or an
5 eyewitness.

6 Q. So the rest of these photographs, is that just
7 different angles of the same information?

8 A. Correct. And some of the other photographs
9 that I took were overexposed on the placards just
10 because of the angle and all. So I took some more
11 of them from different angles just to make sure
12 everything came up.

13 This is one of those midrange photographs that
14 I was talking about. I'm not trying to get all of
15 my crime scene area; I'm just trying to get a couple
16 of them so that you can see both where they're
17 located and a better idea of where they're located
18 in that scene.

19 Q. I'm going to show you what's been marked as
20 State's Exhibit 103 through 109 and ask you to take
21 a look at that -- or those photos. Do you recognize
22 what's depicted in those photographs?

23 A. Yes. Those are the close-up photographs of the
24 seven expended cartridge cases that I collected
25 while I was on scene along the driveway.