

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MELVIN JAMES WHITE,

APPELLANT

APPELLATE CASE NO. 2019-001854

RECORD ON APPEAL

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¹ The date of the transcripts contained in the Record on Appeal are out of order at this point. The transcript from October 22, 2019 ends on page 239, and the following day of October 23, 2019 begins on page 378 because two court reporters were used during this trial. Pamela Green, official court reporter, transcribed the proceedings on the days of October 21st, 22nd, and 24th, 2019. Maryann Nevers, official court reporter, transcribed the proceedings on October 23rd, 2019.

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1 Q And how did you become involved in this case?

2 A The -- how I became involved in this case, I
3 responded to the hospital to attend the autopsy.

4 Q And is that part of your job duty to attend the
5 autopsy or can it be?

6 A Yes.

7 Q Okay. And what do you do while you're at the
8 autopsy?

9 A At the autopsy, again, it's like normal responding
10 to a -- a regular -- a crime scene. Okay? It's been
11 established. There the crime scene is the body itself.

12 So my job there is to identify or, through
13 photographs -- general photographs, the body there.
14 Okay? And also, there are certain types of evidence that
15 we collect from the body. It's going to be postmortem
16 fingerprints; a DNA buccal swab, okay, for
17 identification; nail scrapings; and, if it's required,
18 gunshot residue. So anything that we can collect from
19 the body, from outside -- both inside the body for
20 evidence -- evidentiary purposes.

21 Q Okay. And I'm going to show you what's been marked
22 as State's Exhibit No. 50. I'll show it to you. Do you
23 recognize this?

24 A Yes.

25 Q And what is that?

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 126

1 A This is a gunshot-residue kit that I collected from
2 the victim, Antwan Caroline.

3 Q And is in the same -- did you collect it in that
4 manner, put it in that envelope?

5 A Yes. Yes. This has my tape and my signature there.

6 Q Did you do anything to it or alter it in any way
7 before putting it in that envelope?

8 A I did not. Want me to open it up? I can open it
9 ---

10 Q Not yet.

11 A --- up and -- not yet? Okay.

12 MS. SAMPSON: Your Honor, I'd ask to introduce
13 State's Exhibit No. 50 into evidence.

14 THE COURT: Any objection?

15 MS. EIGENBROT: No objection, Your Honor.

16 THE COURT: Without objection, so admitted.

17 (Whereupon, State's Exhibit 50 was entered into
18 evidence.)

19 Q Now you can open it.

20 A (Complied.)

21 Q You want the scissors back?

22 A Appreciate it.

23 Q Okay.

24 A Okay.

25 Q Don't cut your hand.

1 A I won't.

2 Q There you go.

3 A Oh, here. Yes. That's ---

4 Q And how do you know that that is yours?

5 A This -- well, it's my handwriting, for one. And
6 also, evidence tape to put on the back here, that also
7 has my initial on it also and the date across the time
8 that I actually secured this container.

9 Q And when you -- when you took the GSR kit, you guys
10 are trained on how to take it, correct?

11 A Yes.

12 Q Okay. And did you take it in that manner that
13 you've been trained?

14 A Yes.

15 Q Okay. And what do you do with the GSR kit after you
16 -- after you collect it?

17 A Okay. A GSR kit, or gunshot-residue kit, is
18 transported back to our lab. Just as you saw the -- it's
19 placed into an envelope. And then, I basically enter
20 into iLAB, which is the -- the State Law Enforcement
21 Division, their lab, and go ahead -- start making an
22 appointment -- I make an appointment with them to test
23 it, basically.

24 Q And in this case you collected the gunshot-residue
25 kit. What else did you collect?

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 128

1 A I collected -- I collected -- the victim's hands
2 were bagged. That's to protect their hands, fingernails,
3 things like that, for any kind of trace evidence. So
4 after I took those off, I collected them, okay, just in
5 case there was anything in those -- trace evidence.

6 Postmortem fingerprints were taken and palm prints,
7 because it's a homicide, for identification purposes.
8 Fingernail scrapings -- pretty simple -- it's just -- you
9 think of CSI. It'd be very involved. But it's just like
10 basically cleaning out the bottom of your fingernails, is
11 all that is. We place it into a container. So that was
12 done with him to check that, just in case.

13 Head hair and then public hair -- and that's for
14 identification -- and a buccal swab in the mouth, saliva.
15 And then, his clothes were also collected.

16 Q Okay. And I was -- well, and did you also collect
17 anything with -- having to do with a shotgun?

18 A Yes, I did. I also collected a gunshot-shell wad --
19 wadding, okay, which holds your -- your stippling and
20 everything and your -- your bullets there. And then, the
21 pellets also -- were also collected from the body.

22 Q I'm going to show you what's been marked as State's
23 Exhibit 44 and ask if you recognize that.

24 A Yes.

25 Q And what is that?

1 A This is the shotgun-shell wadding that I collected,
2 okay. And it's also the shotgun-shell pellets -- are all
3 in this same container here.

4 Q And you put them in that envelope?

5 A I put it in this envelope, because it has my
6 initials and date.

7 Q Did you change it any way before putting in that
8 envelope?

9 A I did not. Unh-unh.

10 MS. SAMPSON: At this time I'd ask to introduce
11 State's Exhibit 44 into evidence.

12 MS. EIGENBROT: No objection.

13 THE COURT: Without objection, so admitted.

14 (Whereupon, State's Exhibit 44 was entered into
15 evidence.)

16 Q If you could just show the jury -- or tell the jury
17 what's in each of those.

18 A Okay. In this -- each individual containers -- and
19 this is, like, of course, my writing ---

20 Q Speak up.

21 A It's called crime scene writing, not very neat. But
22 this is going to be the pellets -- the container here
23 with the pellets in it, okay.

24 Q You can open it. You want gloves, or you good?

25 A No. I'm good.

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 130

1 Q Okay.

2 A But this is me. So it's going to be a -- another
3 one here. And this is the clear container that was --
4 that I received from the coroner's office, where the
5 placed the pellets in.

6 Q And are you there when he -- when he removed the
7 pellets from ---

8 A Yes.

9 Q --- the body?

10 A I am. I observed him remove the pellets. And I
11 observed the coroner's office put these in -- put them in
12 this container and seal it.

13 Q Okay. And then, you put it in your envelopes?

14 A Yes. Uh-huh. And -- yes. After I signed chain of
15 custody, then it was mine.

16 Q Okay. And if you'll do the same with another
17 envelope.

18 A Thank you.

19 Q You're welcome.

20 A And this is the same kind of plastic container.
21 It's got the shotgun-shell wadding inside of it.

22 Q And again, did you observe that being taken from the
23 body as well?

24 A Yes.

25 Q Okay. And put in the container as well?

1 A Yes. Uh-huh.

2 Q Okay.

3 A Yes.

4 Q You can put it down.

5 A Uh-huh.

6 Q And is that the normal procedure for the pathologist
7 to -- to remove and give it to you in either a container,
8 an envelope, or something like that?

9 A Yes.

10 Q Okay.

11 A Yes.

12 Q All right. And I'm going to show you State's
13 Exhibit 53 [sic]. And I'm just going to -- I don't want
14 you to take anything out, really, yet.

15 A Okay.

16 Q But just looking at -- can you tell the jury what's
17 in here?

18 A Yes. This -- inside this box is going to be the
19 victim's clothing, which is going to be a pair of white
20 tennis shoes, gray socks, white -- one gray sock, one
21 white sock, black belt, tan pants, black underwear, blue
22 T-shirt, a gray T-shirt, and a gray ball cap.

23 Q And the clothing is individually wrapped in brown

24 ---

25 A Yes.

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 132

1 Q --- paper.

2 A Each one ---

3 Q Did you do that?

4 A Yes, I did. Yes.

5 Q Okay. And did you alter or change it in any way
6 before putting it in this packaging?

7 A I did not.

8 MS. SAMPSON: Your Honor, at this time I'd ask to
9 introduce State's Exhibit 53 -- 53 into evidence.

10 MS. EIGENBROT: No objection.

11 THE COURT: Any ---

12 THE COURT REPORTER: Your Honor?

13 THE COURT: Ma'am?

14 THE COURT REPORTER: There's already an Exhibit 53
15 that's ---

16 MS. SAMPSON: Oh ---

17 THE COURT REPORTER: --- in evidence.

18 MS. SAMPSON: --- there is?

19 THE COURT REPORTER: Yes, ma'am.

20 MS. SAMPSON: That is my bad. Then, I would ---

21 THE COURT: Yes.

22 MS. SAMPSON: --- make this State's Exhibit 63,
23 which I have.

24 THE COURT: 63?

25 MS. SAMPSON: Yes, sir.

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 133

1 MS. SAMPSON: Thank you, court reporter.

2 THE COURT REPORTER: Yes, ma'am.

3 MS. SAMPSON: So we'd ask to introduce State's
4 Exhibit 63 into evidence.

5 THE COURT: Any objection?

6 MS. EIGENBROT: No objection, Your Honor.

7 THE COURT: Without objection, so admitted.

8 (Whereupon, State's Exhibit 63 was entered into
9 evidence.)

10 THE COURT: 53 was admitted through Dr. Marcus.

11 MS. SAMPSON: I'm sorry, Your Honor. I just got
12 stuff.

13 Q All right. Do you -- would you like some gloves?
14 I'm going to take everything out.

15 A Yes. I'll take a pair. Thank you.

16 Q And while we're doing this, Investigator Oates, did
17 you do anything with the clothing after you got it?

18 A Yes, I did. After I -- after were collected --
19 collected the clothing -- because it was wet. We have
20 three drying cabinets within our forensic garage. And
21 they were placed in there, in one of those cabinets, to
22 dry.

23 Q Since you're having trouble, I'll just touch
24 everything. How about that.

25 A Okay. Thank you.

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 134

1 Q My hands are a little smaller.

2 All right. So is this the cap that you collected?

3 A Yes, it is.

4 Q Okay. And this is in the condition that you
5 collected ---

6 A Yes ---

7 Q --- it in?

8 A --- it is.

9 Q Okay. And I'm going to go first to this gray shirt.
10 Did you do anything with the shirt, other than dry it, as
11 you said?

12 A To my knowledge, I did photograph some items ---

13 Q Okay.

14 A --- before I placed them into evidence. I did.

15 Q Is this is the shirt?

16 A Yes.

17 Q And it's ---

18 A Uh-huh.

19 Q --- cut. Did you cut it, or did it come that way?

20 A When -- during the -- in the -- in the -- in the
21 morgue, it's cut by the M.E. or his assistants to take it
22 off the victim -- remove it from the victim.

23 Q Were you there when that happened?

24 A Yes.

25 Q Okay. And there was a second shirt. So the victim

1 had two shirts on?

2 A Yes. Uh-huh.

3 Q Okay. And this is the second shirt?

4 A Yes.

5 Q And there's actually still ---

6 A Still evidence markers on there.

7 Q Did -- who put that evidence ---

8 A I did. I did.

9 Q And why is this evidence marker on it?

10 A That's to identify disturbance in the fabric.

11 Q And what disturbance did you find?

12 A It's a -- a -- like, a hole or -- or a disturbance
13 in the ---

14 Q Did you know what that hole was from at the time?

15 A Well, I had already, of course, attended the
16 autopsy. So what I was doing, I -- I basically was
17 looking for the orientation or location of where the
18 actual injury occurred.

19 Q Okay.

20 A So that's ---

21 Q And you said that you took some photographs?

22 A Yes.

23 Q I'm going to show you what's been marked as State's
24 Exhibit 58 through 62 and ask if you recognize these.

25 A Yes.

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 136

1 Q And are -- do those photographs fairly and
2 accurately depict what you did back in 2015 with the T-
3 shirt?

4 A Yes, it is.

5 MS. SAMPSON: At this time I'd ask to introduce
6 State's Exhibit 62 -- 58 through 62 into evidence.

7 MS. EIGENBROT: No objection, Your Honor.

8 THE COURT: Without objection, so admitted.

9 (Whereupon, State's Exhibits 58 through 62 were
10 entered into evidence.)

11 Q Okay. And I'm just going to show the jury. So 58
12 is the T-shirt. And you put the O there?

13 A Yes. That's going to be the blue T-shirt with the
14 disturbance in the fabric.

15 Q And 59 is the -- just a -- what is 59?

16 A That's a -- that's more of a midrange ---

17 Q Okay.

18 A --- photograph.

19 Q And then ---

20 A That's ---

21 Q --- 60 ---

22 A --- that -- that's going to be a close-up macro --
23 macro type of shot ---

24 Q And ---

25 A --- real close.

1 Q --- what do you -- what is the metric little -- the
2 little ---

3 A That's -- that's ---

4 Q --- measuring ---

5 A --- basically to help with -- if you're looking at
6 its size or an area, basically, that's for that. And
7 also, if we were going to go from a one-to-one image,
8 basic real-close image of that disturbance we could do
9 that through computerization if we wanted to. So we can
10 use that scale, if we needed to for that.

11 Q And I'm going to show you State's Exhibit 61.

12 A Yes.

13 Q This the gray shirt ---

14 A That's the ---

15 Q --- that the ---

16 A --- gray T-shirt. Yes.

17 Q And again, at that time you had the O ---

18 A Yes. Uh-huh.

19 Q --- that shows ---

20 A Yes.

21 Q --- the same ---

22 A Same ---

23 Q --- thing?

24 A -- thing there. Yes. Uh-huh.

25 Q Now, do you know if this -- the blue shirt was on

DIRECT EXAMINATION BY MS. SAMPSON - ROBERT OATES 138

1 top or underneath ---

2 A I have no -- I have no clue.

3 Q Okay.

4 A I have ---

5 Q And what about ---

6 A --- no ---

7 Q --- State's Exhibit 62?

8 A That's another macro close-up shot of that same ---

9 Q Okay.

10 A --- disturbance in the fabric.

11 Q And other than the disturbance that -- that -- that
12 you're noting with the O tab and the fact that the shirt
13 was cut off, any other disturbances ---

14 A I did not find any.

15 Q Okay.

16 MS. SAMPSON: Beg the Court's indulgence.

17 THE COURT: Yes.

18 (Off the record briefly.)

19 Q Thank you, Investigator Oates. No further
20 questions.

21 A Okay.

22 Q Please answer any questions ---

23 A Thank you.

24 Q --- Ms. Eigenbrot might have.

25 THE COURT: Cross-examination>

1 MS. EIGENBROT: I have no cross, Your Honor.

2 THE COURT: Sir, you may step down. Thank you.

3 THE WITNESS: Thank you.

4 MS. SAMPSON: May he be released, Your Honor?

5 THE COURT: Any objection?

6 MS. EIGENBROT: No objection, Your Honor.

7 THE COURT: Sir, you're released. You're free to
8 go. Have a nice day.

9 THE WITNESS: Thank you, sir.

10 (Whereupon, the witness exited the witness stand.)

11 MS. SAMPSON: May we approach ---

12 THE COURT: Yes.

13 MS. SAMPSON: --- Your Honor?

14 (Whereupon, a bench conference was held off the
15 record in the presence of the jury, but out of the
16 hearing of the jury.)

17 THE COURT: Ladies and gentlemen, what we're going
18 to do at this point, we're going to take a short break.
19 I'm going to ask you to step to the jury room. Do not
20 discuss the case. And I'll get you back out here very
21 shortly. All right.

22 (Whereupon, the jury exited the courtroom at 2:26
23 p.m.)

24 (Off the record briefly.)

25 THE COURT: All right. We'll stand down a few

1 minutes.

2 (Off the record from 2:27 p.m. until 3:07 p.m.)

3 THE COURT: All right. Anything from the state
4 before I bring the jury back out?

5 MS. SAMPSON: No, sir.

6 THE COURT: Defense counsel?

7 MS. EIGENBROT: No, Your Honor.

8 MS. BRUCK: Just ---

9 MS. EIGENBROT: Oh.

10 MS. BRUCK: --- for ---

11 MS. EIGENBROT: Sorry.

12 MS. BRUCK: --- the purposes ---

13 MS. EIGENBROT: I apologize.

14 MS. BRUCK: --- of preserving the record, we're
15 renewing our motion to exclude the statement that's going
16 to -- that we allege was a violation of Rule 5.

17 THE COURT: Okay. Your objection is so noted.
18 You're -- I think you need to make an objection at the
19 time that'll preserve the record. But it's so noted at
20 this point, okay?

21 MS. BRUCK: Thank you, Your Honor.

22 THE COURT: Ruling remains the same.

23 Bring me the jury please.

24 As he's going to get the jury, can the lawyers come
25 here just a minute, please.

1 MS. SAMPSON: Sure.

2 (Whereupon, a bench conference was held off the
3 record.)

4 (Whereupon, Court's Exhibit 2 was marked for
5 identification.)

6 (Whereupon, the jury entered the courtroom at 3:08
7 p.m.)

8 THE BAILIFF: The jury is seated, Your Honor.

9 THE COURT: Thank you very much.

10 Ladies and gentlemen of the jury, I received your
11 note that you all in the back could not hear me. I will
12 make a point to speak loud and clear. And you all may
13 have given me a sign earlier and I just didn't see it. I
14 don't usually speak this loud unless I'm speaking to my
15 children. So please forgive me if you don't hear me.

16 When I practiced law, I can remember many times
17 court reporters would have to tell me to speak up,
18 because I didn't speak loud enough. But if, during this
19 course of this trial, if you -- if you can't hear me in
20 the back, just raise your hand and I'll -- that'll give
21 -- and you may have done that and I may not have seen it.
22 But just raise your hand, and that'll give me the cue to
23 raise my voice. Okay?

24 At this time, ladies and gentlemen, we are going to
25 continue to the trial of this case.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 143

1 anyone in the house?

2 A Yes.

3 Q Who did you live with?

4 A With Melvin White and my son, Antwan Caroline.

5 Q And is Mr. Melvin White in the courtroom?

6 A Yes.

7 Q Can you point him out for us?

8 A Yes.

9 Q And I need you to say where you're pointing.

10 A He's sitting in the middle with the glasses on.

11 Q Okay.

12 MS. SAMPSON: Let the record reflect that she's
13 acknowledged the defendant as Melvin White ---

14 THE COURT: So noted ---

15 MS. SAMPSON: --- in the white ---

16 THE COURT: --- for the record.

17 MS. SAMPSON: Thank you, Your Honor.

18 Q And Ms. Caroline, how long have you known Mr. White?

19 A We dated for three years.

20 Q Okay. And so at some point you guys lived together?

21 A Yes.

22 Q And you lived at the [REDACTED] Joe Louis Drive?

23 A It was -- we lived in the apartment prior to that,
24 and then we moved to Joe -- back to Joe Louis Drive.

25 Q And whose home was that?

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 144

1 A It was my home.

2 Q Okay. Now, I want to move back to November of 2015,
3 okay? Who lived in the home at that time?

4 A It was Melvin White and my son, Antwan Caroline, and
5 I.

6 Q And how old was your son at that time?

7 A He was 25.

8 Q All right. And did he have his own room?

9 A Yes.

10 Q And you and -- did you and Melvin stay in the same
11 room?

12 A Yes.

13 Q Okay. So I'm going to move you to November 28th of
14 2015. How did your day start that morning?

15 A We got up to get ready to go to the laundromat.

16 Q And by we, who's we?

17 A Melvin and I.

18 Q Okay.

19 A We were sitting in the kitchen. And when I looked
20 down my hallway, my son was coming out the room with a
21 young lady.

22 Q And what room was he coming out of?

23 A He was coming out of his room ---

24 Q Okay.

25 A --- with a young lady.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 145

1 Q And did you allow him to have young ladies staying
2 overnight?

3 A No. I asked him that he did not bring any women in
4 my house.

5 Q And -- but he did this time?

6 A Yes.

7 Q So what happened when you saw that there was a woman
8 in your home?

9 A When I saw the woman, I told him -- I said,
10 "Antwan," I said, "I asked you not to bring any ladies in
11 my house."

12 And he looked at me. He said, "Yes, ma'am, Mama."
13 And I walked to the door, and he walked out.

14 Q Okay. And I'm going to stop you for a second. I'm
15 going to show you what's been marked as State's Exhibits
16 2 and 3. I'm going to ask you if you recognize these.

17 A Yes. This is my hallway.

18 Q And what about No. 3?

19 A And that's is my kitchen.

20 Q And do they fairly and accurately depict what your
21 house looked like in November of 2015?

22 A Yes.

23 Q Okay.

24 MS. SAMPSON: I'd ask to introduce State's Exhibit
25 No. 2 and 3 into evidence.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 146

1 THE COURT: Any objection?

2 MS. BRUCK: No.

3 THE COURT: Without objection, so admitted.

4 (Whereupon, State's Exhibits 2 and 3 were entered
5 into evidence.)

6 Q Okay. So State's 2, is this the hallway ---

7 A That's the hallway.

8 Q --- you were talking about?

9 A Yes.

10 Q And can you -- can you see your son's doorway in
11 this picture?

12 A Yes. My son's doorway is right here.

13 Q So on the -- basically, almost in the middle ---

14 A Right.

15 Q Okay. And State's Exhibit No. 3, what is that?

16 A This is the kitchen.

17 Q Okay. And is that coming from the hallway into the
18 kitchen?

19 A Yes. That's coming from the kitchen -- going from
20 the hallway going to the kitchen, or from the kitchen
21 going ---

22 Q And ---

23 A --- back to the hallway.

24 Q Where were you all when you saw ---

25 A We were ---

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 147

1 Q --- them?

2 A --- sitting on this side of the table. I have two
3 tables in that kitchen.

4 Q Okay. So you were over here ---

5 A Right.

6 Q --- to the ---

7 A To the right.

8 Q --- to the right ---

9 A Right.

10 Q --- of the kitchen?

11 A Because you can still see a clear view down the
12 hall.

13 Q Okay. And so did he leave after -- did he leave
14 with the woman, your son?

15 A Yes.

16 Q Okay. And what -- what, if anything, happened --
17 what, if anything, did Mr. White say at that point?

18 A At that point he told me that I should be tired of
19 my son disrespecting me, bringing ladies in my house.

20 Q And did you have any ---

21 A And I told ---

22 Q --- response ---

23 A --- him that I can control my son; I got my son.

24 Q Okay. So was that the end of it for that moment?

25 A Yes.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 148

1 Q So what happened after that?

2 A After that, we left and we went to the laundromat to
3 wash the clothes.

4 Q Was that the plan for the day?

5 A Yes.

6 Q Okay.

7 A And while we were at the laundromat, he went to the
8 store and he got beer. And he was sitting at the
9 laundromat, and we were washing the clothes. By that
10 time we came back to the house, later on after we
11 finished washing the clothes.

12 Q And I'm going to stop you for just a second. You
13 said that he went and got beer?

14 A Yes.

15 Q Was that out of the ordinary?

16 A Well, he always drank beer.

17 Q So it didn't ---

18 A Right.

19 Q --- didn't cause any alarm for him to be drinking?

20 A Right.

21 Q Okay. So you -- you -- I believe you said you went
22 back home?

23 A Right.

24 Q And what ---

25 A After we ---

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 149

1 Q --- happened once ---

2 A --- finished ---

3 Q --- you got ---

4 A --- washing the clothes, we went back home. From
5 that point Melvin left the house and he went up on the
6 road to the little store that we have, little party shop
7 that we call, on the -- up on the road. And he was at
8 the party shop from the time we came back until late that
9 night.

10 When he came in my room, it was about eleven-
11 something at night. And he told me that when my son come
12 home, that he was going to kill him. And I told him he
13 wasn't going to do anything to my son.

14 Q And I'm -- I'm going to stop you for just a second.
15 If you need to take a break, you let me know, okay?

16 A (No audible response.)

17 Q Are you okay to proceed?

18 A (No audible response.)

19 Q And do you need to take a break?

20 A (No audible response.)

21 Q Okay?

22 A (No audible response.)

23 Q Okay. When he said that to you, was your son at
24 home?

25 A No, he was not at home.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 150

1 Q Were you expecting him to come home?

2 A I was expecting him to come home sometime.

3 Q At some time. Did you know if he was coming home
4 that night or the next morning or anything?

5 A I didn't know. But I asked my son to try to not
6 come in my house after 2 or too late at night.

7 Q Okay. Did your son have a key?

8 A He didn't have a key. Because at the time I hadn't
9 had time to make a key for us because we had just moved
10 back into the house.

11 Q So for a while -- I think you said earlier you all
12 lived in an apartment -- you didn't live in the house?

13 A Right.

14 Q And so when you all moved back in, he didn't have a
15 key?

16 A Right.

17 Q Okay. So if he -- if he needed to get in, how would
18 he get in?

19 A He would always knock on the door to get into the
20 house.

21 Q Okay. And we've seen photographs of your house.
22 Are there two front doors?

23 A It's one on the bedroom side. And then, it's one on
24 the front side.

25 Q Okay. And I'm going to show you some photographs.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 151

1 (Off the record briefly.)

2 Q And I'm going to show you what's been marked State's
3 Exhibits 4 and 35 through 38. Can I show you the
4 pictures? Okay?

5 A (No audible response.)

6 Q Do you recognize these photographs? And you don't
7 have ---

8 A Yes.

9 Q --- to say what they are. Just look at them all for
10 me and tell me do you recognize them all.

11 A Yes. This is my house.

12 Q Okay. And do the photographs accurately depict what
13 your house looked like back then in 2015?

14 A (No audible response.)

15 Q I need you to say out loud.

16 A Yes. Yes, it does.

17 MS. SAMPSON: At this time, Your Honor ---

18 Q If I can grab them for a second.

19 A (Complied.)

20 MS. SAMPSON: --- if I can introduce State's Exhibit
21 4 and 35 through -- I mean, excuse me -- 34 through 38.

22 MS. BRUCK: No objection.

23 THE COURT: All right. Exhibits 4 and 34 through 38
24 are admitted without objection.

25 MS. SAMPSON: Thank you.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 152

1 (Whereupon, State's Exhibits 4 and 34 through 38
2 were entered into evidence.)

3 Q Now -- and I -- I realize, Ms. Caroline, I didn't
4 show this one to you earlier to the jury. What is this
5 the entrance to?

6 A That is the entrance to my bedroom.

7 Q To your bedroom?

8 A (No audible response.)

9 Q Okay. And you just stated -- and that was State's
10 Exhibit No. 4. You stated that and I asked you about
11 your front door. I'm going to show you State's Exhibit
12 No. 35. Which door is your front door?

13 A This is my front door.

14 Q So this one that's kind of to the side is ---

15 A Yes.

16 Q --- your actual front door?

17 A Yes.

18 Q What is that other door go to?

19 A That's to my bedroom door.

20 Q To your bedroom?

21 A (No audible response.)

22 Q Okay. So when you say front door, you're talking
23 about the front door that you ---

24 A Yes.

25 Q --- walk into?

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 153

1 Okay. And I'm going to show -- that was State's
2 Exhibit 35. What does State's Exhibit 34 show?

3 A This is the bedroom door, and this is the front
4 door.

5 Q And that's your address at the top?

6 A Yes.

7 Q Okay. And these are just pictures taken in the
8 daytime?

9 A Yes.

10 Q All right. That's State's Exhibit 34. State's
11 Exhibit 36 shows what?

12 A That is the side of my house and the front part of
13 the door too.

14 Q Okay. That's State's 36. And then, State's 37 is
15 what?

16 A That is the front part of my house and the side of
17 my yard.

18 Q So that's the front -- like, would that be from
19 standing in the street?

20 A Yes.

21 Q Okay.

22 A Yes. Standing from the street, looking in.

23 Q And then, State's 38, what is that?

24 A That is the side of the house.

25 Q So this is the -- if you're facing the house, it's

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 154

1 the right side of your house?

2 A It's the right side. If you're facing it, it's
3 going to be the right side of the house.

4 Q Okay. All right. So when you said that he would
5 knock on the door, he'd knock on that front door you
6 showed us and then you'd let him in?

7 A Yes.

8 Q Okay. So you said around 11 or so, Melvin says what
9 he says to you. And then, do y'all -- what happened at
10 that point?

11 A At that time he went back out of the room. And then
12 about maybe two-something, he came back. I could see him
13 waking me up, telling me that my son was knocking at the
14 door.

15 Q And I'm going to stop you. Did you -- so you went
16 to sleep?

17 A I had dozed back off. I think I dozed back off ---

18 Q Was Melvin ---

19 A --- because ---

20 Q --- in the ---

21 A --- I was ---

22 Q --- room?

23 A --- watching TV.

24 Q I'm sorry. I interrupted you. Go ahead and finish.
25 You were watching TV?

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 155

1 A Yeah.

2 Q Okay. And you fell asleep?

3 A (No audible response.)

4 Q I just need you to say ---

5 A Yes.

6 Q Okay. And was Melvin with you while you were
7 watching TV?

8 A No.

9 Q Okay. So I interrupted you. You dozed. And you
10 woke up. How did you get woken up?

11 A He was just knocking me, telling me that my son was
12 knocking at the door.

13 Q And did you hear knocking once he woke you up?

14 A Once I got up, I got up and I went to the door. And
15 my son was sitting on the porch. And by that time he
16 came to the door, and he was telling me to come.

17 And I told him -- I said, "Antwan," I said, "I had
18 asked you not to come to my house after a certain time of
19 night." I said, "Maybe you just need to go back where
20 you were."

21 And so he started saying, "Well, Mama, I live here
22 too."

23 So I opened the door. And I went outside.

24 Q And is this your front door or your ---

25 A This ---

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 156

1 Q --- bedroom ---

2 A --- my front door.

3 Q Okay. So you go outside onto your porch?

4 A Right. I go outside onto the porch. And then we
5 walked down the steps. And we were standing in the yard.

6 Q And I'm going to show you -- it's just easier to
7 show you these because I know where you are. So I know
8 it was nighttime. But I'm just going to use these
9 daytime pictures just to clarify. State's Exhibit 36,
10 where were you guys standing?

11 A We were standing right here.

12 Q So you're standing right in front of, like, where
13 there's a little walkway?

14 A Right on the -- yeah. On the side by -- near the
15 mailbox.

16 Q Near the mailbox?

17 A (No audible response.)

18 Q And I'm -- maybe we'll use State's Exhibit 37.

19 A We were standing about right here.

20 Q Okay.

21 A Because my porch is here. We came down, and we were
22 standing right here, talking.

23 Q So just for the record, you're -- on State's 37,
24 you're standing in this little yard ---

25 A Right.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 157

1 Q --- part between the mailbox and your house?

2 A Right.

3 Q Okay.

4 A Yes.

5 Q And what were y'all doing?

6 A We were just talking. And I was telling him that if
7 he's going to continue to stay with me, then he's going
8 to have to respect me and come in the house when I ask
9 him to come in the house ---

10 Q And where ---

11 A --- and not ---

12 Q --- was ---

13 A --- to be ---

14 Q --- Mr. White?

15 A --- bringing any ---

16 Q I'm sorry.

17 A --- and not to be bringing any young ladies in my
18 house.

19 Q And did he have any ladies with him at the time?

20 A Not at the time, no.

21 Q Okay. And where is Mr. White?

22 A Melvin, at the time when me and my son was talking,
23 he was in the house.

24 Q Okay. So you didn't -- he didn't come out on the
25 porch or ---

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 158

1 A No.

2 Q --- outside?

3 A He didn't come outside at that time.

4 Q And when did you realize that Mr. White was outside?

5 A Whenever my son and I were talking, I was standing
6 here. And my son was standing here.

7 Q I'm sorry. Are y'all standing side ---

8 A We're standing, looking at each other.

9 Q Like and you are looking at ---

10 A Yeah.

11 Q --- each other?

12 A No. My son was right here.

13 Q Okay.

14 A I was right here. I was turned ---

15 Q So like this?

16 A Yes.

17 Q Okay.

18 A And I was like this to my son.

19 Q Okay. And is your back to your backyard, or is your
20 back towards the road?

21 A My back, at the time, was, like, sideways. Like, if
22 the yard outside of the house is right here and I was
23 standing right here, I was sort of sideways like this.

24 Q So is your back ---

25 A My son ---

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 159

1 Q --- kind of ---

2 A --- was looking this way.

3 Q Is your back ---

4 A It's --

5 Q --- kind of towards the house, or is it towards the
6 -- the neighbor's house?

7 A Toward the house, like.

8 Q Okay. All right.

9 A Yes.

10 Q So you're standing with your back kind of catty-
11 corner ---

12 A Right.

13 Q --- to the house?

14 A To the ---

15 Q Can you ---

16 A --- house.

17 Q --- see in your backyard?

18 A From the sideways. I can see from the sideways in
19 my backyard.

20 Q All right. But ---

21 A So ---

22 Q --- were you looking in the back, or are you looking
23 at your son?

24 A I was looking at my son.

25 Q Okay. So -- I interrupted you. At some point what

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 160

1 happened?

2 A So with my son standing here and me and my son
3 talking, I noticed that my son looked up. So when my son
4 looked up, I looked back. And Melvin was standing there
5 with the gun, pointing at my son.

6 And my son asked him -- he said, "So what? You're
7 going to shoot me or something?" And that's when he shot
8 him.

9 Q Had you seen Melvin with the gun earlier that day,
10 with this -- with the shotgun?

11 A (No audible response.)

12 Q Had you seen him with the shotgun at all that day?

13 A (No audible response.)

14 Q I need you to say ---

15 A No.

16 Q --- "yes" or "no."

17 Okay. So the first time you see him with that
18 shotgun was when your son look up and you see him looking
19 at Mr. White; is that correct?

20 A Yes.

21 Q And after he shoots your son, what does Mr. White
22 do?

23 A He told me that I don't have to worry about my son
24 disrespecting ---

25 MS. BRUCK: Objection.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 161

1 A --- me no more.

2 THE COURT: Was that an objection?

3 MS. BRUCK: For the record, based on my previous
4 motion.

5 THE COURT: Okay. So noted. Objection overruled.

6 MS. BRUCK: Thank you, Your Honor.

7 Q He said that he didn't -- you didn't have to worry
8 about your son disrespecting you no more?

9 A Yes.

10 Q And what -- what happened after that?

11 A I could hear him knocking on my neighbor's door.

12 Q You heard ---

13 A And ---

14 Q --- Mr. White doing that?

15 A Yes. And then, that's when I could see him walking
16 down the street with the gun. And I was dialing 911.

17 Q So you called 911?

18 A Yes.

19 Q And we heard the call on Monday. Was that you on
20 the phone?

21 A Yes.

22 Q And where -- what does your son do once he's shot?

23 A When my son got shot, he walked about two, maybe
24 three feet, just walked. And then he -- he fell. He
25 fell.

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 162

1 Q Did your son that night ever touch you?

2 A No. My son has never touched me.

3 Q Did he push you?

4 A No. My -- my son has never put his hands on me.

5 Q And did your son go towards Mr. White at all?

6 A No.

7 Q And were you or your son even talking to Mr. White
8 before he came up with the gun?

9 A No.

10 Q So you called 911?

11 A Yes.

12 Q And at some point the police arrived?

13 A Yes.

14 Q EMS and -- and all of that, which we've all heard?

15 A Yes.

16 Q Okay. Did Mr. White ever come back to the yard?
17 You said he was walking around. Did you see where he
18 went?

19 A Only thing that I remembered is when he was sitting
20 on the porch.

21 Q At some point he was ---

22 A At some ---

23 Q --- sitting ---

24 A --- point he came back and was sitting on my porch.

25 Q And did you call your family?

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 163

1 A After I dialed 911, I called my sister. And ---

2 Q Okay.

3 A --- I told her that Melvin had just shot my son; he
4 just shot my baby.

5 Q And your family, did they come over?

6 A Yes. Because my sister live right down the street
7 from me.

8 Q Okay. And so they didn't have very far to go?

9 A No.

10 Q And Ms. Caroline, I'm almost done. I promise.

11 A Uh-huh.

12 Q Did you go speak with police at headquarters?

13 A Yeah. Yes.

14 Q Do you need to take a break, Ms. Caroline?

15 MS. SAMPSON: Can we take a break, Your Honor?

16 THE COURT: All right. Ladies and gentlemen, I'm
17 going to ask you to step to the jury room for just a
18 minute. Do not discuss the case. I'll get you back out
19 here in just a second.

20 (Whereupon, the jury exited the courtroom at 3:28
21 p.m.)

22 MS. SAMPSON: Can she step down, Your Honor?

23 THE COURT: Yeah.

24 Ms. Caroline, I'm going to let you step down. Do
25 not discuss your testimony, okay?

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 164

1 THE COURT: And we'll stand down for just a minute.

2 (Off the record from 3:29 p.m. until 3:39 p.m.)

3 MS. SAMPSON: Thank you, Your Honor.

4 THE COURT: All right. The state ready to proceed?

5 MS. SAMPSON: Yes, sir.

6 THE COURT: Anything from defense counsel before I
7 bring the jury back out?

8 MS. BRUCK: No, Your Honor.

9 THE COURT: Bring me the jury please.

10 THE BAILIFF: Yes, Your Honor.

11 (Whereupon, the jury entered the courtroom at 3:39
12 p.m.)

13 THE BAILIFF: The jury is seated, Your Honor.

14 THE COURT: Very well. Thank you, sir.

15 You may continue.

16 MS. SAMPSON: Thank you, Your Honor. May it please
17 the Court.

18 DIRECT EXAMINATION BY MS. SAMPSON CONTINUED.

19 Q Ms. Caroline, I'm going to guide you a little bit.
20 So at some point you go to headquarters; is that correct?

21 A Yes.

22 Q And you were able to speak to law enforcement about
23 what happened?

24 A Yes.

25 Q Do you remember talking to Investigator Boland?

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 165

1 A Yes.

2 Q Okay. And earlier today, we showed some clothing, a
3 housecoat your -- this housecoat and this -- is this your
4 ---

5 A Yes.

6 Q Is this what you were wearing that day?

7 A Yes.

8 Q Okay. And I want to ask you -- backtrack just a
9 little bit. At your house -- I showed you daytime
10 photos. I'm going to show you one nighttime photo.
11 State's Exhibit 15, is that what your yard looks like at
12 night?

13 A Yes.

14 Q And so ---

15 A It's ---

16 Q --- there's ---

17 A --- lit up.

18 Q --- a -- there's a streetlight right there?

19 A Yes.

20 Q Okay. And then, just going back to -- I have just a
21 little, and we'll be done. You said earlier that Melvin
22 had been drinking. How -- was he drinking all day, or
23 was it just once or twice?

24 A He started drinking beer at the laundromat. And
25 then after that, after we came back home, I don't know

DIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 166

1 where -- you know, he went up to the store at the party
2 shop. So I'm assuming, if he was at the party shop, he
3 was drinking up there too.

4 Q Okay. You -- but you don't know what he did?

5 A Right.

6 Q And earlier you said -- said something about if your
7 son came home, he was -- how many times did he say that,
8 that day?

9 A He said it whenever -- at -- it was that night. And
10 then, we were at the -- when we were at the table, he had
11 said something about if my son, you know, wasn't -- if my
12 son kept disrespecting me, that he was going to do
13 something to him.

14 Q Okay. So two or three times that day? Would ---

15 A Yes.

16 Q --- that be fair ---

17 A About two times.

18 Q Okay.

19 MS. SAMPSON: Beg the Court's indulgence.

20 THE COURT: All right.

21 (Off the record briefly.)

22 Q Thank you, Ms. Caroline. Please answer any
23 questions they have.

24 THE COURT: Cross-examination?

25 MS. BRUCK: Thank you. May it please the Court.

1 THE COURT: Yes, ma'am.

2 CROSS-EXAMINATION

3 BY MS. BRUCK:

4 Q Good afternoon, Ms. Caroline.

5 A Hi.

6 Q When you met Melvin, you weren't living at [REDACTED] Joe
7 Louis ---

8 A No.

9 Q --- correct?

10 And you'd been dating for, what, about two years ---

11 A Three ---

12 Q --- two and a half years before y'all moved in?

13 A About two years -- two -- maybe two and a half.

14 Q And Antwan had started staying with y'all pretty
15 recently before you moved into Joe Louis?

16 A Antwan was staying with me before I met Melvin.

17 Q Correct. And then he wasn't for a while, right?

18 A He was staying with me when I met Melvin.

19 Q He was staying with you when you met Melvin?

20 A Yes.

21 Q And then he started staying with you again at the
22 apartment before y'all moved to [REDACTED] Joe Louis?

23 A Antwan has always stayed with me.

24 Q He's -- he's always stayed with you?

25 A Yes.

CROSS-EXAMINATION BY MS. BRUCK - ESTHER CAROLINE 168

1 Q He's never had a place of ---

2 MS. SAMPSON: Your ---

3 Q --- his own?

4 MS. SAMPSON: --- Your Honor ---

5 A No.

6 MS. SAMPSON: --- may we approach?

7 THE COURT: Yes.

8 (Whereupon, a bench conference was held off the
9 record in the presence of the jury, but out of the
10 hearing of the jury.)

11 THE COURT: You may continue.

12 Q So Antwan was 25 years old?

13 A Yes.

14 Q And he'd never had his own place?

15 A No.

16 Q And you were permitting him to stay with you?

17 A Yes.

18 Q And y'all moved into Joe Louis Drive -- I know you
19 spent time there as a child. But you -- you moved in, in
20 2015 again, correct?

21 A Yes.

22 Q And that was September or October of 2015?

23 A It was in about -- it was in October.

24 Q October?

25 A Yes.

1 Q And Ms. Caroline, Melvin had done a lot of work on
2 the house before -- before y'all moved in?

3 A He'd done some work on the house. Yes.

4 Q And you let Antwan come live with you in that house
5 as well?

6 A Antwan was living with me. So when I moved, he
7 moved in with us.

8 Q But like we discussed previously, you -- you hadn't
9 given him a key?

10 A I didn't give him the key because we'd just moved in
11 the house and I only had a key made.

12 Q Okay. Now, on the morning of November 28th, when
13 you saw him trying to sneak that young lady out of the
14 house, this had been a -- a -- a repeated issue with
15 Antwan?

16 A Antwan -- I saw him once before with a young lady in
17 my house. And from that one time, I told him that I did
18 not want him bringing any ladies in my house because we
19 had just moved back into the house.

20 Q Okay. You'd -- you've had to tell him a lot of
21 times not to bring that girl over?

22 A I told him one time before. And then, I told him
23 that day when I saw him bringing her out of the room.

24 Q And Ms. Caroline, you -- you previously testified
25 under oath at a hearing in this case?

CROSS-EXAMINATION BY MS. BRUCK - ESTHER CAROLINE 170

1 A Yes.

2 Q Do you recall saying: "I told you a lot of times
3 not to bring that girl here?"

4 A I don't remember saying a lot of times. But I
5 remember him -- me telling him not to bring young ladies
6 in my house.

7 Q And you told him that morning that he was going to
8 have to find somewhere else to stay if he was going to
9 bring girls over?

10 A I told him, if he did not abide by my rules, that he
11 would need to find him someplace to stay. If he did not
12 abide by my rules.

13 Q Okay. And Antwan left after that?

14 A Yes. Antwan left.

15 Q Okay. And you didn't see him for the rest of the
16 day?

17 A Correct. Yes.

18 Q Okay. Now, I want to talk about -- when you said
19 that -- that Melvin had threatened to -- to shoot Antwan
20 if he -- if he came back to the house, you didn't tell
21 Melvin to get out of the house when he said that?

22 A No, I didn't tell him to get out the house. Because
23 ---

24 Q You didn't ---

25 A --- because he had been drinking.

1 Q You didn't call Antwan or text him?

2 A No.

3 Q You didn't mention those threats to anyone else?

4 A No.

5 Q Okay. And moving to when you woke up, when Antwan
6 returned to the house, that was around two o'clock in the
7 morning?

8 A It was about two o'clock.

9 Q And he's knocking on the front door?

10 A Melvin came in the room and told me that my son,
11 Antwan, was knocking on the door.

12 Q Okay. And you get out of bed?

13 A Yes, I got out of bed.

14 Q You put on your housecoat?

15 A Yes, I put on my housecoat.

16 Q Put on your slippers?

17 A Yes.

18 Q And you went to the front door?

19 A Yes, I did.

20 Q Now, you didn't let him in?

21 A No. I was talking to him at first.

22 Q You were talking to him through the door?

23 A Yes.

24 Q And he didn't leave?

25 A No. He was standing on the porch. He was sitting

CROSS-EXAMINATION BY MS. BRUCK - ESTHER CAROLINE 172

1 on the porch.

2 Q So he was on the porch. You told him: "Go back
3 where you came from"?

4 A What I told him was that I asked him not to come to
5 the house after a certain time at night and it would be
6 best for him to go back where he was.

7 Q But he didn't go?

8 A No. He sat on the porch, and he told me that he
9 lived there too. And I opened the door, and I went out.

10 Q Okay. So now y'all are having this conversation on
11 the -- on the porch?

12 A Yes. We walked down to the yard.

13 Q You walked ---

14 A And we ---

15 Q --- into ---

16 A --- started talking. Yes.

17 Q --- into the yard?

18 A Yes.

19 Q Okay. And you're still -- you're still arguing
20 about whether he -- you know, that he shouldn't be coming
21 into your house at such a late hour?

22 A We were not arguing. I was talking to my son.

23 Q And Antwan had been drinking?

24 A I don't know if my son had been drinking or not. I
25 didn't smell alcohol on my son.

1 Q You didn't smell it?

2 A (No audible response.)

3 Q And I believe that you testified on direct that your
4 back was towards the house?

5 A Yes. My told -- my back was -- it was turned like
6 this. So that would be toward the house.

7 Q And when you -- when Antwan saw Melvin with the gun,
8 he said, "Man, I know you ain't going to point a gun.
9 You going to shoot me?"

10 A What did you say? I didn't ---

11 Q Antwan said, "Man, I know you ain't going to point a
12 gun. You going to shoot me?"

13 A Antwan said, "So what? You're going to shoot me or
14 something?"

15 Q And then, you pulled at Antwan?

16 A I didn't pull at Antwan. At one point I was -- had
17 my hand like for Antwan not to go to my house before we
18 started talking, before that even happened.

19 Q Okay. But you're testifying that when y'all saw
20 Melvin, you didn't touch Antwan? You didn't pull or push
21 at him?

22 A I don't -- no. I don't recall pushing on my son. I
23 don't push on ---

24 Q Okay.

25 A --- my son. Me and my son has never had an

1 altercation.

2 Q Okay. So you didn't pull or push at him?

3 A I've never -- my son and I have never had an
4 altercation for me to pull or push on my son. My son
5 would never put his hand on me.

6 Q And shortly after that, you -- you hear the gunshot?

7 A No. Me and my son was talking. Melvin came from
8 around the house with that shotgun. When my son and I
9 looked back, he was pointing the gun at my son.

10 My son asked him, "So what? Are you going to shoot
11 me or something?" And he ---

12 Q Ms. Caroline ---

13 A --- shot him.

14 Q --- my question is just: Did -- did you hear the
15 gun go off?

16 A I was standing right next to my son. Yes.

17 Q And when you realized Antwan had been shot, you
18 called the police immediately?

19 A Yes. When Antwan walked off after Melvin said what
20 he said to me, I was dialing 911 then when my son got
21 shot.

22 Q Okay. And you -- you called your family afterwards?

23 A After I had spoke with 911, I called my sister to
24 tell her that Melvin had just shot my baby.

25 Q And your ---

1 A Yes, I did.

2 Q Yes, ma'am. Your sister and your nephew got there
3 right away?

4 A My sisters got there right away. My son pulled up
5 afterwards.

6 Q Your son? Okay.

7 And then the police showed up, correct?

8 A Yes.

9 Q And I know you -- well, Melvin is -- is there when
10 the police arrived? He's in the yard?

11 A Yes.

12 Q And you told the police that he was the shooter?

13 A I hadn't spoke to the policemen yet.

14 Q Okay.

15 A I was over there with my son, trying to get my son,
16 holding to my son.

17 Q Well, Ms. Caroline, did you see them place Melvin in
18 handcuffs?

19 A I can't remember if they placed him in handcuffs,
20 because my mind was not there.

21 Q And I know this has been mentioned. But you -- you
22 did give a statement to police ---

23 A Yes.

24 Q --- early that morning?

25 A Yes.

CROSS-EXAMINATION BY MS. BRUCK - ESTHER CAROLINE 176

1 Q That would've been at 4:51 a.m.? Does that sound
2 right?

3 A I don't know what time it was. It may have been.

4 Q Okay. You hadn't gotten much sleep, obviously.

5 A No.

6 Q And I know you must've been very upset.

7 A Yes.

8 Q Were you in shock?

9 A Yes.

10 Q And were you angry at Melvin?

11 A I wasn't angry. My concern was my son. My son was
12 my concern.

13 Q And Ms. Caroline, what you just said about Melvin
14 saying, "You don't have to worry about your son
15 disrespecting you anymore," you didn't tell anyone that
16 Melvin had said that at the scene that night?

17 A I don't recall it. I was so distraught and so
18 traumatic.

19 Q Yes, ma'am. And you didn't tell investigators
20 during the interview that he said that?

21 A (No audible response.)

22 Q This happened almost four years ago. How -- how
23 many times did you meet with people from the victims-
24 advocate office?

25 A It was about a year I went to the post-trauma

REDIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 177

1 traumatic. And I saw a psychiatrist there.

2 Q What about the people from the solicitor's office?

3 A I can't remember how many times I went to the
4 solicitor's office.

5 Q Would you say it was more than five?

6 A I can't remember, as far as the solicitor's office.
7 I don't know anything. I can't remember about the
8 solicitor's office how many times I've gone there.

9 Q And I know it's been difficult for you to recount
10 this story over and over. But in the many times that
11 you've told it, did you ever tell anyone that Melvin said
12 that?

13 A Yes. I told my lawyer, April, that he said that. I
14 told my sister that he said that.

15 MS. BRUCK: Court's indulgence.

16 (Off the record briefly.)

17 Q I have no further questions. Thank you.

18 THE COURT: Any redirect?

19 MS. SAMPSON: Just briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. SAMPSON:

22 Q Ms. Caroline, she asked you about talking with me.
23 That statement you made about what Mr. White said after
24 he shot, you told me that when we were in the pretrial
25 hearing, correct?

REDIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 178

1 A Yes, correct.

2 Q Okay. And she talked to you about talking with
3 investigators and being in the house. Did you stay in
4 the house after that, after this happened?

5 A No. I was staying with my sister.

6 Q And when did you return to that house?

7 A I didn't return to that house until maybe in June or
8 July sometime or August maybe.

9 Q And we've heard testimony about the gun being found
10 by you. When did you ---

11 A Right.

12 Q --- find it?

13 A That was in -- I think it was December. Me and my
14 girlfriend went down there, because she wanted to help me
15 get some things from out the house.

16 Q Okay.

17 A And when went out there and I went to move the
18 laundry basket is when I found it.

19 Q And what did you do when you found it?

20 A I called the officer ---

21 Q And ---

22 A --- and let them know that the gun was under the
23 bed, behind the laundry baskets. And it was some
24 shoeboxes on the other side that -- that blocked it.

25 Q Okay. So you found it when you were cleaning?

REDIRECT EXAMINATION BY MS. SAMPSON - ESTHER CAROLINE 179

1 A Yeah.

2 Q Okay.

3 MS. SAMPSON: Beg the Court's indulgence for one
4 moment.

5 (Off the record briefly.)

6 Q I want to show you -- I'm showing you State's
7 Exhibit No. 11, which has already been shown the jury.
8 Is that what your house looked like the night of the
9 incident? Or morning of?

10 A No. I hadn't made the bed.

11 Q Right. And is this what it looked like when you
12 went back and found the gun, which is State's Exhibit 41?

13 A No. I had some baskets.

14 Q Right. There -- I know ---

15 A Right.

16 Q --- these are different parts of your room. But I'm
17 ---

18 A Yeah.

19 Q --- just -- you cleaned your room?

20 A Yeah. Yeah. This is how it looked there.

21 Q Okay. I was trying to clarify that ---

22 A Yeah.

23 Q --- that there was a difference in the room in these
24 ---

25 A Yeah.

1 Q --- in these two photographs because you cleaned
2 your room ---

3 A Yeah.

4 Q --- is that correct?

5 A Yeah.

6 THE COURT: What are those exhibits again?

7 MS. SAMPSON: I'm sorry. I thought I said, Your
8 Honor. One was State's Exhibit No. 4 -- 11, and one was
9 State's Exhibit 41.

10 THE COURT: Thank you.

11 MS. SAMPSON: The one that shows it the night of is
12 11, and the one that shows it when the gun was found is
13 State's 41.

14 THE COURT: All right. Thank you.

15 MS. SAMPSON: Thank you, Your Honor. No further
16 questions.

17 THE COURT: Any recross?

18 MS. BRUCK: No, Your Honor.

19 THE COURT: Ma'am, you may step down. Thank you.

20 (Whereupon, the witness exited the witness stand.)

21 MS. SAMPSON: May I proceed, Your Honor?

22 THE COURT: Yes.

23 MS. SAMPSON: The state calls Investigator Hal
24 Boland.

25 (Whereupon, the witness came forward.)

1 HAL BOLAND, having been first duly sworn,
2 testified as follows:

3 DEPUTY CLERK OF COURT: Please have a seat. State
4 your full name for the record.

5 THE WITNESS: James Boland, B-o-l-a-n-d.

6 DIRECT EXAMINATION

7 BY MS. SAMPSON:

8 Q And I think I introduced you as Hal Boland. Do you
9 go by Hal?

10 A Yes. My actual name is James Harold, and I go by
11 Hal as a nickname.

12 Q Okay. Investigator Boland, where do you work?

13 A Richland County Sheriff's Department.

14 Q And how long have you worked there?

15 A Twenty-three years.

16 Q And what do you do there now?

17 A I'm assigned to the criminal-investigative division.
18 More specifically, I'm working motor vehicle theft now.

19 Q Okay. And how long have you been with the sheriff's
20 department? I need you to speak up a little bit.

21 A Since 1996.

22 Q Okay. And how -- can you kind of chronolize [sic]
23 how you've moved through the -- your jobs there?

24 A I was hired here; started March of 1996. Was -- I
25 worked in this courthouse as a court security for

DIRECT EXAMINATION BY MS. SAMPSON - HAL BOLAND 182

1 approximately 14 months. Was able to secure a position
2 at the academy; graduated the academy -- criminal justice
3 academy.

4 And I was assigned to the Lower Richland community
5 of Richland County on patrol for approximately three
6 years; was then promoted to investigator in 2000, where I
7 worked various units, burglary to larceny, till I
8 eventually was part of the major-crimes unit, which is
9 crimes against persons. I worked aggravated assaults,
10 homicides, from 2004 to 2015.

11 Q Okay. And so in November of 2015, you would've been
12 in that capacity?

13 A Correct.

14 Q Okay. So how does an investigator become assigned
15 to a case? How does that work?

16 A This particular night, for instance, investigators,
17 usually four or five of them in the investigations
18 division, work a week of evening shift. So you're on
19 call, if you will. And one of those that's assigned that
20 particular night -- excuse me -- that week of nights --
21 evening shift is the primary homicide-call detective,
22 which that's what my capacity was at this particular
23 time.

24 Q And being on night shift, how long is shift?

25 A Well, usually, about eight hours. And it varies.

1 You come in at 3; go in, what, 2; come in at 11 a.m.;
2 stay out till 7 a.m. So it varies.

3 Q Okay. And do you sometimes stay later than your
4 shift to finish ---

5 A Oh ---

6 Q --- if you're ---

7 A --- yes.

8 Q So on November 29th of 2015, you got called to this
9 -- to this case?

10 A Yes.

11 Q How did you receive the call?

12 A Allow me to look at my notes.

13 Q Would looking at your notes help refresh your
14 memory?

15 A It would. Thank you. I learned about a shooting
16 incident at [REDACTED] Joe Louis Drive, which is here in
17 Richland County, at approximately 330 hours.

18 Q And I'm going to stop you. When you say you -- do
19 you get, like, a call from dispatch or do you get it from
20 another investigator or does it vary, depending on the
21 case?

22 A It -- sometimes I might hear it over dispatch or I
23 would get a call from a supervisor. Typically,
24 supervisor is called first to be advised of what they got
25 going on so they can send the appropriate investigator to

DIRECT EXAMINATION BY MS. SAMPSON - HAL BOLAND 184

1 that scene.

2 Q All right. So when you got called in, what's the
3 first thing you do once you learn of the incident?

4 A I arrived at about 3:42 a.m. and met with the
5 deputies on scene. Investigator Woods was already on
6 scene, processing it.

7 Q And is that normal for there already to be people
8 there when the investigator -- lead investigator gets
9 there?

10 A Yes.

11 Q Okay. And so what -- what did you do once you got
12 there?

13 A Well, I was briefed as to what the situation was at
14 the time about the victim being shot in the front yard,
15 which the victim was present and apparent in the yard.

16 Q So when you got there, he was still -- the -- the
17 body was still there?

18 A Yes.

19 Q Okay. So what did you do once you got there?

20 A I learned that Mr. White was still on scene. He was
21 being detained in the back of a marked patrol unit. I
22 then spoke with Ms. Esther Caroline, who was a witness to
23 the incident. I think I had her sit in my car briefly.

24 And ---

25 Q And was she with anyone?

1 A She -- I -- whenever I arrived, I think she was
2 coming out -- down the steps with her elder son.

3 Q So she had two sons?

4 A Yes.

5 Q Okay. And so she -- I think you -- I stopped you.
6 I'm sorry. So did you speak with her at that time?

7 A Yes. She was visibly and emotionally upset.

8 Q Okay.

9 A Continued to say, "He shot my baby. He shot my
10 baby." At ---

11 Q Did she say who he was?

12 A Eventually, she would identify Mr. White. Yes.

13 Q Okay. And so what happened at that point?

14 A At this point in time, I needed to secure a
15 statement from Ms. Caroline as to what happened. I think
16 -- I believe I transported her back to our headquarters
17 on Two Notch Road. I interviewed her.

18 Q And I'm going to stop you. Why didn't you stay on
19 the scene?

20 A It was my job to interview the witnesses and the
21 parties involved. Crime scene was already there. And I
22 had contacted -- once I got on scene, I then contacted
23 Sgt. Lindler and advised him that we were going to need a
24 search warrant to process the home. So once I knew that
25 the supervisor was coming, CSI was already in -- on the

DIRECT EXAMINATION BY MS. SAMPSON - HAL BOLAND 186

1 exterior of the home, taking photographs, it was then
2 that I took Ms. Caroline back to headquarters to
3 interview her.

4 Q And why did you need a search warrant if you had Ms.
5 Caroline's permission to search the house?

6 A Mr. White also lived in the home. So he had certain
7 rights that had to be afforded to him. Usually, if it
8 had been someone else to not living in the home, we
9 could've maybe gotten the consent from the homeowner.
10 But we felt that a search warrant was necessary.

11 Q Okay. And were you able to get a search warrant?

12 A Yes.

13 Q Okay. So -- I stopped you. You -- you said you --
14 you took Ms. Caroline back and interviewed her?

15 A Yes.

16 Q Okay. And was she able to provide you a statement?

17 A She did.

18 Q Okay. And what else did you do at that point?

19 A I -- by this time Sgt. Mauldin had arrived. Sgt.
20 Lindler had contacted her, being victim advocate on call.
21 She arrived, and she would be with Ms. Caroline until
22 other family members, I think, arrived at headquarters as
23 well.

24 I instructed them that we needed to secure Ms.
25 Caroline's clothes and have her photographed, just a part

1 of protocol.

2 Q And was that done?

3 A That was.

4 Q Okay. And then, what was the next thing you did?

5 A I then interviewed Mr. White.

6 Q And did you bring him back to headquarters, or how
7 did he get back to headquarters?

8 A No. Well, was transported by a marked unit.

9 Q Okay. And you were able to speak with him?

10 A Yes.

11 Q Did you advise him of his rights?

12 A I did. I read him his rights. We went through them
13 -- what we call written. We have a certain form that we
14 use. And as we go through the -- the rights afforded to
15 the individual, I check them off. And then, that person
16 will sign and I would sign as well.

17 Q And did he admit to you that he shot the victim?

18 A He did.

19 Q And after you -- did he -- you take a written
20 statement from him at some point?

21 A I did.

22 Q Okay. And after you did that, what did you do?
23 After you took the written statement. I'm sorry.

24 A He was just allowed to read it, and he signed it.

25 Q Okay. And did you arrest him at that point?

DIRECT EXAMINATION BY MS. SAMPSON - HAL BOLAND 188

1 A Yes.

2 Q Okay. Did you ever relay information back to people
3 at the -- at the home about what to look for?

4 A Yes. As I was asking Mr. White about what had
5 happened, I asked him specifically about the gun, where
6 it would be located. And he said in the bedroom.

7 Q Okay. And was a gun located that night in the
8 bedroom or that morning?

9 A (No audible response.)

10 Q Was a -- was a shotgun located in the bedroom that
11 night?

12 A Not to my knowledge. No.

13 Q Okay. And how -- when was a -- when was the shotgun
14 located?

15 A On December 29th, approximately 30 days later, I was
16 notified by a -- a supervisor. My office at the time was
17 at 1931 Pineview down off of Garners Ferry Road, not too
18 far from this incident location. I was advised that it
19 was -- a shotgun had been located at [REDACTED] Joe Louis, so I
20 responded.

21 By this time Investigator Rainsford was already on
22 scene. He had not -- he -- I believe he had been shown
23 where it was at. I don't know if he had photographed it
24 yet, but he certainly hadn't collected it yet. I then
25 went into the -- the home and observed it where he found

1 it.

2 Q And did you take any photographs of what you saw?

3 A I did.

4 Q Okay.

5 (Off the record briefly.)

6 Q I'm going to show you what's been marked as State's
7 Exhibit 64 and 65 and ask if you recognize those.

8 A Yes.

9 Q And what are those?

10 A These appear to be pictures that I took from under
11 -- took from the left side of the bed, as if you were
12 facing the bed, opposite the wall. You enter the room.
13 To the left side of the bed is where I had crouched down
14 and I took these photographs underneath the bed.

15 Q And are the -- in the same -- do they accurately
16 depict what you saw the day that you took the
17 photographs?

18 A They do. They -- yes.

19 Q Okay. And have they been altered in any way?

20 A No.

21 MS. SAMPSON: At this time, Your Honor, we'd ask to
22 introduce State's Exhibit 64 and 65 into evidence.

23 THE COURT: Any objection?

24 MS. EIGENBROT: No objection.

25 THE COURT: Without objection, so admitted.

DIRECT EXAMINATION BY MS. SAMPSON - HAL BOLAND 190

1 (Whereupon, State's Exhibits 64 and 65 were entered
2 into evidence.)

3 Q And I'm just going to show the jury. So both 64 and
4 65 show the underneath of the bed?

5 A As you look from the left side towards the right
6 side of the bed.

7 Q So would it be fair to say the gun is behind these
8 shoes?

9 A Yes. I was trying to figure out, if someone looked
10 under the bed, why they didn't see that gun laying on the
11 ground or floor.

12 Q And those are in front of ---

13 A And that obstruction was obvious.

14 Q Okay. All right.

15 MS. SAMPSON: Beg the Court's indulgence.

16 (Off the record briefly.)

17 Q And you said you had Ms. Caroline photographed. Did
18 you see any injuries on Ms. Caroline?

19 A I did not.

20 Q Okay.

21 (Off the record briefly.)

22 Q Nothing further at this time. Thank you.

23 THE COURT: Cross-examination?

24 MS. EIGENBROT: Yes. Thank you, Your Honor. May it
25 please the Court.

1 CROSS-EXAMINATION

2 BY MS. EIGENBROT:

3 Q Investigator Boland, you mentioned that you received
4 notification of this shooting at approximately 3:30 a.m.
5 that night, correct?

6 A Correct.

7 Q And you did eventually get to the scene, but not
8 right away?

9 A Correct.

10 Q It was about 3:42?

11 A Correct.

12 Q And by the time you arrived on scene, Investigator
13 Woods was already there?

14 A Correct.

15 Q And as you heard earlier, she was the one that
16 secured not only the actual scene where the body was, but
17 also the house at that time?

18 A Yes. I'm -- I -- I can remember -- I remember
19 seeing her on the exterior of the home. Yes.

20 Q And when you arrived on scene, you said you got
21 briefed by the responding deputies?

22 A Yes.

23 Q And they told you that Melvin was already detained
24 in a vehicle?

25 A Correct.

CROSS-EXAMINATION BY MS. EIGENBROT - HAL BOLAND 192

1 Q They didn't mention that he was combative, right?

2 A No.

3 Q Or difficult?

4 A No.

5 Q They just placed him in handcuffs and placed him in
6 the car?

7 A Correct.

8 Q And then, he was transported to headquarters without
9 any issues?

10 A Correct.

11 Q And as you just testified, he did speak to you that
12 night?

13 A Yes.

14 Q Didn't ask for a lawyer?

15 A No.

16 Q Answered your questions?

17 A Yes.

18 Q And as officer you recognize that shooting someone,
19 justified or not, is traumatic?

20 A I would say it's not a common thing. Right.

21 Q But you would agree that that could cause some
22 trauma to someone, just ---

23 A It ---

24 Q --- just ---

25 A --- it can ---

1 Q --- like this ---

2 A --- to someone. Yes.

3 Q And just like Ms. Esther, there -- it can be
4 upsetting?

5 A Yes.

6 Q And as you heard, sometimes you forget things,
7 right?

8 A Yeah. Sometimes.

9 Q And you spoke to Melvin at headquarters, right?

10 A Correct.

11 Q This is in an interrogation room?

12 A It's in an office, just a regular office.

13 Q It's just a little square room with a computer and
14 some chairs?

15 A No. It was actually a supervisor's office ---

16 Q Okay.

17 A --- that he would normally work out of during
18 daylight-business hours.

19 Q And when you took the statement from Melvin, this
20 was not recorded through audio or video in any way,
21 shape, or form?

22 A No, ma'am.

23 Q And then, Investigator, I want to briefly talk to
24 you about the shotgun. I know you took these two
25 photographs, State's Exhibit Nos. 64 and 65. And you

REDIRECT EXAMINATION BY MS. SAMPSON - HAL BOLAND 194

1 mentioned that these were taken as you crouched down on
2 the left side of the bed?

3 A Correct.

4 Q Now, you've seen crime scene photos from this
5 investigation, correct?

6 A Yes.

7 Q And the photos taken by, I believe it was
8 Investigator Woods, would show that the right side of the
9 bed is not completely flush against the wall. Would you
10 agree?

11 A Correct.

12 Q And that's the side the shotgun was located at?

13 A Yes.

14 Q Thank you, Investigator Boland. I don't have any
15 further questions.

16 THE COURT: Any redirect?

17 MS. SAMPSON: Just briefly, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. SAMPSON:

20 Q Investigator Boland, Ms. Eigenbrot just asked you
21 about taking the defendant's statement. What was his
22 demeanor like while you were talking to him?

23 A He was very alert, very calm.

24 Q Was he crying?

25 A No.

RE CROSS-EXAMINATION BY MS. EIGENBROT - HAL BOLAND 195

1 Q Did he scream or yell?

2 A No.

3 Q Did he ask for something to drink? water? need to
4 take a break?

5 A If he did, it was granted. I don't recall.

6 Q Okay. And when you're taking this statement, does
7 -- do you write -- like, write down what he's doing and
8 saying as he does it, or do you talk and then write it
9 down? How does that work?

10 A No. We usually do an interview -- I mean, talk with
11 them, like, question and answer, "Tell me what happened,"
12 so I understand what's going on. And then we reduce it
13 to writing.

14 Q Ever have any trouble understanding him?

15 A No.

16 Q Ever break down crying or anything like that?

17 A No.

18 Q No further questions.

19 MS. EIGENBROT: Just briefly, Your Honor.

20 RE CROSS-EXAMINATION

21 BY MS. EIGENBROT:

22 Q Ms. Sampson just asked you if he asked for anything.
23 Melvin asked to speak to Ms. Caroline during his
24 interview, right?

25 A I think he -- I think he did. And obviously, I

1 would've asked Ms. Caroline if she wanted -- and that was
2 not -- yeah.

3 Q Right. And recognizing that. But he did express
4 concern for her well-being at ---

5 A I believe ---

6 Q --- that point?

7 A --- that's right?

8 Q Thank you.

9 THE COURT: Sir, you may step down. Thank you.

10 THE BAILIFF: Watch your step.

11 (Whereupon, the witness exited the witness stand.)

12 THE COURT: Ms. Sampson?

13 MS. SAMPSON: At this time, Your Honor, the state
14 rests.

15 THE COURT: All right. Can the lawyers approach a
16 minute, please.

17 (Whereupon, a bench conference was held off the
18 record in the presence of the jury, but out of the
19 hearing of the jury.)

20 THE COURT: All right. Ladies and gentlemen, the
21 state has -- has rested its case. At this point there are
22 some matters of law that we need to take up. And what
23 I'm going to do is I'm going to go ahead and let you go
24 for the balance of the day.

25 I'm going to ask you to be back here tomorrow

1 morning at 9:30. Be back here tomorrow morning at 9:30,
2 an we will resume at that time.

3 As I've told you from the outset, don't discuss the
4 case at all with anyone. Don't do any independent
5 investigation on your own. You are to decide this case
6 based upon the evidence and testimony presented in this
7 courtroom and nowhere else.

8 You all have a nice evening, and I'll see you all
9 tomorrow morning at 9:30. Thank you.

10 (Whereupon, the jury exited the courtroom at 4:18
11 p.m.)

12 THE COURT: All right. Anything from defense
13 counsel at this time?

14 MS. EIGENBROT: Yes, Your Honor. At this time the
15 defense would move for a directed verdict for the record.
16 The defense would move this Court for a directed verdict.
17 Taking the -- the evidence in the light most favorable to
18 the state, the state has failed to present evidence
19 beyond a reasonable doubt sufficient to convince a
20 reasonable juror that Mr. White is guilty of this murder.

21 Your Honor, I would also at this time renew all of
22 our motions and prior objections and ask Your Honor to
23 reconsider any previous rulings and grant the directed
24 verdict in this matter.

25 THE COURT: All right. Anything from the state in

1 response ---

2 MS. SAMPSON: Your Honor, I ---

3 THE COURT: --- response?

4 MS. SAMPSON: --- believe, viewing the evidence in
5 the light most favorable to the state, we have given
6 enough evidence to present this case to the jury. We
7 have established jurisdiction. Ms. Caroline has stated
8 exactly what happened and that the defendant shot her son
9 in front of her. She identified the defendant as being
10 the person who did such.

11 I don't think that -- we -- we've provided enough
12 for this case to continue to go forward. And I would ask
13 that you deny their motion.

14 THE COURT: All right. As each of you all are
15 aware, the Court is required to view the evidence in the
16 light most favorable to the state. If there's any direct
17 or substantial circumstantial evidence reasonably tending
18 to prove the guilt of the accused, the Court is required
19 to deny such motion.

20 Therefore, I believe, based upon the testimony
21 that's been elicited throughout the course of this trial,
22 that there is direct evidence -- direct evidence
23 reasonably tending to prove the guilt of the accused of
24 the crime charged. Therefore, the Court is respectfully
25 denying defendant's motion. But it is so noted for the

1 record.

2 As far as all prior motions/objections/exceptions
3 made by defense counsel, the Court notes those for the
4 record. But the Court's rulings as to each remain the
5 same. But they are so noted for the record. Okay?

6 All right. At this time what I'm going to do, Mr.
7 White, I'm going to advise you of your rights. And what
8 I like to do during the course of a criminal trial is --
9 is advise the defendant of their rights and give them an
10 -- the overnight to think about it, talk about it with
11 whomever. So if you'll stand at this time, please.

12 THE DEFENDANT: (Complied.)

13 THE COURT: If you'll -- if you'll raise your right
14 hand, sir.

15 THE DEFENDANT: (Complied.)

16 MELVIN WHITE, having been first duly sworn,
17 testified and stated as follows:

18 THE COURT: All right. You can put your hand down.
19 You're Melvin White?

20 THE DEFENDANT: Melvin James White.

21 THE COURT: Excuse me. Mr. Melvin James White?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Mr. White, at this time I'm
24 going to explain to you certain of your rights. If you
25 do not understand anything that I say, please let me

1 know. If you want me to explain anything in more detail,
2 please let me know as well. Do you understand that, sir?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. We've now reached the stage
5 of the trial where you may present your defense. You
6 have the right to claim the protections given to you by
7 the Fifth Amendment to the United States Constitution.
8 And that amendment states, in part: That no person, no
9 person, shall be compelled in any case -- in any criminal
10 case to be a witness against himself.

11 This means that you cannot -- you cannot be required
12 to testify in this case. Now, you have the right to
13 testify on your own behalf. However, no one can make you
14 testify. This is a personal right, and no one can waive
15 this right except you.

16 Now, if you decide to testify, you will be subject
17 to the same rules that govern other witnesses. And you
18 may be examined and cross-examined on any relevant issue
19 in this case.

20 In addition, if you have any convictions involving
21 dishonesty or false statements or for crimes punishable
22 by imprisonment for more than a year and this Court
23 determines that the probative value of admitting this
24 evidence outweighs its prejudicial effect to you, the
25 prosecutor will be able to introduce your record to

1 attack your credibility. Now, if you decide to testify,
2 this decision on your part must be freely -- excuse me --
3 voluntarily, and intelligently made, with the knowledge
4 of the protections given to you by the Fifth Amendment
5 and the consequences of your decision to testify.

6 Now, if you decide not to testify, I will instruct
7 the jurors that they cannot -- cannot give the fact that
8 you did not testify any consideration whatsoever and that
9 there is to be absolutely no prejudice to you because you
10 did not testify.

11 Now, it's left entirely up to you whether or not you
12 testify. You may talk with your family, your friends,
13 your attorneys, or anyone else. But the final decision
14 will be left entirely up to you.

15 Now, do you understand what I've explained to you,
16 sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have any questions about what I
19 have explained to you?

20 THE DEFENDANT: No, sir.

21 THE COURT: All right. What I'm going to do is I'm
22 going to give you the overnight to further discuss this
23 issue with your lawyers, your friends, your family,
24 whomever you so desire. But again, as I told a minute
25 ago, the final and ultimate decision as to whether or not

1 you testify rests entirely with you.

2 Tomorrow morning when we reconvene at 9:30, I will
3 expect an answer from you concerning your desire to
4 testify or not testify. Do you understand?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. You may be seated, sir.

7 All right. Anything further from the state at this
8 time?

9 MS. SAMPSON: No, sir.

10 THE COURT: Defense counsel?

11 MS. EIGENBROT: No, Your Honor.

12 THE COURT: All right. Let -- let me say this real
13 quick. I've noticed it a couple times coming in the
14 courtroom, when the courtroom has been called to order.
15 I'm not going to call anybody specifically out, but you
16 know who -- who you are.

17 When you enter the courtroom and you're instructed
18 to stand, you don't stand for me. You don't stand for me
19 at all. You stand out of respect for our judicial
20 system. Failing to do so, unless -- unless health
21 conditions prohibit you from standing -- that's
22 understandable -- but you're required to stand.

23 Again, that's not for me. Last time I checked, I
24 put my pants on the same way that everybody else does.
25 But the -- I have different a job responsibility, and you

1 stand out of respect for our judicial system and what it
2 represents.

3 I saw a judge one time put somebody in jail for 30
4 days for not standing. So that -- that's a bit of advice
5 for you. And again, if you have health -- a health
6 condition that prohibits you from doing so,
7 understandable. Otherwise, you're expected to stand when
8 the Court is called to order and you're instructed.

9 All right. Thank you.

10 MS. SAMPSON: Thank you, Your Honor.

11

12 (Whereupon, the proceeding adjourned at 4:26 p.m.)

13 --- END OF TRANSCRIPT OF RECORD ---

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CERTIFICATE

I, the undersigned Maryann S. Nevers, CVR-M-CM, RVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Richland County, South Carolina, on the 23rd day of October, 2019.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.



Maryann S. Nevers, CVR-M-CM, RVR
Official Court Reporter

Columbia, South Carolina
April 24, 2020



RICHLAND COUNTY SHERIFF'S DEPARTMENT
INTERROGATION: ADVICE OF RIGHTS

NAME: Melvin James White PLACE: 5623 Two Notch Rd.
OFFICER(S): Inv. J. Boland
DATE: 11/29/15 TIME: 0623

YOUR RIGHTS

- ✓ Before we ask you any questions, you must understand your rights.
- ✓ You have the right to remain silent.
- ✓ Anything you say can be used against in court.
- ✓ You have the right to talk to a lawyer for advice before we ask you any questions, and to have a lawyer with you during any questioning..
- ✓ If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
- ✓ If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WITNESS: J. Boland SIGNED: [Signature]
WITNESS: _____

WAIVER OF RIGHTS

✓ I have read this statement of my rights and understand what my rights are. I am willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me and no pressure or coercion of any kind has been used against me. Forek

WITNESS: J. Boland SIGNED: [Signature]
WITNESS: _____

5623 TWO NOTCH ROAD, COLUMBIA, SC 29223
TELEPHONE: (803) 576-3000
WEBSITE: www.rcsd.net

08/28/07

12th grade
2 or 3 beers of 18 pack.

Statement of

Melvin James White
Joe Louis Drive
Columbia SC 29209

Made at
Columbia, South Carolina, this November 29, 2015, at 0644, in the presence of
Inv. J. Boland of the Richland County Sheriff's Department.

I, Melvin James White, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.

Do make the following statement:

Q- Inv. Boland

A- Melvin James White

Q- What can you tell me about what happened at [redacted] Joe Louis Drive earlier tonight?

A- Me and my girlfriend, Esther Caroline, came from the laundry. I was back in the kitchen for a minute and then I came back in bedroom. I heard beatings on the window. Esther said, "go back where you came from, I done told you that I'm not going to have you come back in the house like I told you". She had told him that he can't do what he wants to do. I told Esther to look when he was sneaking a girl out the house this morning. He has been doing that over and over. Esther was outside and I thought she had told him to go on. I went to drink my beer. I was going to sit at the little table next to the house. He was headed down the street and I came out the door. He was like, "what's up". He was rushing me. Esther was trying to get him to go on. She was trying to have him go ahead on. I had my little bird shot with me.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: [Signature]

Signed: [Signature]

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this 29 day of November 2015

Sworn to and subscribed before me
This 29 day of November 2015

Signed: [Signature]

[Signature]
Notary Public for South Carolina
My commission expires 6/17/25

Q- Who is he that you are referring to?

A- Antwain.

Q- Can you describe the long gun that you had?

A- It's about three foot long. It has wood on it. It's an old shotgun.

Q- Why would you have the shotgun outside with you at that time?

A- I usually have with me when I sit outside. I just have there when I sit outside.

Q- Did Antwain threaten you?

A- I wouldn't say he was threatening. He came back at me and asked what I was going to do with a gun.

Q- Where did you put the shotgun at after you shot Antwain?

A- I went back inside the house and I stuck in straight up in the basket.

Q- Can you describe the basket?

A- It was a white plastic basket.

Q- Did you have a handgun with you as well?

A- No sir.

Q- Do you own a handgun?

A- I have my grandfather's gun. It was in the basket because I take it with us when we go out.

Q- Can you describe the handgun?

A- It's a little silver .32 with a long barrel.

End of Statement

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: [Signature]

Signed: [Signature]

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this 29 day of November 2015

Sworn to and subscribed before me
This 29 day of November 2015

Signed: [Signature]

[Signature]
Notary Public for South Carolina
My commission expires 6/17/25

WITNESSES

LS
LS
(S) J H Boland
- Richland County Sheriff

DOCKET NO. 2016GS4001050

The State of South Carolina
County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

MARCH TERM 2016

91

Defendant

ARREST WARRANT NUMBER

2015A4010203885

THE STATE

vs.

Witness:

C.C.C. PLS. AND G.S.

Melvin James White

ACTION OF GRAND JURY
TRUE BILL

Quada P. Wilson
Foreperson of Grand Jury
Date: **MAR 17 2016**

VERDICT

Indictment for
MURDER / MURDER

SC Code: 16-03-0010
CDR Code: 0116

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on MARCH 16, 2016, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Melvin James White did in Richland County, on or about November
29, 2015, kill the victim, ANTWAINE CAROLINE, with malice aforethought,
either express or implied, by means of FIREARM, and the victim did die as
a proximate result thereof. All in violation of Section 16-03-0010, S. C.
Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.

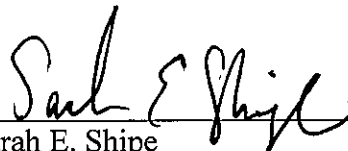


DAN JOHNSON, SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

RECEIVED

Apr 02 2021

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of April, 2021.