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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHARVIX L. WRIGHT,

APPELLANT

APPELLATE CASE NO. 2021-001537

RECORD ON APPEAL

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INDEX

INDEX	i
IMMUNITY HEARING TRANSCRIPT DATED DECEMBER 10, 2021	1
TESTIMONY	
KEGAN KELLEY	
Direct Examination by Mr. MacDonald	7
Cross Examination by Mr. Barnette.....	11
SHAWN CLORAN	
Direct Examination by Mr. MacDonald	17
Cross Examination by Mr. Barnette.....	25
CHARVIX LAVOY WRIGHT	
Direct Examination by Mr. MacDonald	34
Cross Examination by Mr. Barnette.....	57
Redirect Examination by Mr. MacDonald.....	78
Re-Cross Examination by Mr. Barnette.....	80
Redirect Examination by Mr. MacDonald.....	84
SUMMATION BY MR. MACDONALD	85
SUMMATION BY MR. BARNETTE	93
RESPONSE BY MR. MACDONALD.....	96
RESPONSE BY MR. BARNETTE.....	98
STATE’S EXHIBIT #6 (SLED REPORT).....	101
STATE’S EXHIBIT #7 (SLED REPORT).....	102
STATE’S EXHIBIT #22 (INDICTMENT).....	107
STATE’S EXHIBIT #23 (FIREARMS PROHIBITION)	109
STATE’S EXHIBIT #24 (FIREARMS PROHIBITION)	110
STATE’S EXHIBIT #25 (SENTENCING SHEET)	111
STATE’S EXHIBIT #28 (LIST OF CALLS).....	112
DEFENDANT’S EXHIBIT #5 (AUTOPSY REPORT).....	113

TRIAL TRANSCRIPT DATED DECEMBER 13-15, 2021	117
CALL OF THE CASE	118
GUILTY PLEA.....	120
OPENING STATEMENT BY MR. BARNETTE.....	127
OPENING STATEMENT BY MR. MACDONALD	130
TESTIMONY	
WYOMING SWITZER	
Direct Examination by Mr. Barnette.....	133
Cross Examination by Mr. MacDonald	137
TRISTAN COLE PARKER	
Direct Examination by Mr. Barnette.....	138
KEGAN KELLEY	
Direct Examination by Mr. Barnette.....	140
Cross Examination by Mr. MacDonald	149
Redirect Examination by Mr. Barnette	151
SHAWN CLORAN	
Direct Examination by Mr. Barnette.....	154
Cross Examination by Mr. MacDonald	178
Direct Examination by Mr. Barnette.....	181
KIMBERLY SPAINHOUR	
Direct Examination by Mr. Barnette.....	182
Cross Examination by Mr. MacDonald	185
SUZANNE CROMER	
Direct Examination by Mr. Barnette.....	185
Cross Examination by Mr. MacDonald	195
INDERJIT KAUR	
Direct Examination by Mr. Barnette.....	197
STEPHEN ROULEAU	
Direct Examination by Mr. Barnette.....	207
Cross Examination by Mr. MacDonald	210
JOHN WASSUM	
Direct Examination by Mr. Barnette.....	211

Cross Examination by Mr. MacDonald	215
Redirect Examination by Mr. Barnette	216
THE STATE RESTS	218
TESTIMONY	
CHARVIX LAVOY WRIGHT	
Direct Examination by Mr. MacDonald	219
Cross Examination by Mr. Barnette.....	249
Redirect Examination by Mr. MacDonald.....	276
Re-Cross Examination by Mr. Barnette.....	279
CLOSING ARGUMENT BY MR. BARNETTE.....	283
CLOSING ARGUMENT BY MR. MACDONALD.....	296
REPLY CLOSING ARGUMENT BY MR. BARNETTE	311
CHARGE ON THE LAW	317
JURY QUESTION.....	350
JURY QUESTION.....	351
VERDICT	353
SENTENCING	354
COURT’S EXHIBIT #1 (QUESTION FROM THE JURY).....	356
COURT’S EXHIBIT #2 (QUESTION FROM THE JURY AND DEFINITIONS)	357
MOTION TO DISMISS	369
ORDER DENYING MOTION TO DISMISS.....	371
TRUE-BILLED INDICTMENT.....	374
SENTENCE SHEETS	376
CERTIFICATE OF COUNSEL	380

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBITS #1-3, 8-9, 10-14, 15-21, 30-31 (PHOTOS); STATE'S EXHIBIT #4 (BODY CAM VIDEO); STATE'S EXHIBIT #5 (STILL PHOTO); STATE'S EXHIBIT #26 (DEFENDANT'S INTERVIEW CD); STATE'S EXHIBIT #27 (911 CALL); STATE'S EXHIBIT #29 (BOND HEARING CD); and DEFENDANT'S EXHIBITS #1-4 (PHOTOS) from the hearing held on December 10, 2021 before Judge J. Derham Cole

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) COURT OF GENERAL SESSIONS
3 2019-GS-42-04871
4 2021-GS-42-06348

4 State of South Carolina,)
5 Plaintiff,)
6 vs.) TRANSCRIPT OF RECORD
7 Charvix Lavoy Wright,)
8 Defendant.)

9
10 December 10, 2021
11 Spartanburg, South Carolina

12
13 B E F O R E:

14 THE HONORABLE J. DERHAM COLE, JUDGE.
15

16
17 A P P E A R A N C E S:

18 BARRY J. BARNETTE, SOLICITOR
19 Attorney for the Plaintiff

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21 Attorney for the Defendant

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25 DEBORAH M. McCURDY, RPR
Official Court Reporter

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11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF WITNESSES

KEGAN KELLEY

Direct By Mr. MacDonald 7

Cross By Mr. Barnette 11

SHAWN CLORAN

Direct By Mr. MacDonald 18

Cross By Mr. Barnette 25

CHARVIX LAVOY WRIGHT

Direct By Mr. MacDonald 34

Cross By Mr. Barnette 57

Redirect By Mr. MacDonald 78

Recross By Mr. Barnette 81

Redirect By Mr. MacDonald 84

1	STATE EXHIBITS			
2	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
3	1-3	Photographs	99	99
4	4	Body Cam Video	14	14
5	5	Still Photo	16	16
6	6	SLED Report	26	26
7	7	SLED Report	27	27
8	8-9	Photographs	28	28
9	10-14	Photographs	29	29
10	15-21	Photographs	31	31
11	22	Indictment	58	58
12	23	Firearms Prohibition	58	58
13	24	Firearms Prohibition	58	58
14	25	Sentencing Sheet	58	58
15	26	Defendant's Interview CD	62	62
16	27	9-1-1 Call	65	65
17	28	List of Calls	70	70
18	29	Bond Hearing CD	71	99
19	30-31	Photographs	77	77
20				
21				
22				
23				
24				
25				

1
2
3
4
5
6
7
8
9
10
11
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DEFENDANT EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Photograph	21	21
2	Photograph	21	21
3	Photograph	10	10
4	Photograph	23	23
5	Autopsy Report	17	17

DECEMBER 10, 2021

(WHEREUPON, the proceedings commenced at
10:34 a.m.)

THE COURT: All right, we are here in the
matter of State v. Charvix Lavoy Wright.

Mr. Wright has been charged in
Indictment 2019-04871 with the crimes of murder and
possession of a firearm during the commission of
that violent crime.

He is represented by Mr. MacDonald, of the
Public Defender's Office. And Mr. MacDonald has
made a motion pursuant to Section 16-11-450,
Subsection (A), to have this matter dismissed as he
contends the Defendant is immune from prosecution
based upon the circumstances as applicable to the
particular statute.

I also have another indictment, that
indictment being 2021-06348. That indictment
charges the Defendant, Charvix Lavoy Wright, with
the violation of Section 16-25-30, Subsection (A)
(3), alleging that he unlawfully possessed a
firearm after having been convicted of domestic
violence and the Court entering an order
prohibiting Mr. Wright from possessing,
transporting, shipping, receiving a firearm for a

1 period of three years from the date of that
2 conviction.

3 Mr. MacDonald, do you have copy of the new
4 indictment that I just referenced, 2021-06348?

5 MR. MACDONALD: I do, Your Honor.

6 THE COURT: Does Mr. Wright wish to be
7 arraigned on that charge, or does he waive
8 arraignment?

9 MR. MACDONALD: And, Judge, we are waiving
10 arrangement.

11 THE COURT: All right. Mr. Wright,
12 Mr. MacDonald says you waive arraignment on that
13 indictment that I just referenced. Is that true?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand the charge and
16 the potential punishment?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you have discussed it with Mr.
19 MacDonald?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. MacDonald, does your client
22 wish to enter a plea of not guilty as to that
23 charge?

24 MR. MACDONALD: Yes, Your Honor.

25 THE COURT: All right. Are y'all ready to

1 proceed with the 16-11-450(A) hearing?

2 MR. MACDONALD: Your Honor, may we approach
3 briefly?

4 THE COURT: Yes, sir.

5 (WHEREUPON, a bench conference was
6 held.)

7 MR. MACDONALD: Judge, the Defense would like
8 to call Officer Kelley.

9 (Witness approaches.)

10 THE CLERK: Do you swear to tell the truth,
11 the whole truth, and nothing but the truth, so help
12 you God?

13 THE WITNESS: Yes, ma'am.

14 THE CLERK: Thank you, sir.

15 (Witness seated.)

16 THE COURT: You may remove your mask while you
17 are testifying.

18 THE WITNESS: Thank you.

19 KEGAN KELLEY,
20 after being duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. MACDONALD:

23 Q Officer Kelley, could you state your name and spell
24 your name for the record?

25 A Yes. My name is Kegan Kelley. K-E-G-A-N. Kelley,

1 K-E-L-L-E-Y.

2 Q And what is your job?

3 A Currently I am a special agent with the South
4 Carolina Department of Revenue investigating
5 criminal investigations.

6 Q And at the time of this incident, what was your --
7 where were you employed?

8 A I was with the City of Spartanburg Police
9 Department on patrol.

10 Q Please state how you were involved and first
11 notified of this case.

12 A Yes. Yes, sir. On August 3, 2019, I was in the
13 area of North Highpoint, West Main right around the
14 Pelican Snowcone when the call came out about a
15 shooting at [REDACTED] Baltimore Street, which is in the
16 City of Spartanburg.

17 Q Okay. When you arrived on the scene, who did you
18 see?

19 A I was flagged down by an older, heavier set black
20 male in a gray shirt. And then the Defendant was
21 wearing blue swimming trunk shorts and a dark color
22 shirt and a beanie. They were both present.

23 Q Where were they located on the property?

24 A Outside the home. The older male was down the set
25 of stairs. The younger male was at the top of the

1 stairs just right outside the entrance into the
2 home.

3 Q And where did you go after you pulled up to the
4 residence?

5 A I was escorted into the residence, went through the
6 living room and I would say a small hallway, and
7 there was a bedroom right to the right, which is
8 where the victim was located.

9 Q Did you see anything -- were there any items
10 located on the victim?

11 A There was a knife at the -- when I arrived, there
12 was a knife on her right side under her leg.

13 Q Approximately how large was the knife? Do you
14 recall?

15 A I would say -- if I could show -- about this
16 length(indicating).

17 MR. MACDONALD: Judge, may I approach?

18 BY MR. MACDONALD:

19 Q I'm handing you what is marked as Defense Exhibit
20 Number 3. Could you please state what you see in
21 that picture?

22 A It looks like the blade end of the knife that was
23 present.

24 Q Did that blade fairly and accurately represent what
25 that knife looked like to your knowledge from that

1 day?

2 A I would say the only difference is just there is no
3 handle on this part.

4 MR. MACDONALD: Judge, at this time we would
5 like to admit Exhibit 3 into evidence.

6 MR. BARNETTE: No objection, Your Honor.

7 THE COURT: It is admitted.

8 MR. MACDONALD: Thank you, Judge.

9 (WHEREUPON, Defendant's Exhibit No. 3
10 was marked for identification and
11 received into evidence.)

12 BY MR. MACDONALD:

13 Q Did you notice any injuries on Mr. Wright?

14 A Not at the time.

15 Q You spoke to Mr. Wright, is that correct?

16 A Yes. I spoke to him at first when I initially
17 arrived, and then after I had detained him and put
18 him back in the back of my patrol car, I did ask
19 him if he was cut or any kind of injury after that.

20 Q There was a firearm involved in this situation, is
21 that correct?

22 A Yes, sir.

23 Q And did Mr. Wright show you where the firearm was?

24 A Yes, sir.

25 Q Okay. According to your report, to your knowledge

1 there was no other signs of struggle in the home to
2 your knowledge, is that correct?

3 A Did not appear.

4 Q All right. And other than the gunshot wound from
5 the victim, you didn't notice any other injuries
6 from either party?

7 A No, sir.

8 MR. MACDONALD: Judge, that is all I have.

9 CROSS-EXAMINATION

10 BY MR. BARNETTE:

11 Q Officer Kelley, do you remember what time you were
12 contacted about this case?

13 A Yes, it was right around 1331.

14 Q Is that 1:31 p.m.?

15 A Yes, sir.

16 Q And that was August 3rd, 2019?

17 A Yes, sir.

18 Q And let me mark a couple of exhibits here real
19 quick.

20 (Pause.)

21 Q Let me show you what has been marked as State's
22 Exhibit Number 1, State's Exhibit 2, and State's
23 Exhibit 3. Do those fairly represent the items you
24 saw that day?

25 A Yes, sir.

1 Q Okay. And State Exhibit 1, what is that, sir?

2 A That is the knife that I saw on the right side of
3 the victim's leg.

4 Q State Exhibit 2, what is that, sir?

5 A That is a picture of the firearms and the knife.
6 The knife was originally moved just for safety
7 concerns, not knowing if the victim was alive or
8 dead at that time.

9 Q State Exhibit 3, what is that, sir?

10 A That is the firearm that was located on the shelf.

11 Q And that is the one he showed to you?

12 A Yes.

13 Q And he indicated he is the one that shot that
14 weapon?

15 A Yes.

16 Q He indicated that was his weapon?

17 A Yes, sir.

18 Q And that of course was collected for evidence at a
19 later time, is that correct?

20 A Yes, sir, I believe so.

21 MR. BARNETTE: Your Honor, do you need to see
22 these exhibits as we go?

23 THE COURT: No.

24 BY MR. BARNETTE:

25 Q And, sir, did you have a Body Cam video at the

1 time?

2 A Yes, sir.

3 Q And let me show you what has been marked as State
4 Exhibit Number 4.

5 (Pause.)

6 Q Let me show you State Exhibit Number 4. You said
7 you had a Body Cam video that day, correct?

8 A Yes, sir.

9 Q Or a Body Cam camera. Have you reviewed that Body
10 Cam video?

11 A Yes, sir.

12 Q The first one? I think you actually had two, but
13 one I think you were just working on stuff.

14 A Yes, sir, the first video was while I was on scene
15 and the second video was while I was speaking with
16 the Defendant.

17 Q Okay. And this is a fair representation of what
18 you saw that day, is that right?

19 A Yes, sir.

20 MR. BARNETTE: Your Honor, I would like to
21 move State's Exhibit 4 into evidence at this time.

22 MR. MACDONALD: No objection.

23 THE COURT: It is admitted.

24 (WHEREUPON, State's Exhibit No. 4 was
25 marked for identification and received

1 into evidence.)

2 MR. BARNETTE: Your Honor, I can publish this
3 for the Court, or you can review it at a later
4 time.

5 THE COURT: I'll review it later.

6 MR. BARNETTE: Yes, sir.

7 BY MR. BARNETTE:

8 Q Officer Kelley, after you arrived there, did the
9 Defendant tell you that, I will take full
10 responsibility for this?

11 A Yes, sir.

12 Q Did he say it was an accident?

13 A Yes, sir.

14 Q Did he also say it was a mistake?

15 A Yes, sir.

16 Q And did he also tell you he thought his gun was on
17 safety?

18 A Yes, sir.

19 Q And at one point I think when you -- you
20 actually -- y'all actually got the phone from him,
21 is that right, at one point?

22 A Yes, sir.

23 Q And was he saying he was talking to his mom at the
24 time?

25 A It was either his mama or his child's mother.

1 Q Child's mother. But he was talking to somebody at
2 that point?

3 A Yes, he was on the phone.

4 Q Let me show you one more exhibit real quick. It
5 will be State Exhibit 5.

6 (Pause.)

7 Q Let me show you State Exhibit Number 5. Is that a
8 still photo off your Body Cam video?

9 A Yes, sir.

10 Q And does it appear to show the knife in that
11 picture?

12 A Yes, sir.

13 Q And how was the knife laying?

14 A It was -- when I first arrived and saw her, it was
15 in an unusual position. I did -- I do remember
16 that. The handle was downward and the sharp edge
17 of the blade was pointing towards the victim. The
18 handle was almost right behind her hands and
19 almost touching the floor, and the end of the knife
20 was pointing up.

21 Q That was unusual to you?

22 A Yeah, it seemed unusual, yes.

23 Q Yes. And did you see any blood on the knife?

24 A No, sir.

25 Q Was -- obviously was Ms. Fernanders, was she very

1 bloody at the time?

2 A Yes. And a lot of the blood was on her right side.

3 MR. BARNETTE: Your Honor, I would like to
4 move State Exhibit 5 into evidence at this time.

5 MR. MACDONALD: No objection.

6 THE COURT: It is admitted.

7 (WHEREUPON, State's Exhibit No. 5 was
8 marked for identification and received
9 into evidence.)

10 BY MR. BARNETTE:

11 Q And this did occur in Spartanburg County -- in the
12 City of Spartanburg, is that right?

13 A Yes, sir.

14 MR. BARNETTE: That's all the questions I have
15 of this witness at this time.

16 MR. MACDONALD: I have no further questions.

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

18 (Witness steps down.)

19 MR. MACDONALD: Judge, we have got a report
20 from a Dr. Wassum I believe that we are trying to
21 admit into evidence as Defense Exhibit 5. I
22 believe that there is a stipulation, so we are
23 planning to admit this into evidence at this time.

24 MR. BARNETTE: And, Your Honor, we are
25 stipulating for the purpose of this hearing.

1 MR. MACDONALD: That's correct, Judge.

2 MR. BARNETTE: That's right, I have no
3 objection to it.

4 THE COURT: And it is what?

5 MR. MACDONALD: It is the forensic report
6 completed by Physician John Wassum.

7 MR. BARNETTE: The autopsy report, Your Honor.
8 (WHEREUPON, Defendant's Exhibit No. 5
9 was marked for identification and
10 received into evidence.)

11 MR. MACDONALD: Judge, the Defense would next
12 like to call Investigator Cloran.

13 (Witness approaches.)

14 THE CLERK: Do you swear to tell the truth,
15 the whole truth, and nothing but the truth, so help
16 you God?

17 THE WITNESS: I do.

18 THE COURT: You may remove your mask while you
19 testify.

20 THE WITNESS: Thank you, sir.

21 (Witness seated.)

22 SHAWN CLORAN,
23 after being duly sworn, testified as follows:

24 DIRECT EXAMINATION

25

1 BY MR. MACDONALD:

2 Q Investigator Cloran? Is that how you pronounce it?

3 A Cloran.

4 Q Cloran? Thank you. Do you need a copy of your
5 report to look over just in case you need to
6 refresh your recollection?

7 A Yes, that would be helpful.

8 THE COURT REPORTER: What is your full name?

9 I'm sorry.

10 A Shawn Michael Cloran.

11 THE COURT REPORTER: Can you spell it?

12 A S-H-A-W-N. Michael, common spelling. Cloran,
13 C-L-O-R-A-N.

14 THE COURT REPORTER: Thank you.

15 BY MR. MACDONALD:

16 Q Investigator Cloran, where are you employed?

17 A I am currently retired.

18 Q Where were you employed at the time of this
19 incident?

20 A I was employed with the Spartanburg City Police
21 Department.

22 Q What was your role?

23 A I was a forensic investigator.

24 Q Were you the forensic investigator in this case?

25 A Yes.

1 Q Okay. Did you go to the house to do a forensic
2 investigation at any point in time where the
3 incident occurred?

4 A Yes.

5 Q Did you take any pictures?

6 A Yes.

7 Q You wrote a report about what you documented in the
8 house, is that correct?

9 A Yes.

10 Q And in the report, is it true that you mentioned
11 that there was a rolled up rug?

12 A Yes.

13 Q And you stated in that report that the rolled up
14 rug was on the sofa, is that correct?

15 A Yes.

16 Q You mentioned in your report that both the kitchen
17 and the living room were clean, is that correct?

18 A I believe so, yes.

19 Q If you need to review your report, I can point out
20 where you put that. If you do, just let me know.
21 In your report you indicated that there were chairs
22 located on top of table in the kitchen?

23 A Yes.

24 Q You located the knife that was placed on the shelf,
25 is that correct?

1 A Which knife?

2 Q I'm sorry, the knife that Officer Keegan had taken
3 off of the victim's body and placed on the shelf in
4 the house?

5 A In the closet area, yes.

6 Q That's correct. And you took pictures of that
7 knife, is that correct?

8 A Yes.

9 Q I'm showing you three exhibits, Defense Exhibit 1,
10 Defense Exhibit 2, and Defense Exhibit 4.

11 When looking at Defense Exhibit 1, can you
12 tell me what that is?

13 A That is the closet area in the hallway.

14 Q And is that where the knife was located?

15 A Yes.

16 Q And does that fairly and accurately depict the
17 representations made in your report that you
18 observed that day?

19 A Yes.

20 MR. MACDONALD: Judge, at this time we would
21 like to admit Exhibit 1 into evidence.

22 MR. BARNETTE: No objection, Your Honor.

23 THE COURT: It is admitted.

24 (WHEREUPON, Defendant's Exhibit No. 1
25 was marked for identification and

1 received into evidence.)

2 BY MR. MACDONALD:

3 Q Then could you look at the next exhibit, please,
4 and could you tell us what that exhibit is? What
5 number is it?

6 A Two.

7 Q Defense Exhibit 2?

8 A That is the beginning of the hallway, showing down
9 the hallway with the closet to the left, then the
10 bathroom, and then the bedrooms.

11 Q And does that photo fairly and accurately represent
12 how the house appeared that day?

13 A Yes.

14 MR. MACDONALD: Judge, at this time we would
15 like to admit the photo of the hallway, Exhibit 2,
16 into evidence.

17 MR. BARNETTE: No objection, Your Honor.

18 THE COURT: Admitted.

19 (WHEREUPON, Defendant's Exhibit No. 2
20 was marked for identification and
21 received into evidence.)

22 BY MR. MACDONALD:

23 Q Now, the way that hallway works is you have a linen
24 closet on the left side, is that correct?

25 A Yes.

1 Q And that is where you located the knife?

2 A Yes.

3 Q Adjacent to that linen closet is the bedroom, is
4 that correct?

5 A Yes.

6 Q Okay. And that is where the body was located, is
7 that correct?

8 A Yes.

9 Q Okay. The last exhibit I gave you, Defense Exhibit
10 4, could you please tell us what that was?

11 A That is the knife that was recovered.

12 Q And there is a measuring tape that is measuring the
13 blade, is that correct?

14 A Yes.

15 Q Does that picture fairly and accurately represent
16 the knife that was recovered from the home that
17 day?

18 A Yes.

19 MR. MACDONALD: Judge, at this time the
20 Defense would like to admit Exhibit 4 into
21 evidence.

22 MR. BARNETTE: No objection, Your Honor.

23 THE COURT: It is admitted.

24 (WHEREUPON, Defendant's Exhibit No. 4
25 was marked for identification and

1 received into evidence.)

2 BY MR. MACDONALD:

3 Q Now, could you please state what the length of the
4 blade of that knife was?

5 A Approximately five inches.

6 Q Also in your report you indicated that you noticed
7 that there was some standing water in the bathtub,
8 is that correct?

9 A It wasn't standing water. There was water that,
10 like if someone had just taken a shower, so there
11 was droplets as well as around the drain. Same for
12 in the sink.

13 Q So that indicated to you that that bathtub may have
14 been recently used?

15 A As well as the sink, yes.

16 Q Okay. You also went into the bedroom to take
17 pictures, is that correct?

18 A Yes.

19 Q Did you notice an AC unit in there?

20 A Yes.

21 Q What was its position?

22 A It was face-down.

23 Q Was the AC unit still running, or was it broken?

24 A It was still running.

25 Q Okay. Lastly, you indicated in your report that

1 you had observed the victim's -- the wound on the
2 victim, is that correct?

3 A Yes.

4 Q Where did you say the wound appeared to be?

5 A I believe it was under her left eye.

6 Q Okay. And did you notice any stippling around the
7 wound?

8 A Yes.

9 Q And what does that usually indicate?

10 A Stippling is when a firearm is in very close
11 proximity.

12 Q And how would you define close proximity?

13 A Less than a foot.

14 Q So --

15 A Within six inches.

16 Q Two to three feet, could that still possibly create
17 stippling?

18 A No.

19 Q No? Okay. So it would have to be closer than
20 that?

21 A I would say, the stippling on her, I would say
22 within about six inches.

23 Q From the muzzle of the gun?

24 A Yes. It is about, I would say roughly about
25 six inches.

1 Q Okay.

2 MR. MACDONALD: That's all I have, Your Honor.

3 MR. BARNETTE: May it please the Court, Your
4 Honor?

5 CROSS-EXAMINATION

6 BY MR. BARNETTE:

7 Q I believe the knife is State Exhibit -- I mean
8 Defense Exhibit, which one is it?

9 A Four.

10 Q Four? Did you look at that knife and take pictures
11 of it and everything, sir?

12 A Yes, sir.

13 Q Was there any blood found on it?

14 A I did not see any.

15 Q As a matter of fact, did y'all contact SLED and
16 have SLED test it for blood?

17 A Yes, sir.

18 Q To see if there was any blood on it?

19 (Pause.)

20 Q I show you what has been marked as State Exhibit
21 Number 6. Did y'all receive a report concerning
22 the testing of the knife?

23 A Yes, sir.

24 Q And was it tested for blood?

25 A Yes, sir.

1 Q And what did they find?

2 A It says, Presumptive testing for blood was
3 negative.

4 MR. BARNETTE: Your Honor, I would like to
5 enter State's Exhibit 6 into evidence for the
6 purpose of this hearing.

7 MR. MACDONALD: No objection.

8 THE COURT: Admitted.

9 (WHEREUPON, State's Exhibit No. 6 was
10 marked for identification and received
11 into evidence.)

12 BY MR. BARNETTE:

13 Q Did you see any blood on the Defendant?

14 A On his clothing, hands, there was nothing. There
15 was a small red droplet on his shoe.

16 Q Okay. And was that sent for testing at SLED?

17 A It was.

18 (Pause.)

19 Q Let me show you what has been marked as State
20 Exhibit Number 7. Is that a report that y'all
21 received when SLED did an analysis on the shoes and
22 other things too?

23 A Yes, sir.

24 Q And Item 7, was that the shoe that was sent that
25 you saw the speck on it?

1 A Yes, sir.

2 Q And what did that report show?

3 A It says, Swab from toe of suspect's left shoe,
4 presumptive testing for blood was negative. Do you
5 want me to keep --

6 Q Just the blood part right now.

7 MR. BARNETTE: Your Honor, I would like to
8 move State Exhibit 7 into evidence at this time.

9 MR. MACDONALD: No objection.

10 THE COURT: Admitted.

11 (WHEREUPON, State's Exhibit No. 7 was
12 marked for identification and received
13 into evidence.)

14 BY MR. BARNETTE:

15 Q Did you take pictures of the Defendant also, sir?

16 A Yes, sir.

17 (Pause.)

18 Q Let me show you what has been marked as State
19 Exhibits 8 and 9. Were those pictures that you
20 took, sir?

21 A Yes, sir.

22 Q Do they fairly represent what you saw that day?

23 A Yes, sir.

24 Q These were taken on August 3rd, the same day of
25 this incident, is that right?

1 A Yes, sir.

2 Q Was there any cuts on him, any bruises, any marks
3 whatsoever?

4 A No, sir.

5 Q There was no blood on him either, was there?

6 A No, sir.

7 MR. BARNETTE: Your Honor, I would like to
8 move State Exhibits 8 and 9 into evidence at this
9 time.

10 MR. MACDONALD: No objection.

11 THE COURT: Admitted.

12 (WHEREUPON, State's Exhibit Nos. 8-9
13 were marked for identification and
14 received into evidence.)

15 BY MR. BARNETTE:

16 Q Did you also take pictures of the scene, sir?

17 A Yes, sir.

18 Q Did you take pictures of the victim, Ms.
19 Fernanders?

20 A Say again, sir?

21 Q Did you take pictures of Ms. Fernanders?

22 A Yes, sir.

23 (Pause.)

24 Q Sir, I show you State Exhibits 10 through 14. If
25 you will take a look at those, sir.

1 A Yes, sir.

2 Q Are those a fair representation of what you saw
3 that day on August 3rd, 2019, sir?

4 A Yes, sir.

5 MR. BARNETTE: Your Honor, I would like to
6 move these into evidence at this time.

7 MR. MACDONALD: No objection.

8 THE COURT: Admitted.

9 (WHEREUPON, State's Exhibit Nos. 10-14
10 were marked for identification and
11 received into evidence.)

12 BY MR. BARNETTE:

13 Q I show you State Exhibit 10. Was there quite a bit
14 of blood there?

15 A Yes, sir.

16 Q And where the knife -- and I know you -- did you
17 actually look at the still photo that was taken off
18 the Body Cam video where the knife was?

19 A Yes, sir.

20 Q The area where the knife was located, was there
21 blood in that area?

22 A Yes, sir.

23 Q Was there any blood on the knife?

24 A No, sir.

25 Q Okay. I show you State Exhibit 11. Is that a

1 picture showing blood pooled underneath her at the
2 time?

3 A Yes, sir.

4 Q State Exhibit 12, is that a picture of her -- which
5 hand is that? Is that the right hand?

6 A That would be her right hand, yes, sir.

7 Q And was that the picture with the hand that was
8 near the knife?

9 A Yes, sir.

10 Q And did you see the picture how the knife was
11 laying on her?

12 A Yes, sir.

13 Q Did it appear -- what did it appear to you as?

14 A That the blade was up and the handle was down
15 towards the floor.

16 Q And let me show you State Exhibit 13. Was there
17 blood where a knife could have been held during
18 that time in her hand? Was there a spot where
19 the -- was there blood in her hand?

20 A There is blood in her hand, yes.

21 Q State Exhibit 14, is that just another picture of
22 her from behind her body from that standpoint?

23 A Yes, sir.

24 (Pause.)

25 Q Let me show you what has been marked as State

1 Exhibits 15 through 21, sir. If you would take a
2 look at those pictures.

3 (Pause.)

4 Q Does that fairly represent what you saw that day,
5 sir?

6 A Yes, sir.

7 MR. BARNETTE: Your Honor, I would like to
8 move 15 through 21 into evidence at this time.

9 MR. MACDONALD: No objection.

10 THE COURT: Admitted.

11 (WHEREUPON, State's Exhibit Nos. 15-21
12 was marked for identification and
13 received into evidence.)

14 BY MR. BARNETTE:

15 Q Fifteen is the doorway, is that right, sir?

16 A Yes, sir.

17 Q And was there blood spots in the doorway?

18 A Yes, sir.

19 Q And were they located I guess to the right towards
20 the kit -- I mean, in the hallway towards the
21 kitchen?

22 A As you enter the threshold into the bedroom, there
23 is a doorway on the other side of the bedroom to
24 the right that leads to the kitchen.

25 Q I show you what is State Exhibit 16. Is that a

1 close-up picture of one of the spots?

2 A Yes, sir.

3 Q Let me show you what is State Exhibit 17 -- or
4 State Exhibit 18. Is that another picture?

5 A Yes, sir.

6 Q State Exhibit 17, what is that a picture of, sir?

7 A Shell casing.

8 Q And was that what y'all found and was that
9 collected also?

10 A Yes, sir.

11 Q And did that shell casing match up with the gun
12 that y'all collected?

13 A Yes, sir.

14 Q What kind of gun did y'all collect?

15 A It was a .25 caliber handgun with a pearl handle.

16 Q And was that sent for testing to SLED too?

17 A Yes, sir.

18 Q And did that match up to the gun?

19 A Yes, sir.

20 Q State Exhibit Number 19, what is that, sir?

21 A That is the top of a tote that was used for storage
22 in their dresser.

23 Q And State Exhibit 20, what is that, sir?

24 A That is the top of the bed with droplets of what
25 appeared to be blood going in a directional

1 pattern.

2 Q And State Exhibit 21?

3 A It is a closer up photo of the droplets with the
4 victim's cell phone.

5 Q And was that like a shirt that was beside the cell
6 phone?

7 A Yes, sir.

8 Q Did you find -- was there a shirt also near her
9 left hand?

10 A I know there was an article of clothing.

11 Q Article of clothing?

12 A I'm not sure if it was pants or a shirt. Yes, sir.

13 Q And what was she wearing?

14 A Underwear and a stocking cap covering her braids.

15 Q She just had a pair of panties on basically?

16 A Yes, sir.

17 Q And was there other clothes that was like on the
18 bed in that bedroom that day?

19 A Yes, sir.

20 Q If you would, sir, please answer any questions Mr.
21 MacDonald may have.

22 MR. MACDONALD: I have got no further
23 questions, Your Honor.

24 THE COURT: You may step down.

25 (Witness steps down.)

1 MR. BARNETTE: Your Honor, may I collect the
2 exhibits real quick?

3 (Pause.)

4 MR. MACDONALD: Judge, the Defense calls
5 Charvix Wright.

6 (Witness approaches.)

7 THE CLERK: Do you swear to tell the truth,
8 the whole truth, and nothing but the truth, so help
9 you God?

10 THE WITNESS: Yes, ma'am.

11 CHARVIX LAVOY WRIGHT,
12 after being duly sworn, testified as follows:

13
14 DIRECT EXAMINATION

15 BY MR. MACDONALD:

16 Q Please state your name for the record.

17 A Charvix Wright.

18 Q And how do you spell that?

19 A C-H-A-R-V-I-X, Charvix, and Wright, W-R-I-G-H-T.

20 Q Mr. Wright, I am going to take us back to the day
21 of the incident. The address in question --

22 THE COURT: Mr. MacDonald, before you do that,
23 would you have Mr. Wright express his understanding
24 about his right to testify or not?

25 MR. MACDONALD: I'm sorry, Judge?

1 THE COURT: Before you ask him anything, will
2 you have Mr. Wright express his understanding as to
3 whether or not he understands his right to testify
4 or not?

5 BY MR. MACDONALD:

6 Q Mr. Wright, do you understand that you are not
7 obligated to testify, it is your right whether you
8 choose to testify or not?

9 A Yes, sir, I understand.

10 Q Do you still wish to go forward?

11 A Yes, sir.

12 MR. BARNETTE: Your Honor, may I ask the Court
13 just out of an abundance of caution to make sure
14 that -- I know Mr. MacDonald has done that, but I
15 know you usually do that before the Defendant
16 testifies in a trial.

17 THE COURT: All right. Well, Mr. Wright, you
18 and Mr. MacDonald have discussed the purpose of
19 this hearing today?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you understand why he has
22 called you to testify?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: But do you understand that you
25 don't have to testify during this hearing? Because

1 you are charged with a crime and it is serious, you
2 can't be made to take the witness stand and you
3 can't be required to testify, you can't be required
4 to make any statement, you can't be required to
5 answer any questions. However, if you, on your
6 own, make a decision that you want to testify to
7 provide me with information, that you are going to
8 have to answer not just Mr. MacDonald's questions,
9 you are going to have to answer questions asked of
10 you by the prosecutor even if the responses to
11 those questions might provide evidence that tends
12 to prove you guilty of the crime that you are
13 alleged to have committed.

14 Have you and Mr. MacDonald discussed your
15 right to testify and not testify?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you and he discussed the
18 advantages of testifying as well as not testifying?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand what those
21 advantages and disadvantages are?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And have you had plenty of time to
24 reflect upon your decision as to whether you wish
25 to testify now?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you need to discuss it with
3 your lawyer any further?

4 THE DEFENDANT: No, sir.

5 THE COURT: Have you made a decision?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: What is it?

8 THE DEFENDANT: I would like to testify.

9 THE COURT: Have you made that decision on
10 your own?

11 THE DEFENDANT: On my own.

12 THE COURT: Anybody forced you into it?

13 THE DEFENDANT: No, sir.

14 THE COURT: Anybody pressured you into it?

15 THE DEFENDANT: No, sir.

16 THE COURT: Did anyone even suggest to you
17 that that is the decision you ought to make?

18 THE DEFENDANT: No, sir.

19 THE COURT: You made that decision on your
20 own?

21 THE DEFENDANT: On my own.

22 THE COURT: And you understand the
23 consequences of it?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Mr. MacDonald.

1 MR. MacDONALD: Thank you, Judge.

2 BY MR. MACDONALD:

3 Q Mr. Wright, the residence where this event happened
4 at, who lived there?

5 A Me and the victim.

6 Q And who was the owner of that residence?

7 A We was renting it.

8 Q Okay. You rented it from a landlord?

9 A From a landlord, yes.

10 Q Okay. Who paid the rent to the landlord?

11 A I did.

12 Q Okay. How much was the rent?

13 A Six hundred a month.

14 Q Did you have utilities at the residence?

15 A Yes.

16 Q Who paid for utilities at the residence?

17 A I did.

18 Q Which utilities did you pay for for the residence?

19 A Lights, gas, water, internet, all in my name.

20 Q Let's take you -- let's take us to the beginning of
21 that day. What time did you wake up?

22 A She woke me up about I'd say ten minutes to 12:00.

23 Q Okay. And what happened when you first woke up?

24 A She woke me up telling me that it was somebody at
25 the door for me, and I told her to tell them I was

1 sleep. I didn't feel like being bothered.

2 Q Okay. And what happened after you got up?

3 A I got up. I'm just laying in the bed, you know,
4 trying to get my thoughts together, thinking about
5 what I'm going to do today. I'd say about five
6 minutes later she peeks her head in the room. I
7 fell asleep in my game room. We didn't sleep
8 together that night. She slept on the -- in the
9 living room. So she peeks her head in the game
10 room. She doesn't say anything, but I could tell
11 there is something on her mind. She leaves. She
12 goes back in the living room. I get up. I turn on
13 my PlayStation, turn on the TV and go to YouTube
14 and start playing music.

15 Q You started playing some music?

16 A Yes, sir.

17 Q And then what happened in regards to you putting
18 music on?

19 A I continued, you know, to prepare myself for the
20 day. I went and showered, brushed my teeth, picked
21 out something to wear. The whole time the music is
22 still playing. So once I get dressed, I'm walking
23 through the living room, she is in the living room.
24 I think, you know, it all started because she seen
25 I was getting ready to leave.

1 Q Okay. Let's just back up real quick. You said you
2 were -- did you say you were getting ready to
3 leave?

4 A Yes, sir.

5 Q Where were you going?

6 A To wash my car and to finish school shopping for my
7 kids.

8 Q Okay. And you stated -- is that why you were
9 getting ready and taking a shower?

10 A Correct, yes, sir.

11 Q Okay. And then what were you wearing?

12 A I had a Hollister T-shirt, Hollister swimming
13 trunks, and Jordans, Air Jordans on.

14 Q Did you have any jewelry on?

15 A Yes, I had on like two chains, yes.

16 Q Okay. Do you normally put those things on when you
17 are going out to leave the house?

18 A I always -- I always look nice. I always pride
19 myself for -- I think I always been a good dresser,
20 yes.

21 Q So in regards to music that you were playing, did
22 Ms. Fernanders ask you anything about -- was
23 anything asked about the music?

24 A She was like, when I walked through the living
25 room, she was like, You make me sick. You just --

1 where you going? You can never stay still. You
2 just want to be seen. You know, just normal women
3 stuff, I guess. So I ignored her because I knew
4 where it was coming from. I proceeded to the
5 kitchen.

6 Q Okay. Did she ask -- was there anything asked
7 about the music volume?

8 A Yes, she asked -- she said she didn't want to hear
9 the music that loud.

10 Q Okay. What was she doing at the time?

11 A Watching TV on the couch.

12 Q Okay. So you go into the kitchen. And what do you
13 notice in the kitchen?

14 A Now it is tit for tat. You know, I felt like she
15 was bothering me, so I called out things. I'm
16 like, You worried about the music and where I'm
17 going. I said, Look at this kitchen.

18 Q Okay. What did you see in the kitchen?

19 A It was liquor bottles, cigarette butts, tobacco
20 paraphernalia, and stuff like that, still on the
21 kitchen table.

22 Q And do you know where that came from?

23 A Last night. The night before they had had a little
24 gathering like they always do, playing cards and,
25 you know, just having fun. They always did that

1 every weekend.

2 Q Did you have a problem -- did you have any problem
3 with having guests over?

4 A No. No. She paid bills. She was allowed to, you
5 know, enjoy herself. I never had a problem with
6 that.

7 Q Okay. So you came into the kitchen and you saw it
8 was somewhat of a mess. What did you do?

9 A I told her about it and proceeded to clean up their
10 mess.

11 Q Okay. And what -- how did you go about cleaning?

12 A You know, I just cleared the table, you know,
13 filled up the garbage can with the garbage, you
14 know. I asked her to open the door for me because
15 the garbage can was full. I had to carry it with
16 two hands. And she did that.

17 Q So she opened the door for you so you could carry
18 the trash out?

19 A Correct, yes.

20 Q So you took the trash --

21 A Yes.

22 Q -- the full trash and you went and threw it away?

23 A Went and threw it away.

24 Q Okay. Was there anything said about the trash
25 between you and Ms. Fernanders?

1 A She -- I told her she needs to be more responsible
2 and clean up after her company, you know, and if
3 she didn't like it she could leave. She doesn't
4 like to be told what to do, and she got very
5 offended by that. Very offended.

6 Q So after you returned from taking the trash out,
7 what happened next?

8 A She was like gathering stuff like she was fixing to
9 barricade herself in the room, just being childish.

10 Q So let's go item by item. So obviously at this
11 point in time would you say that -- how would you
12 classify, I guess -- were y'all on good terms at
13 the moment?

14 A No, I would say we wasn't, because she was getting
15 ready to go in the room and lock herself in the
16 room, I guess. She was mad.

17 Q Would you say there was a mutual dispute at the
18 time?

19 A Yes. Yes.

20 Q Okay. And so when you came back inside the house
21 after taking the trash out, what -- let's go item
22 by item about what you saw.

23 A Okay. I seen her unplug the TV -- her TV at
24 that -- and put it in the bedroom.

25 Q Where was the TV located before it was in the

1 bedroom?

2 A It was on the stand right in front of the couch and
3 stuff. She was watching it.

4 Q Which room?

5 A Against the wall.

6 Q Which room was it in originally, the TV?

7 A The living room.

8 Q Okay. And then she -- where did she take it to?

9 A In the bedroom.

10 Q Okay. What was the next item that you noticed?

11 A I seen her roll up the living room carpet for some
12 strange reason.

13 Q Okay.

14 A She went in the kitchen and unplugged the microwave
15 like trying to hint at I can't use the microwave.
16 You know, just being childish.

17 Q Okay. Were there any other items?

18 A Not that I -- not that I can remember.

19 Q Okay. What did you do when you noticed these
20 things?

21 A I just told her she was childish and proceeded back
22 to my game room.

23 Q Okay. And then what happened next? So you start
24 playing -- you go to your game room?

25 A Yes, sir.

1 Q Did you start playing games?

2 A Yes.

3 Q Okay. What happened while you were playing games?

4 A I was playing my game, you know, searching Facebook
5 at the same time. I'll say about like five minutes
6 go by. I hear her, like she is struggling with
7 something like in the living room and like a window
8 go up so that I was curious. I'm like, What she is
9 doing now? So I peek out the room, and I see her
10 with the AC unit, taking it out the window.

11 Q Okay. Where was the AC unit located?

12 A In the living room.

13 Q And what was the purpose?

14 A To cool the house down.

15 Q What time of year was it?

16 A Summer.

17 Q Was it --

18 A August 3rd.

19 Q August 3rd. What was the temperature outside
20 roughly?

21 A I would say in the 90s.

22 Q You would say it was hot?

23 A Yes, it was hot.

24 Q Okay. What did she do with this AC unit?

25 A She put it -- proceeded to put it in the bedroom

1 also.

2 Q Okay. And then so what did you do when you saw
3 that?

4 A When I seen her, I was like, Really? I say, That
5 is childish, Queen. I say, You know I pay the
6 utility bills, everything is in my name. I say,
7 You are not going to be the only one keeping cool.
8 I say, It is summer time, it is hot.

9 Q So you paid the power bill that runs the AC?

10 A Yes, correct.

11 Q Okay. So what did she do -- she -- what did she do
12 with the AC unit?

13 A She put it in the room. She didn't care about what
14 I said.

15 Q Okay.

16 A She just continued doing what she was doing.

17 Q And the AC unit was used to cool the entire house
18 down?

19 A Cool the entire house down.

20 Q Okay. Was the door to her bedroom open or shut?

21 A It was shut.

22 Q Okay. What did you do next when you noticed that?

23 A I went back in the game room and started playing,
24 you know -- I was trying to wait until it was
25 closer to time for my kids to get out of church,

1 then I was going to leave, you know, go pick them
2 up and do what I had to do with them.

3 Q Right. So you said you were going to pick up your
4 kids. You mentioned to take your car to get
5 washed?

6 A Yes, that too, yes.

7 Q Okay. Was that -- when was that going to occur?

8 A First. That was going to be the first thing I did,
9 wash my car.

10 Q Okay. And then pick up your kids?

11 A Pick up the kids.

12 Q Okay. So what happened next?

13 A Like I say, I was playing a game and on Facebook.
14 So I turned it off. I'm getting ready to leave
15 now. But being childish, I knocked on the room
16 door. It is locked. I say, Queenie, I say, I'm
17 fixing to go wash my car.

18 Q Who is Queenie?

19 A That's what we call Ms. Fernanders.

20 Q Her nickname?

21 A Yes. I say, Queenie, I'm going to wash my car, and
22 when I come back, you know, I say, it is going to
23 be hot. I say, Don't do this. I say, Just put the
24 air condition back in the living room. I say, You
25 know I pay the utilities. I say, The electric bill

1 done went up 30, 40 dollars since you started using
2 that AC that I pay for, so.

3 Q You wanted the AC unit back inside the living room
4 so the entire house would be cool?

5 MR. BARNETTE: Your Honor, I know it is
6 direct. I would object to the leading.

7 MR. MACDONALD: Okay.

8 BY MR. MACDONALD:

9 Q Why did you want the AC unit to be removed from the
10 bedroom?

11 A To cool the house down, the whole house down, like
12 it was.

13 Q Where did you want the AC unit?

14 A Back where it was.

15 Q Okay. What did she do with the AC unit after you
16 made that request?

17 A She told me forget what I'm talking about, she
18 don't care, do what I got to do.

19 Q Okay. And what did you do as a response?

20 A I said, Okay. Then I went out the house, went to
21 the back of the house, and pushed the AC unit
22 through the window.

23 Q Okay. How far in did the AC unit go?

24 A I'd say a couple of feet. A couple of feet.

25 Q Was it still in the window?

1 A No. It fell on the floor.

2 Q Okay. Do you know if it was working or not?

3 A It was still working.

4 Q Could you hear it?

5 A Yes, I heard it.

6 Q Okay. What happened next?

7 A I go back around the house, you know, and come back
8 in the house. I hear her in the kitchen fumbling
9 like with dishes, and stuff like that. I didn't
10 pay it no mind at first, but she meets me before I
11 get back to my game room.

12 Q Well, let's slow down. So you -- where did you go
13 after you walked into the house?

14 A Towards my game room.

15 Q So if we have your front door, where in location to
16 your front door is the game room?

17 A You go -- you walk up the steps, you go in the
18 house, and you turn -- you would go left to go to
19 my game room.

20 Q And where was the bedroom?

21 A The same direction.

22 Q And where was Ms. Fernanders?

23 A In the kitchen when I first walked in the house.

24 Q So you -- where did you proceed to walk to when you
25 get back in the house?

1 A Towards the left, towards her room and towards the
2 game room.

3 Q Okay. What did she do?

4 A By the time I get to the narrow hallway, she --
5 that is when she assaulted me with the knife.

6 Q Okay. How narrow is the hallway?

7 A Very narrow. You probably could touch both elbows.

8 Q You could touch both elbows to the wall, is that
9 what you are saying?

10 A Yes.

11 Q Okay. So let's go step by step with what happened,
12 because this is important. What was the first
13 thing that happened when you got to that hallway?

14 A She assaulted me with the knife.

15 Q And how did that occur?

16 A She just, you know, I would say basically ran up on
17 me, you know, telling me I got her f'd up, you
18 know, she tired of my b.s., you know, I always, you
19 know, breaking things that people bought for her,
20 and stuff like that.

21 Q What was she referring to in breaking things?

22 A Like the AC unit.

23 Q AC unit. So this occurred after you pushed in the
24 AC unit?

25 A Yes.

1 Q What did you -- how did you respond to this?

2 A I told her to put that knife down before somebody
3 get hurt. She never -- she never did anything like
4 that.

5 Q Okay.

6 A So it just shocked me.

7 Q What did she do when you said that?

8 A She steady was waving it around telling me that she
9 will F me up, and stuff like that.

10 Q So she didn't listen?

11 A No, she didn't listen.

12 Q What did you do as a response once you saw that she
13 wasn't putting the knife away?

14 A I keep that .25 caliber pistol right there in that
15 closet all the time.

16 Q Where is the closet located?

17 A In the same area where the room -- it is right
18 there at the game room, her room is right there.

19 Q Was it -- where in location to the hallway that you
20 were in was it located?

21 A On the -- on the back wall, the same side as the
22 bathroom, and stuff like that.

23 Q What room, if any, is it closest to?

24 A I would say, it is such a narrow hallway and it is
25 a tight space, it is closest to all the rooms, but

1 I would say pretty much her room and the bathroom
2 is very close to that.

3 Q Her room meaning the bedroom?

4 A The bedroom, yes.

5 Q Okay. So let's go play by play with what happened
6 next. So what did you do next?

7 A I reached back and grabbed the gun and told her to
8 back up, you know, before -- I say, Just quit this,
9 Queen, I say, before somebody get hurt, you know.
10 I say, This is childish. So she tells me that she
11 is tired of me, you know, she is steady going on
12 and on about she is tired of me doing this and
13 tired of me doing that, you know, just treating her
14 like she is a child and, you know, like I don't
15 respect her. And I say, You know what? I say, I'm
16 sorry, Queen, I understand. I say, I will help you
17 put the AC back in the window. I say, It is not
18 broke. I say, It is still working. I say, Both of
19 us are being very childish, but I'm trying to be
20 the bigger person right now. And she told me to
21 forget me, she didn't need my help, or whatnot, so.

22 Q Okay. At this time when she had the knife, did you
23 fear for your safety?

24 A Yes.

25 Q At that time?

1 A In my head I was saying, I know she is not going to
2 stab me, but I didn't know what she was capable of.
3 I never thought she would assault me with a knife.
4 I never thought she would lunge at me with a knife,
5 you know. But I was wrong.

6 Q So what happened that led to the gun fire?

7 A Like I said, I tried to offer her to put the AC
8 back in the window. And she told me she didn't
9 need my help, and like that. So I was like, You
10 steady being childish. I say, You know what? I
11 say, I'm fixing to go out and do -- handle my
12 business. I say, But when I come back, I'm going
13 to get dressed and go out and enjoy myself with
14 somebody that is mature, you know. And that caused
15 her to react, you know, me insinuating that I'm
16 going to be with another women, that caused her to
17 jump at me with the knife.

18 Q And what was the reaction?

19 A It caused me to flinch.

20 Q Well, what was her reaction?

21 A She lunged at me with the knife.

22 Q After you said this?

23 A Yes.

24 Q After you said that?

25 A Yes.

1 Q And what was your reaction when she lunged at you
2 with the knife?

3 A It caused me to react.

4 Q And what was your reaction?

5 A I threw up both of my hands -- both of my hands --
6 in like a defensive manner, and the gun discharged.

7 Q Did you intentionally --

8 A No. I would have never.

9 Q -- discharge the firearm?

10 A I would have never, ever.

11 Q At the time that she lunged, what -- how did you
12 feel?

13 A It scared me. It startled me.

14 Q How close was she?

15 A Very close. We were very close. Like she -- we
16 could feel each other's breath, you know. We was
17 having a very heated argument.

18 Q Okay. So you are saying you are so close you could
19 feel her breath?

20 A Yes.

21 Q What did you do next?

22 A After --

23 Q After the gunshot?

24 A I -- she dropped. I grabbed her hand. Queenie,
25 Queenie, Queenie, you know, just, it just -- I was

1 just in shock and I couldn't believe what happened,
2 you know. I was just saying, No, please God,
3 Queenie, Queenie. She wasn't responding.

4 Q And so what did you do next?

5 A I called -- once she didn't respond and I knew, you
6 know, I kind of felt like there was no -- nothing I
7 could do, I called my mom, you know, and informed
8 her of what happened.

9 Q Okay. Who did you call next?

10 A I called my kids' grandmother and informed her of
11 what happened.

12 Q Who did you call next?

13 A I called my job and informed them of what happened.

14 Q And then what?

15 A I called the police.

16 Q How much time between each call did you take,
17 approximately? I mean, I know it is a long time
18 ago, but do you remember?

19 A I would say each phone call wasn't over, I would
20 say, two minutes.

21 Q Okay. So in rapid -- rapid succession phone calls?

22 A Yes.

23 Q Or did you wait an extended period?

24 A I would say rapid succession.

25 Q Okay. So you called 9-1-1?

1 A Yes, sir, I called 9-1-1.

2 Q And did you tell them what happened?

3 A Yes, sir, I did.

4 Q What did you do after you called 9-1-1?

5 A I just sat and waited around. By that time, my
6 uncle had done pulled up.

7 Q Where did you wait?

8 A I waited in the house in the living room.

9 Q Okay.

10 A Then I heard a car pull up, and it was my uncle. I
11 guess my mom had called him and told him what
12 happened. I didn't even call him. My mom called
13 him.

14 Q How long until law enforcement arrived?

15 A I would say they were pretty fast. No more than,
16 I'd say no more than five minutes.

17 Q Did you ever leave the premises?

18 A No, sir.

19 Q Did you ever do anything with the weapon?

20 A No, sir. Excuse me, sir, which weapon?

21 Q Sorry, the firearm.

22 A Yes, I placed it on the mantle in that same -- the
23 same closet where I got it from. I put it back.

24 Q Okay.

25 MR. MACDONALD: Judge, that is all I have.

1 MR. BARNETTE: May it please the Court, Your
2 Honor?

3 CROSS-EXAMINATION

4 BY MR. BARNETTE:

5 Q Mr. Wright, before we get into all the facts of the
6 case and everything, you were convicted of domestic
7 violence in the third degree, weren't you?

8 A Yes, sir.

9 Q And you pled guilty to that, is that correct?

10 A Yes, sir.

11 Q Let me show you what has been marked as State's
12 Exhibit Number 22, 23, 24, and 25. 23 was -- or
13 22 is the indictment. 23, did you sign this order
14 that prohibited you from possessing a weapon under
15 South Carolina law?

16 A Yes, I did.

17 Q State Exhibit 24, did you sign a notice that you
18 are not allowed to possess a firearm under federal
19 law?

20 A Yes, I did.

21 Q State Exhibit 25, and was that the sentencing sheet
22 that you signed when you pled guilty?

23 A Yes, sir.

24 MR. BARNETTE: Your Honor, I would like to
25 move these into evidence at this time.

1 MR. MACDONALD: No objection.

2 (WHEREUPON, State's Exhibit No. 22 was
3 marked for identification and received
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 23 was
6 marked for identification and received
7 into evidence.)

8 (WHEREUPON, State's Exhibit No. 24 was
9 marked for identification and received
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 25 was
12 marked for identification and received
13 into evidence.)

14 BY MR. BARNETTE:

15 Q Mr. Wright, you know you are not even supposed to
16 possess a weapon, are you?

17 A Yes, sir.

18 Q Why did you have a weapon?

19 A For protection.

20 Q Where did you buy the weapon at?

21 A I was unloading groceries one day and someone
22 approached me and asked me did I want a gun, you
23 know, and I bought it. Was I wrong? Maybe. But I
24 still bought it for protection.

25 Q Well, you understand you were wrong?

1 A (Nods affirmatively.)

2 Q You are not allowed to possess a weapon, you
3 understand?

4 A I am allowed to protect myself if I feel like I'm
5 in danger. That is the law also.

6 Q Okay. Let's get in there. So you said that
7 Queenie, this kitchen knife, is that right, this
8 knife that you -- you said you heard her fumbling
9 through the kitchen when you came back around the
10 house?

11 A Yes, like dishes moving around, and stuff like
12 that, glasses.

13 Q Well, let me ask you a question. That AC is still
14 going on, right?

15 A Yes.

16 Q How can you hear anything going on in that kitchen?

17 A Did you see that AC unit? It was very small. It
18 wasn't that loud, sir. You would have to be close
19 to it to hear it going.

20 Q Okay. And you said she lunged at you, right?

21 A Correct.

22 Q And you just threw your hands up? Is that what you
23 said?

24 A My hands went up in a defensive manner.

25 Q Okay. Show me how they went up.

- 1 A As best as I can with these handcuffs on.
- 2 Q Well, like this?
- 3 A Not like that.
- 4 Q Well, how?
- 5 A Like -- like trying to block.
- 6 Q Trying to block?
- 7 A Yes. Just in case she was to stab me.
- 8 Q Well, you fired the weapon, right?
- 9 A It discharged.
- 10 Q Well, that gun discharged when you pulled the
- 11 trigger, right?
- 12 A At some point, yes.
- 13 Q You shot her in the face?
- 14 A I didn't shoot her in the face. That is where the
- 15 bullet went at. I didn't intentionally shoot her
- 16 in the face.
- 17 Q Okay. Do you realize how close you were to her
- 18 when you shot her in the face?
- 19 A Yes, we were very close.
- 20 Q Okay. When you shot her, where did she go?
- 21 A She fell against the dresser.
- 22 Q She fell straight to that dresser?
- 23 A Yes.
- 24 Q Where she landed at?
- 25 A Yes, sir.

1 Q Let me show you what has been marked as State
2 Exhibit 20. Is that exactly where she fell at?

3 A Yes, sir.

4 Q So she went straight there?

5 A Yes, sir.

6 Q In talking to Investigator Nelson -- do you
7 remember being interviewed by him?

8 A Yes.

9 Q And he gave you your Miranda rights, didn't he?

10 A Yes, he did.

11 Q And you agreed to talk to him? You didn't ask for
12 a lawyer or anything, you agreed to talk to him --

13 A I agreed to talk to him, yes.

14 Q You agreed to talk to him freely and voluntarily?

15 A Yes, I did.

16 Q Have you seen your interview?

17 A Yes.

18 Q Mr. MacDonald shared that with you? So you have
19 seen this interview? In this interview you made
20 several -- you made -- you talked to him for a
21 while, didn't you?

22 A Yes, I did.

23 Q Okay.

24 MR. BARNETTE: Your Honor, I would like to
25 move State' Exhibit 26 into evidence at this time.

1 MR. MACDONALD: No objection.

2 THE COURT: It is admitted.

3 (WHEREUPON, State's Exhibit No. 26 was
4 marked for identification and received
5 into evidence.)

6 BY MR. BARNETTE:

7 Q He asked you what happened, is that right?

8 A Yes.

9 Q Is that the same story you told today to this Court
10 that you told to Investigator Nelson?

11 A Yes.

12 Q This exact same story?

13 A Yes.

14 Q Okay. Didn't you tell Investigator Nelson when you
15 woke up she was in the living room, it was around
16 10:30 a.m. to 11:30 a.m.? Isn't that what you told
17 him?

18 A I don't remember telling him that exactly time.

19 Q And you turned on the radio?

20 A Yes.

21 Q And you upset her because she was watching TV?

22 A I upsetted her?

23 Q Yes?

24 A That is what you are saying, I upsetted her?

25 Q Yes. Or upset her when you turned up the radio?

1 A I guess. I don't know if I upsetted her.

2 Q And didn't you also tell him you knew she wasn't
3 going to stab you?

4 A I remember saying that, but how do I know what she
5 really was going to do, you know? I know I made
6 that comment, but how do I really know what she was
7 going to do? I never thought she would assault me
8 with a knife or lunge at me with a knife, you know,
9 but she did.

10 Q And you never felt threatened by her, did you?

11 A Not at the time. I didn't feel threatened until
12 she lunged at me, assaulted me.

13 Q That is what you told Investigator Nelson?

14 A That's what I did. I remember telling him that.
15 But you never know what somebody is really going to
16 do. I can't, you know, say I know what she was
17 going to do.

18 Q And didn't you tell him, I should have been the
19 bigger person and left, she wasn't going to cut me
20 with a knife?

21 A Yes, I told him that.

22 Q And as a matter of fact, you could have just walked
23 out that door, couldn't you, the front door there
24 and just left?

25 A Not -- not before she assaulted me. I was going

1 back in the house to grab my wallet, my car keys,
2 my cell phone. All that was still in the house.

3 Q You are in the hallway, right?

4 A Yes.

5 Q She is in the bedroom?

6 A She came in the hallway.

7 Q Oh, so now she is in the hallway now?

8 A From the get-go. The initial, where it all
9 happened at, she came in the hallway.

10 Q Did you ever tell him that?

11 A Yes.

12 Q Okay. And you also said, I knew she wouldn't cut
13 me?

14 A I thought she wouldn't cut me.

15 Q That's not what you told him. You said, I knew she
16 would not cut me.

17 A Yes, those were my words, but I was trying to tell
18 myself in my head that I knew she wouldn't cut me.
19 But, like I say, the bottom line is, how did I
20 really know?

21 Q Okay. And then you told Officer Kelley as well as
22 Investigator Nelson, you thought the safety was on?

23 A Yes, I did.

24 Q You said that a couple of times, didn't you?

25 A Yes, I did.

1 Q On the 9-1-1 call -- and you did call 9-1-1, is
2 that right?

3 A Yes, I did.

4 Q You called -- have you heard this 9-1-1 call?

5 A No, sir, I haven't.

6 Q Okay.

7 MR. BARNETTE: Your Honor, I can play it for
8 him, or let me just ask Mr. MacDonald how he wants
9 to do it.

10 BY MR. BARNETTE:

11 Q But you did call 9-1-1?

12 A Yes, I did.

13 MR. BARNETTE: Your Honor, I would like to
14 enter this into evidence at this time.

15 MR. MACDONALD: No objection, Judge.

16 THE COURT: It is admitted.

17 (WHEREUPON, State's Exhibit No. 27 was
18 marked for identification and received
19 into evidence.)

20 BY MR. BARNETTE:

21 Q And you called at 1:29 p.m., is that right? Or
22 approximately 1:30 p.m.?

23 A Correct.

24 Q You realize Officer Kelley was contacted at 1:31,
25 so he got there pretty quick, didn't he?

- 1 A Okay.
- 2 Q So they were there pretty quick after the 9-1-1
- 3 call?
- 4 A Yes. Yes, they was.
- 5 Q Let me ask you about some folks. Who is G?
- 6 A Who is who?
- 7 Q G?
- 8 A G?
- 9 Q Yes, sir, on your phone?
- 10 A G? Gerri.
- 11 Q Gerri? Who is Gerri?
- 12 A That is my ex.
- 13 Q That is your ex?
- 14 A Yes. In Florida, yes.
- 15 Q Okay. Is that your ex-girlfriend or ex-wife?
- 16 A Ex-girlfriend, yes. We are still very good
- 17 friends. Very good friends.
- 18 Q Oh, you are very good friends with her?
- 19 A Yes.
- 20 Q And who is D-O-T-T?
- 21 A That is my kids' grandmother, Ms. Dott.
- 22 Q And who is Bro?
- 23 A Who is Bro?
- 24 Q Yes, sir?
- 25 A My brother.

1 Q Where does he live at?

2 A Florida.

3 Q And what does he do?

4 A He is a police officer for West Palm Beach Police
5 Department.

6 Q Who is Santana?

7 A That's my sister.

8 Q Who is Josh?

9 A One of my coworkers.

10 Q And who is Steven?

11 A My supervisor.

12 Q Is that AFL?

13 A AFL.

14 Q And who is mom?

15 A My mom.

16 Q Your mom? And is grandma grandma?

17 A Uh-huh.

18 Q And they both live in Florida?

19 A Yes, sir.

20 Q Okay. You just shot a lady. You discharged a
21 weapon on a lady. Why didn't you call 9-1-1 first?

22 A I was scared, sir.

23 Q Scared of what?

24 A I just wanted my family to be aware of what
25 happened in the situation. I never been in no

1 situation like that.

2 Q Okay. Well, who did you call before you called
3 9-1-1?

4 A My mom.

5 Q Who else?

6 A My job.

7 Q Who else?

8 A My kids' grandmother.

9 Q Who else?

10 A Everybody who depends on me.

11 Q Who else?

12 A My girlfr -- my ex-girlfriend.

13 Q Who else?

14 A Them are the only people I called. My brother and
15 sister called me. I guess my mom had got in
16 contact with them.

17 Q Well, who did you -- maybe a better question is,
18 Who did you talk to?

19 A My kids' grandmother.

20 Q Okay.

21 A My ex-girlfriend, two coworkers at my job, my
22 brother, and my sister.

23 Q Why are you calling work while she is laying dying
24 on the ground?

25 A You right, sir. I was scared.

1 Q You are calling your work?

2 A He depended on me.

3 Q So your work is more important than she is?

4 A No, it isn't. It is not. It definitely isn't.

5 Like I say, sir, I just was scared, and I wanted to
6 let everyone who depends on me aware of my
7 situation. That is it. I eventually called 9-1-1,
8 though, didn't I?

9 Q How long after you talked to all these people did
10 you wait to call 9-1-1?

11 A You are right, sir, but you act like I waited two
12 or three days or two or three hours.

13 Q How long did you wait?

14 A I would say when all those phone calls was done.

15 Q Well, how long did that take?

16 A I would say no more than ten minutes, if that.

17 Q Ten minutes? Okay. Let me just show you a list I
18 have written down. G. Is that G's phone number?

19 A Yes. My ex.

20 Q Dott. Is that Dott's phone number?

21 A Yes.

22 Q Bro. Is that his phone number?

23 A Yes.

24 Q Santana. Is that his phone number?

25 A Her number, yes.

1 Q Her number, I'm sorry. Josh. Is that his number?

2 A Yes.

3 Q Steven. Is that his number?

4 A Yes.

5 Q Mom. Was that your mother's number?

6 A Yes.

7 Q Is that grandma, is that her number?

8 A Yes.

9 MR. BARNETTE: Your Honor, I would like to
10 enter this as an exhibit, Your Honor. I'll tear it
11 off.

12 MR. MACDONALD: No objection, Judge.

13 MR. BARNETTE: Your Honor, I move State's
14 Exhibit Number 28 in evidence at this time.

15 THE COURT: It is admitted.

16 (WHEREUPON, State's Exhibit No. 28 was
17 marked for identification and received
18 into evidence.)

19 BY MR. BARNETTE:

20 Q I am going to give you one more chance. How long
21 did you wait until you called 9-1-1?

22 A Sir, this was two years and four months ago. I
23 can't give you an exact time. After I got off the
24 phone with all those people, I called 9-1-1. That
25 is the bottom line.

1 Q Well, your brother, what did you talk about to your
2 brother about?

3 A What did I talk to him about?

4 Q Yes, sir?

5 A He was one of the main ones telling me to do what I
6 had to do, call the police and tell them what
7 happened. I did nothing wrong. I protected
8 myself.

9 Q How long did that take?

10 A How long me and my brother was on the phone?

11 Q Yes, sir?

12 A Sir, like I say, this was two and a half years ago.
13 I don't know. I don't know. I can't say two
14 minutes. I can't say five minutes. I don't know.
15 I don't remember.

16 (WHEREUPON, State's Exhibit No. 29 was
17 marked for identification only.)

18 BY MR. BARNETTE:

19 Q Do you remember your bond hearing?

20 A Yes.

21 Q And at the bond hearing did you make statements to
22 the judge?

23 A Did I make statements --

24 Q Did you make a statement to the judge at the bond
25 court?

1 A Did I talk?

2 Q Yes, sir?

3 A Yes, I talked at my bond.

4 Q And at the bond court, you talked about how you
5 loved her and everything like that, is that right?

6 A Correct.

7 Q And you said that you went down and hugged her and
8 kissed her?

9 A Correct, I did.

10 Q So you hugged and kissed her in the shape she was
11 in?

12 A Yes, I did.

13 Q So your testimony is, just like at the bond
14 hearing, that you hugged and kissed her?

15 A Yes, sir.

16 Q After you shot her and she fell down?

17 A Yes, sir. I grabbed her, like I said, and was
18 shaking her and, you know, Oh, God, please, Queen.
19 Queen, please. You know, and I realized that there
20 was nothing I could do. So I just hugged her and
21 kissed her. That's it, sir.

22 Q Well, explain why you don't have any blood on your
23 shirt?

24 A There was blood on my shoe. And she didn't bleed
25 like that at first. Like it took some time for her

1 to start bleeding.

2 Q How long did it take for her to start bleeding like
3 that?

4 A I don't know.

5 Q How many minutes?

6 A I can't say.

7 Q You were mad at her because she took the air
8 conditioning out of the living room?

9 A I wouldn't say mad.

10 Q What were you then? Mad enough to push it through
11 the window back in the bedroom?

12 A I was disappointed -- frustrated would be a better
13 word -- from paying the bills and can't enjoy the
14 AC.

15 Q So it is all about you, it is all about the bills
16 and you taking care of them?

17 A No. Not, it is not all about me.

18 Q How old were you at the time?

19 A How old was I?

20 Q Yes, sir?

21 A Thirty-eight.

22 Q How old was she?

23 A Twenty-four.

24 Q Your testimony is you paid all the bills, you paid
25 everything?

1 A No, I didn't pay everything. She gave my \$250 on
2 rent.

3 Q So she paid you for rent?

4 A Yes. I paid -- I paid all the bills. All the
5 money went in my hand and at the end of it all I
6 paid all the bills.

7 Q Let me ask you a question. On your cell phone, did
8 you talk to other women at the time?

9 A Was I talking to other women at the time?

10 Q Yes, sir?

11 A You mean that day or just period?

12 Q Period?

13 A Yes, I was.

14 Q How many different women were you talking to?

15 A I would say two.

16 Q Who were they?

17 A Like I say, my ex in Florida, we always talked.
18 And then this girl that stayed in the neighborhood
19 where we lived at on Baltimore Street. She stayed
20 in Summer Place.

21 Q What was her name?

22 A I can't remember her name.

23 Q You can't remember? Where did she live at in
24 Summer Place?

25 A I know where she live at. I can't tell you the

1 address either.

2 Q Uh-huh. The knife that was laying on her, had you
3 ever seen it before?

4 A I bought that knife. I purchased that knife from
5 Wal-Mart.

6 Q You purchased it from Wal-Mart?

7 A Yes.

8 Q Do you know what that knife is for?

9 A Yes. I bought it, you know, to cut onions and, you
10 know, meat, and stuff like that, a kitchen knife.
11 That is what it is for.

12 Q But you could have easily ran out the front door,
13 couldn't you, away from her?

14 A I wouldn't say that. I was assaulted with a knife,
15 sir, lunged at with a knife.

16 Q Assaulted in what way?

17 A Assaulted by waving it, threatening me in a
18 threatening manner.

19 Q Well, you turned around to get the gun, is that
20 right?

21 A Yes, sir.

22 Q You turned away from her? You could have turned
23 and easily ran out that front door, couldn't you?

24 A If you say so, but it didn't happen that way.

25 Q Well, you could have done it?

1 A She could have never assaulted me with the knife.
2 None of this would have happened. If she wouldn't
3 have assaulted me with that knife, I wasn't
4 thinking about the gun, I was going to get my
5 wallet, my phone. I was gone. I did what I wanted
6 to do, sir. I just wanted to ruffle her feathers
7 like she was doing mine. It was immature.

8 Q Yes, you ruffled her feathers, didn't you?

9 A I pushed the AC through the window. That gave her
10 a right to assault me with a knife?

11 Q Did that give you a right to shoot somebody
12 point-blank in the face?

13 A It discharged. I didn't do it intentionally. No
14 malice. No aforethought.

15 Q That is going to be for somebody else to decide.

16 A You are right.

17 Q I show you State's Exhibit 31 and 30, sir. That is
18 where you shot her in the face, isn't it?

19 A That's where the bullet wound was, sir.

20 Q And you saw where it was when she was on the floor,
21 didn't you?

22 A No, I didn't. I didn't know where she was shot at.
23 There wasn't no blood coming at first. It took
24 minutes for her to start bleeding.

25 Q It took minutes for her to start bleeding?

1 A Yes.

2 MR. BARNETTE: Your Honor, I would like
3 State's Exhibit 31 and 30 in evidence, Your Honor.

4 MR. MACDONALD: No objection.

5 THE COURT: It is admitted.

6 (WHEREUPON, State's Exhibit Nos. 30-31
7 were marked for identification and
8 received into evidence.)

9 BY MR. BARNETTE:

10 Q Where was your wallet and phone kept again?

11 A In the bedroom.

12 Q In her bedroom or which bedroom?

13 A In the back bedroom.

14 Q The back bedroom?

15 A Yes, sir.

16 Q So you were going back to that room, is that what
17 your testimony is?

18 A Yes, to get my wallet, get my phone, and I was
19 leaving. Hop in one of my cars and leave.

20 Q But you could have easily went out the front door
21 if you wouldn't have reached back?

22 A I could have easily walked out? I could have
23 easily walked out the front door if she didn't
24 assault me with a knife, sir, or lunged at me.

25 Q Well, obviously she wasn't between you and the door

1 because she wasn't between you and the gun.

2 A Well, she got in my face waving it around, and
3 stuff like that. Both of us was acting very
4 immature.

5 Q Okay. And the gun that you weren't even supposed
6 to possess, right?

7 A I lawfully possessed it at that time.

8 MR. BARNETTE: No further questions, Your
9 Honor. Thank you.

10 MR. MACDONALD: Beg the Court's indulgence.

11 (Pause.)

12 REDIRECT EXAMINATION

13 BY MR. MACDONALD:

14 Q When you grabbed the gun from the closet, where
15 were you holding it?

16 A To my side.

17 Q To your side?

18 A Yes.

19 Q Where were you holding it when she lunged at you?

20 A In an upward manner.

21 Q Where? Was it in the same spot?

22 A Yes, sir.

23 Q And so you stated previously that she lunged at
24 you?

25 A Correct.

1 Q And that made you jump, jolt -- or jolt, would you
2 say?

3 A Correct.

4 Q Okay. You said that you didn't intentionally pull
5 the trigger?

6 A No, I didn't. I would have never done her like
7 that, ever.

8 Q Solicitor Barnette stated that when you were
9 talking to Investigator Nelson you stated that you
10 knew she wasn't going to stab you, is that correct?

11 A I remember telling him that.

12 Q Okay. Can you clarify what you mean by those
13 comments?

14 A In my head at the time I was thinking, I know she
15 is not going to stab me, because we never been
16 through nothing like that.

17 Q At what point did that -- did your realization
18 change?

19 A When she lunged at me with it.

20 Q That is when your thought process changed?

21 A Like, Oh, she is fixing to hurt me, like, you know,
22 that is the reaction. It was a reaction. It
23 scared me.

24 Q So prior to her lunging, did you think she was
25 going to stab you?

1 A I didn't think she was. I didn't think she was,
2 but who is to say?

3 Q And how did you feel after she lunged at you?

4 A It scared me. I felt like I was in imminent
5 danger. I know it caused me to react.

6 Q Okay. Solicitor Barnette said to you that you
7 could have left? That's what he said just now, is
8 that correct?

9 A That's what he said, yes.

10 Q How close was Ms. Fernanders to you?

11 A Very close. Like I say, that is not the biggest
12 house in the world. We had -- it was a very tight,
13 tight hallway. Very tight.

14 Q And you told me earlier, she was so close you could
15 smell her breath?

16 A Yes. We were very close to each other. She wasn't
17 backing down and I wasn't backing down. Like she
18 has a little feisty attitude. Very.

19 MR. MACDONALD: Judge, I have no more
20 questions.

21 MR. BARNETTE: Just a brief redirect, Your
22 Honor.

23 RECROSS-EXAMINATION

24 BY MR. BARNETTE:

25 Q Wouldn't you agree with me, right after the event

1 happened you told Investigator Nelson that you
2 remember her -- now, because you have told me
3 several things you have forgotten about over the
4 past two years?

5 A Come --

6 Q Would you agree with me, when you talked to him it
7 was fresh in your memory, back on August 3rd,
8 right?

9 A Two years and four months ago.

10 Q Right. But when you told him what you told him,
11 that would be a lot fresher in your memory? That
12 happened that day, right?

13 A I didn't have a lot of time to sit and think, you
14 know, of what happened, you know.

15 Q Well, it is amazing, you keep throwing legal terms
16 at me. Who did you learn those legal terms from?

17 A Who did I learn the legal terms from?

18 Q Yes? Talking about the different terms you are
19 talking about. So a jury will have to decide or
20 the judge will give them --

21 A Oh, educating myself with reading law books,
22 reading case law, like I am supposed to do. My
23 life is on the line. Like you guys are trying to
24 charge me with murder, and I didn't murder her.
25 This wasn't murder, but here I am fighting for my

1 life.

2 Q So you have educated yourself, right?

3 A I got to.

4 Q So in other words, you decided you have got to
5 change your story somewhat?

6 A Oh, no, I didn't change my story. If you go back
7 and you compare then to now, what I'm saying now, I
8 know it is the same because it is the truth. The
9 truth doesn't change.

10 Q Okay. Well, let me ask you this question. He just
11 asked you a question about where was the gun when
12 you got the gun. Where did you put it at?

13 A When the gun discharged?

14 Q No, I'm asking when you got the gun, where did you
15 place it at?

16 A At the side of my -- it was at the side of my --

17 Q Well, I'm asking you a question. If a lady is
18 coming at you with a knife, you are not going to
19 keep it at your side, are you? You are going to
20 put it right there and defend yourself if you are
21 that scared.

22 A No, I told her to back up. I told her to back up.

23 Q With it at your side? And she is right on top of
24 you where your breath is on top of each other? Can
25 you answer that?

1 A Yes. You are trying to make me out a lie, but I'm
2 telling you what happened, sir.

3 Q And she -- and we are face to face and she is
4 trying to stab you with a knife and she didn't stab
5 you, there isn't even a cut on you?

6 A She didn't try to stab me from the initial get-go.
7 She just was threatening me with the knife. She
8 lunged at me, and that is when the gun went off.
9 That is why I said I don't think she was going to
10 stab me from the get-go. But once she lunged at
11 me, all that flew out the window. She lunged at
12 me. I reacted. A normal reflex. A discharge.
13 One shot.

14 Q You put your hands up?

15 A One shot.

16 Q You put your hands up, right?

17 A In a defensive manner.

18 Q Well, how did you shoot her in the face then?

19 A I don't know. The bullet could have went through
20 the window, it could have hit the floor, it could
21 have hit the TV. It just so happened it hit her in
22 the face.

23 MR. BARNETTE: Thank you, Your Honor. Oh,
24 wait a minute, one second.

25 (Pause.)

1 MR. BARNETTE: Thank you, Your Honor.

2 MR. MACDONALD: Just one brief redirect,
3 Judge.

4 REDIRECT EXAMINATION

5 BY MR. MACDONALD:

6 Q You are stating that the gun accidentally
7 discharged and it discharged between the period of
8 time when your hand -- when your gun was at your
9 waist and while you were raising your arms? Is
10 that what you are trying to say?

11 A Correct.

12 MR. MACDONALD: That's all, Your Honor.

13 THE COURT: You may step down.

14 (Witness steps down.)

15 MR. MACDONALD: That's all the witnesses we
16 would like to call, Your Honor.

17 MR. BARNETTE: None from us.

18 THE COURT: I'll review everything and issue a
19 decision hopefully this afternoon.

20 MR. MACDONALD: Judge, may we approach?

21 THE COURT: Sure.

22 (WHEREUPON, a bench conference was
23 held.)

24 THE COURT: We'll take ten minutes, and we
25 will come back for summation by the lawyers, the

1 argument.

2 (WHEREUPON, a break was taken.)

3 THE COURT: Mr. MacDonald, are you ready?

4 MR. MACDONALD: May it please the Court,
5 Judge? We are asking that you grant immunity in
6 this case under the Stand Your Ground statute.

7 In South Carolina, as you know, the burden is
8 on the Defense by a preponderance of the evidence
9 to establish immunity. The elements that are
10 required to be established by a preponderance of
11 the evidence are: That the Defendant was without
12 fault in bringing on the difficulty; That the
13 Defendant believed he was in imminent danger of
14 sustaining serious bodily injury or death; That a
15 reasonably prudent man of ordinary firmness and
16 courage would have entertained the same belief to
17 strike the fatal blow. And the fourth prong, duty
18 to retreat, is not applicable in this scenario
19 because my client was not engaged in an unlawful
20 activity and he was attacked in some place that he
21 had a right to be, which was where he was residing
22 at.

23 And so, Judge, we believe that we have met the
24 elements that are required by the statutes. I have
25 given your law clerk and I have given Solicitor

1 Barnette the two cases I'm going to be referencing
2 that I believe most closely align to the facts in
3 this scenario.

4 The first one is State v. Douglas. That is a
5 2014 Court of Appeals case. In State v. Douglas
6 the facts -- I'll just do a brief summary of the
7 facts in that case. Two men were together in a
8 residence drinking vodka together. The victim in
9 that case went to the Defendant's bedroom and came
10 out holding a bottle of the Defendant's anxiety
11 medication. The Defendant in that case, Douglas,
12 made attempt to grab his medication, but the victim
13 would not allow it. Eventually the two parties got
14 into an altercation which resulted in the victim
15 quote/unquote snapping and going crazy. The victim
16 in that case threw the Defendant on the ground and
17 punched him in the eye. The Defendant told the
18 victim to leave, but the victim refused. The
19 Defendant retrieved a pistol from his nightstand in
20 an attempt to scare the victim. And when the
21 victim started approaching the Defendant, when the
22 victim got within two feet of the Defendant, the
23 Defendant fired the pistol, killing the victim.

24 The Court in that case found that the
25 Defendant was not at fault in bringing on the

1 difficulty because the victim, the violent behavior
2 was an unreasonable reaction to the Defendant
3 demanding his medication.

4 Judge, I believe this case aligns with that
5 similar scenario. According to the testimony heard
6 in this case, Mr. Wright should not be thought to
7 be at fault in bringing on the difficulty because,
8 according to the testimony today and the evidence
9 of the home, the victim began -- Ms. Fernanders
10 began charging Mr. Wright with a knife after he had
11 kicked in the AC unit. The events after kicking in
12 the AC unit led to her grabbing a knife and
13 charging him with a knife.

14 And so in that situation, I believe the case
15 law would agree that the victim's violent behavior
16 was an unreasonable reaction to kicking in the AC
17 unit.

18 The other charge -- the other case that I will
19 be referencing is State v. Jones. The facts in
20 State v. Jones were a live-in boyfriend/girlfriend
21 couple similar to this scenario. They both lived
22 in one residence. In this case, the Defendant
23 Jones fatally stabbed her live-in boyfriend. Prior
24 to the stabbing, the victim had assaulted her by
25 pushing her and punching her while she was

1 attempting to leave the apartment. Jones later
2 returned to the apartment to get her belongings and
3 also armed herself with a knife. The victim
4 subsequently then approached her again and began to
5 threaten her and shake her. Fearing for her
6 safety, the Defendant stabbed the victim in the
7 chest. In this case, the Court found that Jones is
8 not at fault for bringing on the difficulty as she
9 was attempting to gather her belongings and leave.

10 In this case, Mr. Wright was attempting to
11 leave to go wash his car. The testimony today was
12 that he was attempting to get his keys and his
13 wallet and his phone so that he could leave the
14 home and start doing his errands and picking up his
15 kids. While he was in the process of doing that,
16 after he kicked in the AC unit, he was approached
17 by the victim with a kitchen knife that had a
18 five-inch blade. She got within striking distance
19 of Mr. Wright while they were both arguing.
20 Mr. Wright tried to de-escalate the situation by
21 showing that he had a firearm and by telling the
22 victim to go ahead and get on before someone gets
23 hurt.

24 So, Judge, there is parallels in this case
25 because in both situations the Defendant was trying

1 to leave the premises. So for those two cases,
2 Judge, I would argue that the Defense establishes
3 that Mr. Wright was not at fault in bringing on the
4 difficulty in this case.

5 Part 2 of this test, Judge, is that the
6 Defendant must believe he was in imminent danger of
7 sustaining serious bodily injuries. In State v.
8 Douglas, the Court determined that Douglas proved
9 by a preponderance of the evidence that shooting
10 Smith was necessary to prevent great bodily injury
11 to himself. The physical evidence at the scene was
12 consistent with Douglas's testimony that Smith was
13 in close proximity when he fired.

14 Judge, in this case, or in the Douglas case,
15 there was also stippling around the gunshot wound
16 in that case. And the presence of stippling in a
17 gunshot wound indicated that Smith was within two
18 feet of the pistol's muzzle. Further, the autopsy
19 report in this case revealed that the bullet had
20 pierced the front of Smith's chest traveling
21 through the heart and backward down to the right
22 side of his back. This established that Smith was
23 facing the respondent when the pistol was fired.

24 In this case, Dr. Wassum's report, that was
25 stipulated to, shows that the bullet was fired at

1 close proximity when it entered the victim.

2 Mr. Wright also testified that they could smell
3 each other's breath, that is how close they were.
4 Investigator Cloran also noted that he noticed
5 stippling. So all those facts show that the two
6 were in very close proximity with each other. In
7 this case the gunshot wound went into the front
8 side of the victim showing that she was facing
9 Mr. Wright and that it was not a shot in the side
10 or the back, which would not indicate that he was
11 standing his ground.

12 So for those reasons, Judge, Douglas I believe
13 most aligns with the case and shows the Defendant
14 believed he was in imminent danger of serious
15 bodily injury.

16 We heard the testimony from Mr. Wright that
17 when she was waving the knife around, at first he
18 was not in fear for his safety, but once she lunged
19 at him, everything went out the window. Because
20 she was so close to him, he could smell her breath,
21 that's how close they were, that he reacted by
22 raising his hands and the gun accidentally misfired.

23 The autopsy report shows that the trajectory
24 of the bullet was at an upward angle, which would
25 align with what Mr. Wright testified to, that he

1 had the firearm at his side and that he jumped when
2 the victim charged at him with a knife and that
3 caused him to point the muzzle upward because his
4 hands rose, which would explain why the trajectory
5 of the bullet was upward instead of horizontal or
6 downward, because Mr. Wright is taller than the
7 victim in this case by about half a foot.

8 In State v. Jones, the other case I had given
9 to you, Judge, Jones claimed in her statement that
10 she believed Lee was going to hit her again, and
11 that had she not acted as she did, she would have
12 been killed.

13 In this case, Mr. Wright did not at first
14 believe that the victim was going to do anything
15 with the knife until she lunged at him. At that
16 point he believed that she was going to stab him,
17 which caused him to flinch and the gun fired.

18 So for those reasons, Judge, we believe that
19 those two cases align with this case with the
20 facts, that the Defendant believed he was in
21 imminent danger of sustaining serious bodily
22 injury. I believe that Mr. Wright's testimony
23 aligns with the autopsy report that we entered into
24 evidence, Judge.

25 Finally, Judge, a reasonable person standard

1 is Part 3. We have to establish by a preponderance
2 of the evidence that it is reasonable to believe
3 that someone lunging at you with a five-inch knife
4 would cause you to fear for your safety.

5 Judge, I believe that that is
6 self-explanatory, that a reasonable person, if
7 someone was within two feet or less proximity with
8 a knife and lunged at you, a reasonable person
9 would fear for their safety in that case.

10 Lastly, Judge, Part 4, Mr. Wright has a right
11 to defend himself in his own home, so he had no
12 duty to retreat in this case.

13 Beg the Court's indulgence.

14 (Pause.)

15 MR. MACDONALD: Judge, I believe that the
16 Solicitor is going to argue that -- and he can
17 correct me if I'm wrong -- but he is going to argue
18 that Mr. Wright has changed the facts in this case
19 between when he originally spoke to the
20 investigator and when he spoke now today. However,
21 even if you don't look at the self-serving
22 statements that were made by Mr. Wright, there are
23 several bits of evidence that have been collected
24 in this case that show Mr. Wright had been telling
25 the truth or that he was being honest.

1 The first being that, he did not flee the
2 scene. I believe that evidence of fleeing the
3 scene would be evidence of guilt. He did not flee
4 the scene. He did call 9-1-1. And he waited for
5 9-1-1 to arrive. He made no attempts to dispose of
6 or hide the weapon in this case. When 9-1-1
7 arrived, he showed them where the weapon was, the
8 firearm that was fired.

9 Judge, the pathologist report, the forensic
10 report lines up with his testimony where they were
11 close contact wounds and the trajectory of the
12 bullet going up, as I explained earlier.

13 Lastly, Judge, there is no witnesses that
14 testified -- there has been no witnesses called
15 today that could provide eyewitness testimony of
16 what happened that would contradict any of Mr.
17 Wright's statements.

18 So with the standard being preponderance of
19 the evidence, we would like to argue that we have
20 met that burden and that immunity should be granted
21 in this case.

22 Thank you.

23 MR. BARNETTE: May it please the Court, Your
24 Honor? The reason there is no other eyewitness is
25 the Defendant killed the only other eyewitness in

1 this case, Your Honor, from that standpoint.

2 Starting off was, he was engaged in unlawful
3 activity. He kept a gun in his house. It was his
4 gun. He placed it there. He legally cannot
5 possession a weapon. It should have never been in
6 the house to start with, from that standpoint. And
7 he admitted that he signed not one, but two notices
8 to let him know that he wasn't allowed to possess
9 that weapon: The federal law notice, as well as
10 the state order in this case.

11 Your Honor, if you look at the evidence in
12 this case, I know you will, he gave basically three
13 statements. None of them are consistent. At one
14 point he says, you know, I'll take responsibility
15 for all this. Another one he says, It was a
16 mistake. One of them, It was an accident. I
17 thought the safety was on. He says all kinds of
18 things through all these statements. And you will
19 have that available to you.

20 But the one thing -- and another thing that
21 was very unusual, what would your first response if
22 you are going to -- you call 9-1-1. Why do you
23 call all these other people? His mom. Talked to
24 his brother. Talked -- I mean, everybody around
25 there. He says it was ten minutes. It obviously

1 could have been longer. He also talked to his
2 brother, a police officer, in Florida, during that
3 time too.

4 Your Honor will have this evidence. You'll
5 see the knife, Your Honor. The knife had no blood
6 on it. If you look at her pictures, she has blood
7 all in the area. And we've got the still shot
8 where the knife was found, found in a very unusual
9 position. And you'll see the handle is down -- her
10 hand is pointed, and her right hand right there,
11 but there is not a -- there is blood in her hand.
12 So what is the deal here? If this knife was there
13 from the beginning, there has got to be blood on it
14 somewhere. It was tested by SLED, looked at by
15 officers. Didn't have any blood on it. I submit
16 to you that it was planted in this case. That she
17 didn't have a knife at the time he shot her.
18 Because he thought his safety was on at the time,
19 if you take his testimony in the best way, from
20 that standpoint.

21 There is no way in this situation that Stand
22 Your Ground should apply in this case. He does
23 have a right to be in the home, no question. She
24 had a right to be in there either. His story where
25 he said he didn't start or didn't do anything, he

1 is the one that shoved the air conditioner through
2 there. And through his testimony he said he
3 agitated -- you know, aggravated the situation.
4 Well, he contributed to it, no question about it,
5 through his actions of what he did. He actually
6 started it up with her, through the trash, through
7 everything else. And he shoved that in there. And
8 supposedly hears her getting this fumbling through
9 the kitchen. How can you hear fumbling through the
10 kitchen when you are going around and everything
11 else and the air conditioner is running in that --
12 and I know you are not -- there is the bedroom, the
13 kitchen, and the hallway right there. And he could
14 have easily left from that situation.

15 None of these prongs have been met. I submit
16 not all of them, by any means, in this situation.
17 I would ask you to deny their motion for Stand Your
18 Ground and let this go to a jury.

19 Thank you, Your Honor.

20 MR. MACDONALD: If I may briefly respond,
21 Judge? In terms of Mr. Barnette stating that
22 possessing a weapon was the unlawful activity,
23 State v. Burris states that you can unlawfully
24 possess a handgun even if it is in self-defense.
25 And given that a lot of the elements overlap

1 between Stand Your Ground and self-defense, we
2 argue that we have established that he was acting
3 in self-defense, so he could possess that weapon.
4 That is not an unlawful activity that would
5 preclude him from getting immunity in this case.

6 Second, saying words like, I'll take
7 responsibility, like Mr. Barnette is mentioning,
8 that is open to interpretation what that could
9 mean. That could just mean, I'm taking
10 responsibility for shooting her, which he claimed
11 from the start that she was shot by his gun, by
12 mistake is his testimony, but, nonetheless, he has
13 maintained from the get-go that he was the one that
14 fired the gun.

15 Judge, the knife ends up not being -- I know
16 that the State keeps pointing out that no blood
17 being found on the knife but blood being found in
18 her hand. The wound wasn't from her hand. We
19 don't know when she dropped the knife. The knife
20 was no longer in her hand at that point. I think
21 Investigator Cloran testified where the knife was
22 laying. It was not in her hand. It was, I think
23 the blade was facing upwards, but her hand was next
24 to the knife, she was not holding the knife with
25 her hand. So that could explain why there was no

1 blood on the knife.

2 Lastly, Solicitor Barnette stated that he
3 believed the knife was planted, but there has been
4 no evidence to show that Mr. Wright planted that
5 knife in the slightest. And so there is nothing to
6 go off about, that is just a blind accusation at
7 this point, Judge.

8 So those are the counter points I would like
9 to make to the arguments that Solicitor Barnette
10 made.

11 Thank you.

12 MR. BARNETTE: If I may briefly respond, Your
13 Honor?

14 Your Honor will have State Exhibit Number 5.
15 You will see where the blade was off the Body Cam.
16 That is when the officer arrived there. And he
17 waited, by his testimony, at least ten minutes
18 before he called 9-1-1. And you will have several
19 pictures of her, State Exhibit 11, where the blood
20 is on her leg. Pull down the bottom there where it
21 is at, you'll have her hand, there is pictures of
22 her hand, State Exhibit 12, State Exhibit 10. And
23 you compare that to -- it is not a blind
24 accusation. When you compare these pictures, how
25 did not the blood get on there? The blood was not

1 even dry by the time he decided to plant a knife
2 there. So I think there is circumstantial evidence
3 showing that he planted a knife there in that
4 situation.

5 Thank you, Your Honor.

6 MR. MACDONALD: Nothing further, Your Honor.

7 THE COURT: All right. I will review it and
8 issue a decision.

9 MR. BARNETTE: Thank you, Your Honor.

10 MR. MACDONALD: Thank you, Judge.

11 (WHEREUPON, the State and Defense agreed
12 that State's Exhibit Nos. 1-3 were
13 marked for identification and received
14 into evidence.)

15 (WHEREUPON, the State and Defense agreed
16 that State's Exhibit No. 29 was received
17 into evidence.)

18 (WHEREUPON, the hearing adjourned at
19 12:41 p.m.)
20
21
22
23
24

25 (END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

I, Deborah M. McCurdy, Certified Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 10th day of December, 2021.

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

February 23, 2022

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Certified Court Reporter

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

October 09, 2019

Shawn Cloran
Spartanburg Department of Public Safety
P.O. Box 1746
Spartanburg, SC 29304

SEROLOGY ANALYSIS
SLED LAB: L19-17241
Your Case No: C19080105
Incident Date: 8/3/2019
[S] Charvix Wright
[V-Deceased] Quanisha Fernanders

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE

1 Grey metal kitchen knife

RESULTS:

- Presumptive testing for blood was negative.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Kimberly Spainhour

Kimberly Spainhour
Forensic Serologist



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

February 28, 2020

Shawn Cloran
Spartanburg Department of Public Safety
P.O. Box 1746
Spartanburg, SC 29304

DNA ANALYSIS

SLED LAB: L19-17241
Your Case No: C19080105
Incident Date: 8/3/2019
[S] Charvix Wright
[V-Deceased] Quanisha Fernanders

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

COMPARISON STANDARDS

5 Buccal swabs - Charvix Wright

RESULTS:

- The DNA profile developed is suitable for use as a known standard.

9 Blood standard from Quanisha Fernanders

RESULTS:

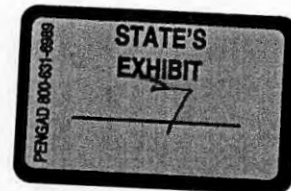
- The DNA profile developed is suitable for use as a known standard.

ITEMS OF EVIDENCE

7 Swabs from toe of suspect's left shoe

RESULTS:

- Presumptive testing for blood was negative.
- A DNA profile suitable for comparison was developed.
- Likelihood Ratios (LR) for this profile were calculated using STRmix™.



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

• Proposition Set I:

- The DNA profile was interpreted as a mixture originating from two individuals.
- Hp = Charvix Wright and an unidentified unrelated individual contributed to the mixture.
- Hd = Two unidentified unrelated individuals contributed to the mixture.
- The DNA profile is approximately 3 (3.4E0) times more likely if Charvix Wright and an unidentified unrelated individual contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.

• Proposition Set II:

- The DNA profile was interpreted as a mixture originating from two individuals.
- Hp = Quanisha Fernanders and an unidentified unrelated individual contributed to the mixture.
- Hd = Two unidentified unrelated individuals contributed to the mixture.
- The DNA profile is approximately 27 octillion (2.7E28) times more likely if Quanisha Fernanders and an unidentified unrelated individual contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.

• Proposition Set III:

- The DNA profile was interpreted as a mixture originating from two individuals.
- Hp = Charvix Wright and Quanisha Fernanders contributed to the mixture.
- Hd = Two unidentified unrelated individuals contributed to the mixture.
- The DNA profile is approximately 150 octillion (1.5E29) times more likely if Charvix Wright and Quanisha Fernanders contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.
- The LR for Proposition Set III was calculated to confirm that the mixture could be explained by the contribution of DNA from all individuals listed under Hp. Due to the disparity in the individual LRs between the contributors for this item, it is recommended to put more weight on the results of Proposition Set I rather than the results of Proposition Set III when considering Charvix Wright as a possible contributor to the mixture.



8 Swabs from clear plastic baggie containing off white powder**RESULTS:**

- A DNA profile suitable for comparison was developed.
- Likelihood Ratios (LR) for this profile were calculated using STRmix™.
- **Proposition Set I:**
 - The DNA profile was interpreted as a mixture originating from two individuals.
 - Hp = Charvix Wright and an unidentified unrelated individual contributed to the mixture.
 - Hd = Two unidentified unrelated individuals contributed to the mixture.
- The DNA profile is approximately 100 nonillion (1.0E32) times more likely if Charvix Wright and an unidentified unrelated individual contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.
- **Proposition Set II:**
 - The DNA profile was interpreted as a mixture originating from two individuals.
 - Hp = Quanisha Fernanders and an unidentified unrelated individual contributed to the mixture.
 - Hd = Two unidentified unrelated individuals contributed to the mixture.
- The DNA profile is approximately 2.8 million (2.8E6) times more likely if Quanisha Fernanders and an unidentified unrelated individual contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.
- **Proposition Set III:**
 - The DNA profile was interpreted as a mixture originating from two individuals.
 - Hp = Charvix Wright and Quanisha Fernanders contributed to the mixture.
 - Hd = Two unidentified unrelated individuals contributed to the mixture.
- The DNA profile is approximately 1.4 duodecillion (1.4E39) times more likely if Charvix Wright and Quanisha Fernanders contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.
- This item is not eligible for entry into the Combined DNA Index System (CODIS).



SLED LAB No. L19-17241

February 28, 2020

Page 4 of 5

NOTES:

DNA analysis was performed using Short Tandem Repeat (STR) PCR DNA analysis.

The following kits/loci were utilized in the analysis of this case:

GlobalFiler™: D3S1358, vWA, D16S539, CSF1PO, TPOX, Yindel, AMELOGENIN, D8S1179, D21S11, D18S51, DYS391, D2S441, D19S433, TH01, FGA, D22S1045, D5S818, D13S317, D7S820, SE33, D10S1248, D1S1656, D12S391, D2S1338

Any remaining evidence and/or packaging will be returned to the requesting agency.

The verbal scales listed in the tables below were implemented by SLED for use with STRmix™ results only. Verbal scales are designed to assist in conveying the weight of likelihood ratios.

Supported Proposition	Likelihood Ratio	Verbal Wording
First proposition (Hp) is supported against the alternative proposition (Hd)	1	Uninformative
	2 to 99	Weak support
	100 to 9,999	Moderate support
	10,000 to 999,999	Strong support
	≥ 1,000,000	Very strong support

Supported Proposition	Likelihood Ratio	Verbal Wording
The alternative proposition (Hd) is supported against the first proposition (Hp)	1	Uninformative
	2 to 99	Moderate support for Hd
	≥ 100	Exclusion

Reported likelihood ratios are based on the stated propositions. Alternate propositions may require calculation of additional likelihood ratios. If interpretation based on propositions other than those reported is needed, please contact the analyst listed below and allow up to **30 business days** for calculation and reporting of additional likelihood ratios.

Definitions:

Proposition: A statement, based on case circumstances and genetic results, that expresses an opinion

Hp: First proposition

Hd: Alternative proposition

Likelihood ratio: The comparison of the probabilities of Hp and Hd



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

SLED LAB No. L19-17241
February 28, 2020

Page 5 of 5

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Ryan O. DeWane

Forensic Scientist



DOCKET **16-GS-42-3740**

WITNESSES

- 1. SENTENCE MADE ☒
- 2. SPARTANBURG COUNTY SHERRIFF ☒
- 3. CARO PULLED ☒
- 4. INDEXED ☒
- 5. CHARGED ☒
- 6. OFFENSES ☒
- 7. ASSESSMENT AND ☒
- 8. FINE ☒
- 9. JUDICIAL VIOLATIONS ☒

ARREST WARRANT NUMBER

2016A4210101161

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Indictment for

DOMESTIC VIOLENCE - 2ND DEGREE

SC Code: 16-25-20(C)
CDR Code: 3812
Class MIS

A CERTIFIED COPY

Foreperson of Petit Jury
Date:

CLERK OF COURT
SPARTANBURG COUNTY
BY: *[Signature]* D.C.
DATED 8/5/19

SPARTANBURG MAGISTRATE
TRANSFER COURT

The State of South Carolina
County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 20 2016

TERM

THE STATE
vs.

CHARVIX LAVOY WRIGHT



STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

JUN 17 2016

At a Court of General Sessions, convened on _____, the Grand Jurors of Spartanburg County present upon their oath:

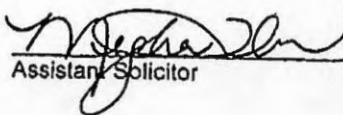
DOMESTIC VIOLENCE - 2ND DEGREE

That Charvix Lavoy Wright did, in Spartanburg County on or about March 23, 2016, cause physical harm or injury or attempt to cause physical harm or injury to Cierra Henderson, a household member, causing the victim to fear for her safety, to wit: by striking the victim and/or grabbing and/or holding the victim about her body and/or hair and/or clothing; and

- (1) moderate bodily injury did result or the act was accomplished by means likely to result in moderate bodily injury; or
- (2) in the process of the defendant committing domestic violence in the third degree, the offense was committed in the presence of, or while being perceived by, a minor;

in violation of Section 16-25-20, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976) as amended.

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


Assistant Solicitor

STATE OF SOUTH CAROLINA
CITY OF SPARTANBURG

IN THE ☐ COURT OF GENERAL SESSIONS
☒ SUMMARY COURT

IN THE 7TH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA

vs.

**ORDER OF STATE FIREARMS PROHIBITION
PURSUANT TO SC CODE §16-25-30**

Charvix Lavoy Wright

Defendant

Warrant/Docket No.: 2016A4210101161

I find that the defendant named hereinabove was convicted of SC Code §16-25-20(D), Domestic Violence in the Third Degree, on this date, 9-6-16.

- ☒ The defendant was represented by counsel.
- ☐ The defendant knowingly and intelligently waived the right to counsel.
- ☐ The defendant was tried by a jury.
- ☒ The defendant knowingly and intelligently waived the right to have the case tried by a jury by pleading guilty or otherwise.



IT IS ORDERED that, pursuant to SC Code §16-25-30, the defendant is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition. This prohibition shall apply for three years from the date of conviction or for three years from the date the person is released from confinement for the conviction, whichever is later.

Following this period of time, if the person has not been convicted of any other domestic violence offenses pursuant to Chapter 25, Title 16 or similar offenses in another jurisdiction, no domestic violence charges are currently pending against the person, and the person is not otherwise prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition pursuant to any other State law, the person's right to ship, transport, receive, or possess a firearm or ammunition shall be restored. If the person requests in writing to the South Carolina Law Enforcement Division, SLED shall notify the National Instant Criminal Background Check System that the State has restored the person's right to ship, transport, receive, or possess a firearm or ammunition, and shall request immediate removal of the person's name to whom the restrictions contained in this Order apply.

A person who violates this prohibition is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both.

This Order shall be provided to the defendant and forwarded to the State Law Enforcement Division.

IT IS SO ORDERED.

Judge

Date: 9-6-16

Defendant

STATE OF SOUTH CAROLINA
City Of Spartanburg

STATE OF SOUTH CAROLINA

VS

Charvix Lavoy Wright

Defendant

) IN THE SUMMARY COURT
)
)

) NOTICE OF FEDERAL
) FIREARMS PROHIBITION
)

) PURSUANT TO 18 U.S.C. 922 &
) SC CODE OF LAWS §16-25-30
)

CASE NUMBER: 2016A4210101161

OFFENSE: Domestic / Domestic Violence, 2nd degree

The defendant named hereinabove was convicted of South Carolina Code of Laws Section §16-25-20, Domestic Violence, on the following date : 9-6-16

Pursuant to SC Code of Laws, §16-25-30, the defendant named hereinabove, is given notice of the following:

PURSUANT TO 18 U.S.C. 922, IT IS UNLAWFUL FOR A PERSON CONVICTED OF A VIOLATION OF SECTION §16-25-20 OR §16-25-65 TO SHIP, TRANSPORT, POSSESS, OR RECEIVE A FIREARM OR AMMUNITION.

This notice was provided by the Court to the defendant on

9-6-16

Wm R. Clark
Summary Court Judge

Received by defendant:

[Signature]

Transfer Court
180 Magnolia Street
Spartanburg County Judicial Center
Spartanburg, SC 29304
Phone: (864) 596-2564
Fax: (864) 596-3622



JAIL STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Charvix Lavoy Wright

INDICTMENT/CASE#: 2016GS4203740

JUDGE: 2016/4/210101161

AKA:

Race: BLACK Sex: M Age: 35

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED] Carson Ave
City, State, Zip: Spbg SC 29301

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

Date of Offense: 3/23/2016

S.C. Code §: 16-25-0020(C)

CDR Code #: 3812

SENTENCE SHEET

Rec: 90 days jail s/ BTP + Court costs

TO: Domestic / Domestic Violence - 3rd Degree (Up to 90 days and/or \$1,000 - \$2,500)

in violation of § 16-25-0020(D) of the S.C. Code of Laws, bearing CDR Code # 3813

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (GSC

w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST

GILMER, MEGHAN

SC Bar# 81157

Defendant

Attorney for Defendant

SC Bar# 1588

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 90 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ [REDACTED]; provided that upon the service of days/months/years and/or payment

of \$ 125⁰⁰; plus costs and assessments as applicable*; the balance is suspended with probation for DVTP

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

	\$	\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100 -
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$

TOTAL

\$ 125 -

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 7165

Sentence Date: 9-6-16

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

90 days susp to BTP

cc within 90 days

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.


WASH

G-1-561-891-1091 - Very ex-girl - very good friends
 DOT - 1-864-381-3152 - Grandma

BRO - 1-561-396-3130 - Brother - Police Officer Wab

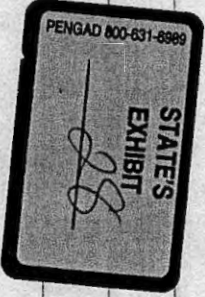
SANTANA - 1-561-904-1115 - sister

JOSH - 1-864-347-7501 - ex-wife

STEVEN - 1-864-414-3821 - Stepson's AFI

MA 1-561-396-3130 - ex-wife

GRANDMA 1-561-737-6756 - Grandmother



OFFICE OF THE
SPARTANBURG COUNTY CORONER
RUSTY CLEVENGER, CORONER

OFFICE: 864-596-2509 • FAX: 864-596-2367



Spartanburg Co. Coroner's Office

SEP 10 2019

RECEIVED



Report of Autopsy Findings

NAME: Quanisha Deshawn Fernanders

CASE NUMBER: C-19-08-021

AGE: 23

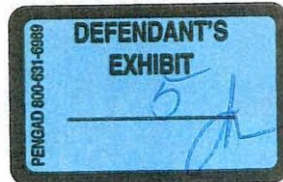
PRONOUNCED: 08-03-2019

SEX: Female

POST-MORTEM: 08-05-2019

RACE: Black

PHYSICIAN: John Wassum, MD



DIAGNOSIS

1. Gunshot wound of the head

- a. Entrance: Left cheek
- b. Range: Soot and stippling on the skin (close)
- c. Injuries: Perforation of skin, subcutaneous tissue, facial bones, base of the skull, dura, brainstem, cerebellum; subdural and subarachnoid hemorrhages; skull fracture
- d. Recovery: Partially deformed, small caliber, gray metal bullet with copper-colored jacket recovered within a punched out fracture in the posterior cranial fossa
- e. Path: Front to back, slightly left to right, and slightly upward

CAUSE OF DEATH

Gunshot wound of the head

MANNER OF DEATH

Homicide

HOW INJURY OCCURRED

Shot by another individual

DATE, TIME, AND LOCATION OF EXAMINATION

I hereby certify that I, John Wassum, MD, at the request of and after due authorization of the Spartanburg County Coroner's Office, have performed a complete autopsy on the body of Quanisha Deshawn Fernanders on the 5th day of August, 2019, commencing at 9:00 am in the morgue of the Spartanburg Medical Center.

HISTORY

The decedent was a 23-year-old female who was reportedly shot by another individual. Authorities were notified, and she was pronounced dead at the scene.

EXTERNAL EXAMINATION

The body is received in a sealed white body bag (#000428) and identified by Spartanburg County Coroner Investigator Jonathan Lawson. Photographs and radiographs are taken.

366 North Church Street, Suite 1700 • Spartanburg • South Carolina • 29303

International Accreditation through International Association of Coroners & Medical Examiners



The body is clad in gray underwear that is released with the body following the autopsy.

The body is that of a normally developed adult Black female, which appears consistent with the stated age of 23 years. The body measures 62 inches in length and weighs 179 pounds. There is good preservation in the absence of embalming. Rigor mortis is fully fixed in the extremities and jaw, and faint red-purple lividity is blanchable on the posterior surfaces. The body is cool subsequent to refrigeration.

The scalp hair is of medium length, black, curly, and worn in braids. The irides appear brown, and there are no petechiae of the bulbar or palpebral surfaces of the conjunctivae. The corneae are clouded. The ears, nose, and lips are unremarkable. The mouth has natural dentition in good condition with orthodontic braces adherent to the fronts of the teeth. The neck is without masses or unusual mobility. The chest, breasts, and back are normally developed. The abdomen is protuberant. The extremities are symmetric. The external genitalia are those of an adult female.

IDENTIFYING MARKS AND SCARS

A cross and a name are tattooed on the right upper aspect of the back. Small scars of varying ages are on the face. A 1/2 inch pigmented patch is on the upper aspect of the abdomen. A 6 inch linear scar is horizontally oriented on the lower aspect of the abdomen. Scars of varying ages are on the right antecubital fossa. A 1/8 inch scar is on the posterior aspect of the right 2nd finger, and a 1/4 inch scar is on the posterior aspect of the left 3rd finger. Nonspecific scars are on the shins, ankles, and feet.

EVIDENCE OF TREATMENT

Electrocardiogram pads are on the extremities.

RADIOGRAPHS

Anteroposterior and lateral radiographs of the head reveal a bullet in the posterior aspect of the skull.

EVIDENCE OF INJURY

GUNSHOT WOUND OF THE HEAD: A gunshot entrance wound is on the left cheek immediately below the orbit centered 3-1/2 inches below the top of the head and 1 inch left of midline. The circular wound is 1/8 inch in diameter with a circumferential marginal abrasion less than 1/16 inch. Soot and dense stippling are on the skin and extend from the wound edges the following distances: 3/4 inch at the 3 and 9 o'clock positions; 1/2 inch at the 6 and 12 o'clock positions.

The bullet sequentially perforates the skin, the subcutaneous tissue, the facial bones, the base of the skull, the dura, the brainstem, and the right lobe of the cerebellum, where it comes to rest after striking the skull. Associated injuries include patchy subdural and subarachnoid hemorrhages predominately on the base of the brain, brainstem, and cerebellum, as well as a punched out fracture of the inner table of the skull in the right posterior fossa.

A partially deformed, small caliber, gray metal bullet with copper-colored jacket is recovered within the punched out fracture in the posterior cranial fossa. The fracture is centered 2-3/4 inches below the top of the head and 1 inch right of midline. The bullet is photographed, sealed within an appropriately labeled container, and transferred as evidence to Inv. Shawn Cloran of the Spartanburg Police Department.

The path is front to back, slightly left to right, and slightly upward.

INTERNAL EXAMINATION

BODY CAVITIES: The thoracic and abdominal organs are in their normal anatomic positions. The body cavities contain no adhesions or abnormal collections of fluid.

HEAD: See "EVIDENCE OF INJURY". The brain weighs 1270 grams. The scalp and subscalpular area are unremarkable. The dura and dural sinuses are unremarkable. There are no epidural hemorrhages.



The leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical, with an unremarkable gyral pattern. The cranial nerves and blood vessels are unremarkable. Sections through the cerebral hemispheres, brainstem, and cerebellum are unremarkable, aside from injury. There are no atraumatic hemorrhages within the deep white matter or the basal ganglia. The spinal cord as viewed from the cranial cavity is unremarkable.

NECK: The soft tissues, large vessels, and prevertebral fascia are unremarkable. The hyoid bone and laryngeal cartilages are intact. The lumen of the larynx is not obstructed. The lingual mucosa is intact and there is no hemorrhage within the underlying musculature.

CARDIOVASCULAR SYSTEM: The heart weighs 320 grams. The intimal surface of the abdominal aorta is free of significant atherosclerosis. The aorta and its major branches and the great veins are normally distributed and unremarkable. The pulmonary arteries contain no thromboemboli. The pericardium, epicardium, and endocardium are smooth, glistening, and unremarkable. There are no thrombi in the atria or ventricles. The coronary arterial system is free of significant atherosclerosis. The atrial and ventricular septa are intact. The cardiac valves are unremarkable. The myocardium is dark red-brown and firm, without focal abnormalities. The ventricular walls have the following thicknesses: left ventricle = 1.3 cm; right ventricle = 0.3 cm; and interventricular septum = 1.3 cm.

RESPIRATORY SYSTEM: The right and left lungs weigh 510 and 390 grams, respectively. The upper airway is not obstructed. The laryngeal mucosa is smooth and unremarkable, without petechiae. The pleural surfaces are smooth and glistening. The major bronchi are unremarkable. Sectioning of the lungs discloses a dark red-blue, moderately congested parenchyma.

HEPATOBIILIARY SYSTEM: The liver weighs 1310 grams. The liver is covered by a smooth, glistening capsule. The parenchyma is dark red-brown and moderately congested. The gallbladder contains approximately 3 mL of tan-red bile, with no calculi.

GASTROINTESTINAL SYSTEM: The esophageal mucosa is gray, smooth, and unremarkable. The stomach contains a scant amount of tan fluid. There are no tablets or capsules. The gastric mucosa has normal rugal folds, and there are no ulcers. The small and large intestines are unremarkable. The appendix is present. The pancreas is unremarkable externally and upon sectioning.

GENITOURINARY SYSTEM: The right and left kidneys weigh 160 and 180 grams, respectively. The capsules of both kidneys strip with ease to reveal smooth and slightly lobulated surfaces. The cortices are of normal thickness, with well-demarcated corticomedullary junctions. The calyces, pelves, and ureters are unremarkable. The urinary bladder contains a scant amount of clear yellow urine. The mucosa is gray, smooth, and unremarkable. The uterus, fallopian tubes, and ovaries are unremarkable externally and upon sectioning.

LYMPHORETICULAR SYSTEM: The spleen weighs 140 grams. The spleen is covered by a smooth, blue-gray, intact capsule. The parenchyma is dark red. The cervical, hilar, and peritoneal lymph nodes are not enlarged.

ENDOCRINE SYSTEM: The thyroid and adrenal glands are unremarkable externally and upon sectioning.

MUSCULOSKELETAL SYSTEM: The clavicles, ribs, sternum, pelvis, and vertebral column have no fractures. The diaphragm is intact.

CASE SUMMARY

Samples of postmortem cardiac blood are submitted to NMS Labs for toxicological evaluation. Results are positive for caffeine, delta-9 THC (2.2 ng/mL), its metabolite, delta-9 carboxy THC (19 ng/mL), and norfluoxetine (92 ng/mL). The toxicology does not contribute to the cause of death.

Other lab procedures:



1. Samples of blood, a bloodstain card, liver, and pulled hair are retained as evidence at the Spartanburg County Coroner's Office.

In light of the history provided and the autopsy findings, it is my opinion that the decedent died as the result of a gunshot wound of the head. Furthermore, the manner of death is best deemed homicide.

COPY

X. *[Signature]* MD 9/10/2019
John Wassum, MD
Medical Examiner



1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Charvix Lavoy Wright,) 2019-GS-42-4871
6 Defendant.) 2021-GS-42-6348
7) December 13 - 15, 2021
8) Spartanburg, South Carolina
9
10

11 B E F O R E:

12 HONORABLE J. DERHAM COLE, JUDGE; and a jury
13
14

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

16 BARRY JOE BARNETTE, ESQUIRE
17 Attorney for the State

18 DANIEL JAMES MACDONALD, IV, ESQUIRE
19 LOUEI CHRISTOPHER NMAIR, ESQUIRE
20 Attorney for the Defendant
21
22

23 Linda D. Moffitt
24 Circuit Court Reporter
25

Jury qualification

1 (Proceedings December 13, 2021)

2 (The following takes place at the Spartanburg Memorial
3 Auditorium.)

4 THE COURT: All right. Ladies and gentlemen, thank
5 you for your patience.

6 We are ready to begin with jury selection in the first
7 case that's going to require some of your participation.

8 Can everybody hear me all the way in the back?

9 All right. The title of the case is State vs. Charvix
10 Lavoy Wright.

11 Mr. Wright has been accused by the prosecutor by way
12 of these indictments with having committed three separate
13 and distinct criminal offenses, although they are alleged
14 to have arisen out of one particular event or occurrence
15 that the state alleges occurred back on August the 3rd of
16 2019.

17 Charges brought against a defendant in circuit court
18 are brought by way of documents called indictments. It's
19 like an arrest warrant, but it's referred to as an
20 indictment.

21 In this particular case there are two indictments, but
22 there are three separate charges. Two are contained in one
23 indictment, and one is in a separate indictment.

24 But the state alleges by way of one indictment that
25 the defendant, Charvix Lavoy Wright, committed the crimes

Jury qualification

1 of murder and possession of a firearm during the commission
2 of that violent crime.

3 The state alleges that Mr. Wright did here in
4 Spartanburg County, in the City of Spartanburg, on or about
5 August the 3rd of 2019 wilfully and with malice
6 aforethought kill one Quanisha Deshawn Fernanders by
7 shooting her with a firearm and that she died as a
8 proximate result of that gunshot wound.

9 Count two of the indictment alleges that Mr. Wright at
10 the time that the murder was committed did visibly display
11 a gun during the commission of that violent crime, that
12 violent crime alleged to be the crime of murder set forth
13 in count one.

14 A separate indictment charges Mr. Wright with the
15 unlawful possession of a firearm after being prohibited to
16 do so by a court order.

17 Now, as to those allegations and to each of those
18 charges the defendant has entered a plea of not guilty, and
19 a plea of not guilty places upon the state the burden of
20 proving the allegations that they have made by way of these
21 indictments.

22 The burden is upon the state to prove each of the
23 essential elements of the crimes that have been alleged
24 against this defendant by way of these indictments; and
25 therefore the burden is upon the state to establish the

guilty plea

1 Identification; diagram marked State's Exhibit No. 16 for
2 Identification; photographs marked State's Exhibits No. 17
3 through 42 for Identification; extraction report marked
4 State's Exhibit No. 43 for Identification; copy of call log
5 marked State's Exhibit No. 44 for Identification; Indictment
6 No. 16-GS-42-3740 marked State's Exhibit No. 45 for
7 Identification; 9-1-1 call marked State's Exhibit No. 46 for
8 Identification; body cam video marked State's Exhibit No. 47
9 for Identification; video marked State's Exhibit No. 48 for
10 Identification; video marked State's Exhibit No. 49 for
11 Identification.)

12 MR. BARNETTE: May it please the Court, Your Honor.

13 THE COURT: Yes, sir.

14 MR. BARNETTE: The defendant is pleading guilty on
15 21-GS-42-6348, Your Honor. It's an unlawful shipping,
16 transport, receipt or possession of firearm or ammunition
17 by a person convicted of domestic violence in the second or
18 third degree.

19 Your Honor, it has been true billed by the grand jury.
20 This is a straight-up plea, Your Honor, in this case.

21 Represented by Mr. Dan MacDonald.

22 THE COURT: All right. You are Charvix Lavoy Wright,
23 and Mr. MacDonald is your lawyer.

24 Mr. Wright, I have before me an indictment. That's
25 2021-06348. That indictment charges you with a violation

Guilty plea

1 of Section 16-25-30(A)(3) of the South Carolina Code of
2 Laws.

3 The indictment alleges that you did here in the City
4 of Spartanburg, County of Spartanburg, on or about August
5 the 3rd of 2019 ship, transport, receive or possess a
6 firearm or ammunition and that you have previously been
7 convicted of a violation of Section 16-25-20(C) or (D), and
8 that at the time of that conviction a judge signed an order
9 prohibiting you from shipping, transporting, receiving or
10 possessing a firearm or ammunition in violation of
11 16-25-30(A)(3).

12 If convicted or if I accept your plea of guilty as to
13 that offense you could receive a sentence of up to three
14 years in jail.

15 Do you understand that charge?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand the potential
18 punishment?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Have you and Mr. MacDonald been over this
21 indictment and has he explained to you what the state
22 claims you did?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Has he explained to you what the state
25 would have to prove before you could be found guilty or

Guilty plea

1 convicted of this offense?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: He told you what kind of sentence could be
4 imposed if you were convicted.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Did you tell him everything you know about
7 these allegations made against you?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Did you and he discuss whether or not you
10 have any defense to this charge?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have a defense to it?

13 THE DEFENDANT: No, sir.

14 THE COURT: Did he explain to you that, just like with
15 the other charges, you have the right to remain silent?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You have a right to confront and to
18 examine any witness offering evidence against you.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You have the right to have a jury trial
21 and to have 12 jurors decide if you're guilty or not.

22 THE DEFENDANT: Yes, sir.

23 THE COURT: In other words, a jury's been selected, so
24 you can have them decide it if you want to.

25 Do you understand you have the right to remain silent?

guilty plea

1 THE DEFENDANT: I understand that, sir.

2 THE COURT: Do you understand you have the right to
3 confront and to examine the witnesses?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand you have the right to
6 have a jury make the determination as to your guilt?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Understanding each of those rights, do you
9 wish to give them up in order to enter a plea of guilty?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has anybody promised you anything or
12 offered you anything that caused you to make that decision?

13 THE DEFENDANT: No, sir.

14 THE COURT: Has anyone threatened you in any fashion,
15 forced you in any way or placed any type of pressure upon
16 you that caused you to make that decision?

17 THE DEFENDANT: No, sir.

18 THE COURT: Are you pleading guilty freely and
19 voluntarily?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: It was your decision?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Are you satisfied with that decision?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Are you pleading guilty because you did

1 knowingly and wilfully on or about August the 3rd of 2019
2 possess a firearm in violation of a court order that was
3 imposed prior to August 3rd of 2019?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you were aware of the court order?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Did you consent to the court order? In
8 other words, did you sign a -- well, not consent. But did
9 you sign on the order of notification of your receipt of
10 that order?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So you were well aware that you were
13 prohibited from possessing any type of firearm prior to
14 August 3rd of 2019.

15 THE DEFENDANT: Yes, sir. I was aware that I signed
16 papers.

17 THE COURT: You were aware that you were prohibited.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. I'll accept your plea of
20 guilty. We'll defer sentencing until later.

21 MR. MACDONALD: Thank you, Judge.

22 THE COURT: All right.

23 MR. BARNETTE: And, Your Honor, the facts will be
24 developed throughout this case, and I can put that in
25 before sentencing, Your Honor.

1 THE COURT: Yes, sir.

2 MR. BARNETTE: State's Exhibit 45, which is the
3 exhibit that shows his indictment where he pled guilty to a
4 firearms, state, or firearm notices, Your Honor.

5 THE COURT: All right.

6 MR. BARNETTE: He signed them.

7 THE COURT: All right. So we'll be going forward
8 today with the jury solely on Indictment 2019-4871.

9 MR. BARNETTE: That's correct, Your Honor.

10 Your Honor, may we approach for one more second?

11 THE COURT: Yes.

12 (Bench conference held off the record.)

13 THE COURT: Last week there was a hearing before the
14 Court for a motion by the defense to dismiss the indictment
15 based upon his assertion that he's entitled to immunity
16 pursuant to 16-11-440(C) and perhaps 16-11-450(A).

17 In any event, the defendant's motion to dismiss the
18 indictment based upon the immunity statute is denied.

19 I find he's failed to establish by a preponderance of
20 the evidence all of the necessary elements of the defense
21 of self-defense and therefore would not be entitled to
22 immunity under the Act.

23 I have reduced my ruling to a written order which will
24 be filed today.

25 All right. Anything else we need to address before

1 the jury comes in?

2 MR. BARNETTE: Nothing from the state, Your Honor.

3 MR. MACDONALD: No, Your Honor.

4 THE COURT: All right. Bring them in.

5 Ask Juror 161 to take the foreperson's seat.

6 (The following takes place in the presence of the
7 jury.)

8 THE COURT: Good afternoon, ladies and gentlemen.

9 Thank you for your patience.

10 We are now ready to begin with the trial of the case
11 for which each of you have been selected.

12 Ms. Stanton, I'm going to ask you to serve as the
13 foreperson of the jury. As the foreperson you've got three
14 specific duties that none of the other jurors have.

15 First of all, you'll be asked to serve as the
16 spokesperson for the jury. And that just means if
17 something arises during the trial that needs to be brought
18 to my attention -- you or one of your fellow jurors has
19 some difficulty or problem or question -- you're going to
20 be the person to let me know of that fact.

21 You can do that directly if you're in the courtroom.
22 You do it through the bailiff if you're outside of the
23 courtroom.

24 Secondly, you'll be called upon to preside over jury
25 deliberations when that time comes at the trial's

Opening statements

1 And of course it's also important that you keep an
2 open mind throughout the course of the trial. You can't
3 begin making up your minds as to the ultimate decision
4 based upon the first witness or the second witness or even
5 the last.

6 You've got to pay attention to all and hold off in
7 deciding the case until you jurors go back into the jury
8 room to begin with your deliberations. That's the time
9 wherein all of you will participate in those deliberations.
10 You'll examine all of the evidence. You will determine the
11 facts and apply the law and then make your decision as to
12 the verdicts.

13 So I do want to thank you in advance for your
14 participation, as well as for your careful attention.

15 I would ask that you please give the lawyers your
16 attention now as they give you their opening statements.

17 Mr. Barnette.

18 MR. BARNETTE: May it please the Court, Your Honor.
19 May I remove my mask?

20 THE COURT: You may.

21 MR. BARNETTE: Thank you.

22 Madam Forelady and ladies and gentlemen of the jury,
23 I'm going to give you a preview or idea of what you're
24 going to see and hear in court today, and then we'll be
25 presenting evidence concerning that.

Opening statements

1 Let me take you back to August 3rd of 2019. Quanisha
2 Fernanders -- she's know as Queenie -- lived with the
3 defendant, Mr. Wright.

4 Queenie that day had talked to her mother, and you'll
5 hear from her mother, Ms. Switzer. And her family's here
6 in support of her today, along with Ms. Switzer, her
7 mother.

8 She will tell you that she talked to her daughter that
9 morning, that she was in a good mood. They were going to
10 go to a party of a family member later that day down in
11 woodruff, that she was going to get ready to go to that
12 party.

13 But in the meantime before she picked her up -- she
14 was going to pick her up that afternoon -- the defendant
15 shot Queenie right here in the face with a pistol.

16 But she didn't pick her up that day. She had to go to
17 the scene that day.

18 The judge will charge you that murder is a killing
19 with malice aforethought. Malice -- I want to make sure I
20 give you the definition here. Please believe what the
21 judge tells you concerning this. But malice is the
22 wrongful intent to injure another and indicates a wicked or
23 depraved spirit intent on doing wrong. That's one of the
24 definitions of malice.

25 Malice doesn't have to exist for a whole lot of time.

Opening statements

1 In South Carolina we don't have to prove premeditation.
2 we -- it can happen as quick as you pull a trigger from
3 that standpoint. It does not need to appreciate [sic] for
4 any appreciable amount of time before the commission of the
5 act. Indeed, it may be conceived at the very moment that
6 the fatal blow is given.

7 This man did take her life. You may hear evidence
8 about a knife. The only thing the state feels like the
9 knife was involved at was placed at the scene on her.

10 You will hear testimony there was no blood found on
11 that knife. You'll get to see the evidence. You'll go
12 look at what it is. She was blood all over.

13 You will hear the officers testify and you'll hear the
14 responding officer, Officer Kelley, talk about that. He'll
15 tell you what he found and the position the knife was found
16 when he got there.

17 This is a blood lady, ladies and gentlemen. He took
18 her life that day, and, you know, instead of calling 9-1-1
19 immediately -- and you'll hear the 9-1-1 call today -- he
20 calls at 1:29 p.m. on August 3rd of 2019.

21 He also called people before he called 9-1-1 as she
22 was laying in her bedroom floor bleeding to death.

23 You'll see through his actions that it shows malice in
24 this case, ladies and gentlemen. And with malice, you take
25 somebody's life, that's murder in the State of South

Opening statements

1 Carolina.

2 And he also possessed a weapon, and you'll see the gun
3 that was used.

4 He's also guilty of possession of a weapon during a
5 violent crime because, obviously, murder is a violent
6 crime.

7 This is very straightforward to us, ladies and
8 gentlemen. You'll hear through our witnesses here the next
9 couple of days. But after I give y'all that evidence I'm
10 going to come back and ask you for a verdict that speaks
11 the truth in this matter. I'll be asking for a guilty
12 verdict on both counts, because Charvix Wright is guilty of
13 murder and possession of a weapon during that murder.
14 Thank y'all very much.

15 MR. MACDONALD: Your Honor, may I remove my mask as
16 well?

17 THE COURT: Yes, sir.

18 MR. MACDONALD: This is something that just happens so
19 fast. Mr. Wright never had any plans to discharge that
20 firearm. In fact, he didn't even mean to. He thought that
21 the safety was on. It wasn't.

22 It all started in the morning. The two of them got
23 into an argument. It was an argument over keeping the
24 house clean, whose -- whose responsibility it was. The
25 argument got out of control.

Opening statements

1 what happened first is the two started taking their
2 belongings out of the living room. An air conditioning
3 unit was put into the bedroom. The door was locked. They
4 start arguing over the bills being paid, items, who
5 belonged, what.

6 Mr. Wright went into the back yard. He pushed the
7 A.C. unit in inside the bedroom. Ms. Fernanders responded
8 in a fit of rage when Mr. Wright returns. She charged at
9 him with a knife and started screaming at him and started
10 waving the knife at him in his face.

11 Mr. Wright will tell you they were so close he could
12 smell her breath. She's screaming at him, and they're
13 arguing. They're bickering. And she's got this knife.

14 At this point in time when she's got a knife Mr.
15 Wright is not armed. He tries to deescalate the situation.
16 He reaches for a firearm. He thinks it's on safety. He
17 tries to deescalate it saying, look, I've got a gun, you've
18 got a knife, let's stop this nonsense.

19 Ms. Fernanders said you're not going to do anything,
20 and she lunged at him with the knife. Mr. Wright flinched.
21 He didn't aim the gun at her. He had the gun at his waist.
22 He flinched when she lunged at him, and in his surprise the
23 gun accidentally discharged.

24 It was not intentional. Mr. Wright had no intentions
25 of using that gun. He was simply trying to deescalate the

Wyoming Switzer
Direct examination by Mr. Barnette

1 situation.

2 Now, you're going to hear the evidence at the scene.
3 You're going to hear the forensic evidence. You're going
4 to hear the trajectory of the bullet, and it's going to
5 align with Mr. Wright's story.

6 All I'm asking is that you keep an open mind. This is
7 an incredibly emotional case. It involves a couple; it
8 involves family members. It is the most -- it is extremely
9 emotional, and it can cloud your judgment.

10 All I'm asking you to do as the fact-finders of this
11 jury, you're supposed to objectively look at the facts. Do
12 not let emotion play into your decision-making in this
13 case, because this case is full of emotion. There's a lot
14 of hurt; there's a lot of pain on all sides.

15 This was never supposed to happen and there was no
16 intention that this ever was to happen, but it happened,
17 and now we need to replay and rebuild how it happened.

18 And when looking at the evidence in this case you'll
19 find that Mr. Wright did not murder Ms. Fernanders. He
20 acted in self-defense. He accidentally discharged the
21 firearm. And I believe that the evidence will show that as
22 well.

23 So please, please keep an open mind. Pay attention to
24 the evidence in this case and not to the emotion that's
25 involved in this case and you'll reach a verdict of not

Wyoming Switzer
Direct examination by Mr. Barnette

1 guilty. Thank you.

2 MR. BARNETTE: May it please the Court, Your Honor.

3 I would like to call Ms. Switzer to the stand, please.

4 WYOMING SWITZER, having been
5 first duly sworn, testified as follows:

6 MR. BARNETTE: Your Honor, may we remove our masks --
7 and Ms. Switzer?

8 DIRECT EXAMINATION BY MR. BARNETTE

9 Q Ms. Switzer, you can remove your mask if you'd like to
10 and take a second. You may take it completely off if you
11 want to, ma'am. Thank you.

12 THE COURT: Now, there's a microphone up there, so
13 you'll need to use that, so you need to get closer than you
14 are. Be careful with the chair and don't tip it over.

15 Q Ms. Switzer, I know this is going to be extremely
16 hard, but I'm going to have to ask you to talk loud enough
17 so they can hear you in the back.

18 okay. Can you look up for me, ma'am? Do you need a
19 second?

20 (Pause.)

21 Q Can you give me your full name, please?

22 A Wyoming Switzer.

23 Q Ms. Switzer, where do you live at, ma'am?

24 A At [REDACTED] Misty Glen Lane -- Misty Glen Lane, Roebuck.

25 Q Just take your time, ma'am, if you could.

Wyoming Switzer
Direct examination by Mr. Barnette

- 1 where do you work at, ma'am?
- 2 A Midway Residential Care.
- 3 Q And what do you do there, ma'am?
- 4 A We take care of mentally challenged patients and
- 5 elderly patients.
- 6 Q And how long have you worked there, ma'am?
- 7 A For 21 years.
- 8 Q How many children did you have?
- 9 A I have three children.
- 10 Q And who was those three children, ma'am?
- 11 A Demarlos Lyles, Quanisha Fernanders and Cedrick
- 12 Fernanders.
- 13 Q Is Queenie your middle child?
- 14 A Yes, sir.
- 15 Q And was that her nickname?
- 16 A Yes, sir.
- 17 Q And where did she work at, ma'am?
- 18 A She worked at Midway Residential Care with me.
- 19 Q So y'all worked together?
- 20 A Yes, sir.
- 21 Q And how old was she?
- 22 A She was 23.
- 23 Q And did she graduate from high school?
- 24 A She graduated from Spartanburg High School.
- 25 Q Let me take you back to August 3rd of 2019. Did you

Wyoming Switzer
Direct examination by Mr. Barnette

1 talk to Queenie that morning?

2 A I talked to her about 11:30 that morning.

3 Q Did you talk a lot to Queenie?

4 A She was my friend. She wasn't just my baby.

5 Q And that morning, what did you talk to her about?

6 A We was going to my cousin's dad's seventieth birthday
7 party, and we was talking about having a party on
8 August the 19th for the family also.

9 Q In talking to her, what was her mood?

10 A She was excited. She was always excited. She woke up
11 that morning, and she was on facebook. And she texted
12 about four of us and she said somebody cook breakfast. And
13 she was asking people whose house needed to be cleaned up.

14 And then she had a spare tire on her -- on her car.

15 So I had to pick her up to go to the party, and I was
16 supposed to pick her up about 2:30 that evening.

17 Q That was 2:30 in the afternoon, is that right, ma'am?

18 A Yes, sir.

19 Q Please go ahead. I'm sorry.

20 Let me go back. In talking to her, was she going to
21 get dressed up and everything for the party?

22 A We was all excited and she was -- when I got off the
23 phone with her I told her I was going home, and she said
24 she was going to go ahead because she had done cleaned up,
25 and that she was going to get ready to go. And I told her

Wyoming Switzer
Cross-examination by Mr. MacDonald

1 I'll be there in a little while to pick her up.

2 Q Did you ever get to pick her up, ma'am?

3 A No, no.

4 Q Who did she live with at the time, ma'am?

5 A Charvix. You took my baby.

6 Q Let me ask you a question, ma'am. If you would, can
7 you describe what he's wearing in the courtroom?

8 A A blue shirt. You took my baby.

9 Q No, ma'am. Just answer the questions. Okay?

10 A He's got on a blue shirt.

11 Q Is he in the courtroom between the two lawyers over in
12 the blue shirt and the red tie, ma'am?

13 A Yes, sir.

14 MR. BARNETTE: Your Honor, I'd like the record to
15 reflect that she's identified the defendant in the
16 courtroom.

17 THE COURT: It shall.

18 Q And later on, ma'am, was you contacted about what
19 happened to Queenie?

20 A My nephew came to the house and was ringing the
21 doorbell. And he say you need to get dressed, something
22 has happened at Queenie's house.

23 Q And go ahead, ma'am.

24 A And I got dressed, and he drove me to her house. And
25 when I got to her house all I seen was yellow tape and

Tristan Cole Parker
Direct examination by Mr. Barnette

1 police cars.

2 Q Did you find out that she had died from a gunshot from
3 Mr. Wright?

4 A I found out the morning of the bond hearing, the day
5 of the bond hearing, that she had -- that evening he told
6 me that when they came to the house they say she had died
7 from a gunshot wound, but they didn't tell me where.

8 Q Yes, ma'am. Let me ask you one other question, ma'am.
9 was she right-or-left-handed?

10 A Right-handed.

11 Q If you would, please, answer any questions the defense
12 may have for you. Thank you. I'm so sorry.

13 MR. MACDONALD: Your Honor, may I remain seated to ask
14 the questions if that's okay with you?

15 THE COURT: No, sir.

16 CROSS-EXAMINATION

17 BY MR. MACDONALD

18 Q Ms. Switzer, I'm sorry for your loss.

19 THE COURT: I said no, sir.

20 MR. MACDONALD: Oh. No. Okay.

21 Q In regards to the events that took place that led to
22 the death of Ms. Fernanders, you didn't actually see
23 anything, is that correct?

24 A When -- the day of? I just talked to her on the phone
25 that Saturday, but I see her that Friday.

Tristan Cole Parker
Direct examination by Mr. Barnette

1 Q But you didn't see anything that day.

2 A No.

3 Q Correct?

4 A That's right.

5 Q So you don't know what events took place that day.

6 You just know the results, is that correct?

7 A Yes, sir. I knew that she wasn't -- they wasn't
8 arguing or they wasn't fussing when she was on the phone
9 with me.

10 Q When she was on the phone with you, she wasn't, but
11 you don't know what -- what took place when you were off
12 the phone with her, is that correct?

13 A That correct.

14 MR. MACDONALD: Judge, I have no further questions.

15 MR. BARNETTE: That's all the questions I have, Your
16 Honor.

17 THE COURT: Okay. Thank you. You may step down.

18 MR. BARNETTE: Your Honor, I would like to call
19 Mr. Parker to the stand.

20 TRISTAN COLE PARKER, having
21 been first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. BARNETTE

23 Q Sir, if you would, can you remove your mask, sir?
24 What's your full name, sir?

25 A Tristan Cole Parker.

Kegan Kelley
Direct examination by Mr. Barnette

1 Q And talk loud enough so they can hear you back here.

2 Okay?

3 A Tristan Cole Parker.

4 Q Where do you work at, sir?

5 A Spartanburg County Communications, 9-1-1.

6 Q Okay. And what's your position there, sir?

7 A I'm the assistant training coordinator.

8 Q Is one of the duties -- are you involved in the
9 records from 9-1-1, keeping them and using them?

10 A Yes, sir.

11 Q Let me show what's been marked as State's Exhibit 46.

12 Did you get a chance to review a 9-1-1 call on
13 August 3rd of 2019 at 1:29 p.m. at [REDACTED] Baltimore Street here
14 in Spartanburg?

15 A Yes, sir. I did.

16 Q Is that a fair representation of the 9-1-1 call that
17 was made that day?

18 A Yes, sir. It is.

19 MR. BARNETTE: Your Honor, I'd like to enter this into
20 evidence at this time.

21 MR. MACDONALD: No objection.

22 MR. BARNETTE: Permission to publish it, Your Honor.

23 THE COURT: You may. What number is it?

24 MR. BARNETTE: No. 46.

25 (9-1-1 call marked State's Exhibit No. 46.)

Kegan Kelley
Direct examination by Mr. Barnette

1 (Whereupon, State's Exhibit No. 46 was played for the
2 jury.)

3 Q If you would, sir, just verify what date and time and
4 location that was made, again, sir, if you would.

5 A August 3rd of 2019 at 1:29 p.m.

6 Q Was that at [REDACTED] Baltimore Street here in Spartanburg?

7 A [REDACTED] Baltimore, yes, sir.

8 Q Thank you, sir. Please answer any questions the
9 defense may have for you, sir.

10 MR. MACDONALD: I have no questions, Judge.

11 THE COURT: Step down.

12 MR. BARNETTE: We'd ask for the witness to be excused,
13 Your Honor.

14 THE COURT: He may be.

15 (Whereupon, the witness was excused.)

16 MR. BARNETTE: Your Honor, I'd like to call Mr. Kelley
17 to the stand, please.

18 KEGAN KELLEY, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q If you would, sir, please, state your full name for
22 the record.

23 A My name is Kegan Kelley.

24 Q And where do you work at now, sir?

25 A Currently, I'm employed with the South Carolina

Kegan Kelley
Direct examination by Mr. Barnette

1 Department of Revenue as a special agent.

2 Q And back on August 3rd of 2019, where was you employed
3 at, sir?

4 A I was employed with the City of Spartanburg Police
5 Department.

6 Q And what's your position there, sir?

7 A I was a uniformed officer on patrol.

8 Q And back on March 3rd of 2019, was you working that
9 day, sir?

10 A Yes, sir.

11 Q And did you receive a call about an incident at [REDACTED]
12 Baltimore Street here in the City of Spartanburg, and
13 Spartanburg County?

14 A Yes, sir. I did.

15 Q And so you -- this is located in the City of
16 Spartanburg and Spartanburg County, is that right?

17 A Yes. It's in the city's jurisdiction.

18 Q Okay. About what time did you receive that call, sir?

19 A I received the call right around 1331 or 1:30 in the
20 afternoon.

21 Q So it's 1:30 -- 1:00 p.m.?

22 A Yes, sir.

23 Q Where was you located at when you got that call?

24 A I was at the intersection coming down West Main near
25 North Highpoint right in front of the Pelican Snow Cone

Kegan Kelley
Direct examination by Mr. Barnette

1 area. Right down the street from Baltimore.

2 Q Okay. Let me show you what's been State's Exhibit

3 No. 5. Does this map fairly represent about where it was?

4 A Yes, sir.

5 Q Okay.

6 MR. BARNETTE: Your Honor, I'd like to go ahead and
7 introduce State's Exhibit 5 into evidence and then publish
8 it.

9 MR. MACDONALD: No objection.

10 MR. BARNETTE: A map, Your Honor.

11 THE COURT: Okay. It's admitted.

12 (Map marked State's Exhibit No. 5.)

13 MR. BARNETTE: May I publish it, Your Honor?

14 THE COURT: You may.

15 Q Okay. Just to give the jury an idea, is this 
16 Baltimore Street on the map, sir?

17 A Yes, sir.

18 Q Is this the QuikTrip that's right down the road from
19 down on St. John's and East Main Street?

20 A Yes, sir. That's the QuikTrip at the corner of St.
21 John and Main.

22 Q And this is the Pelican snowball you're talking about,
23 is that right?

24 A Yes, sir.

25 Q And that's where you were approximately.

Kegan Kelley
Direct examination by Mr. Barnette

1 A Yeah. I would -- right in that area, yes, sir.

2 Q So you're not -- you're right there, basically.

3 A Yes, sir.

4 Q How long did it take you once you get the call to
5 get to the location?

6 A I remember getting on scene right around 1:32 in the
7 afternoon.

8 Q Okay. So you got it within a minute.

9 A Yes, sir. It was fairly quick.

10 Q Okay. When you arrived there, was there anybody there
11 when you got there?

12 A Yes. There was two individuals outside the house.

13 Q Do you see one of those individuals here?

14 A Yes, sir.

15 Q Can you identify him for us?

16 A Yes, sir. He's the defendant right there.

17 Q Is that Charvix wright? Was he there?

18 A Yes, sir, he was there.

19 Q Can you describe what he's wearing, sir, here?

20 A Yes, sir. He's got the blue dress shirt, red tie,
21 with the blue mask over his face.

22 MR. BARNETTE: Your Honor, I'd ask that the record
23 reflect he's identified the defendant in the case.

24 THE COURT: It shall.

25 Q And was there another gentleman with him at the time?

Kegan Kelley
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q When you went in did you see Ms. Fernanders, or
3 Queenie as they called her?

4 A Yes, sir.

5 Q And where was she located?

6 A She was located in the bedroom on the floor with her
7 back towards the nightstand and the bed.

8 Q Okay. Did you see a lot of blood?

9 A Yes, sir. There was a lot of blood on her right side.

10 Q And did -- was she apparently dead?

11 A Yes, sir.

12 Q Let me show a picture that's been marked as State's
13 Exhibit 14. Is that a fair representation of what you saw
14 that day?

15 A Yes, sir.

16 MR. BARNETTE: Your Honor, I'd like to enter State's
17 Exhibit 14 into evidence at this time.

18 MR. MACDONALD: No objection.

19 THE COURT: It's admitted.

20 (Photograph marked State's Exhibit No. 14.)

21 Q Before I publish it there, in the bedroom did you
22 notice, was there a T.V. in there?

23 A Yes, sir, there was a T.V.

24 Q Was the T.V. on --

25 A Yes, sir.

Kegan Kelley
Direct examination by Mr. Barnette

- 1 Q -- from there? And did you find a knife in there?
- 2 A Yes, sir.
- 3 Q And let me go ahead and publish State's Exhibit 14.
- 4 Down here, was this where the knife was located, down
- 5 her right thigh?
- 6 A Yes, sir.
- 7 Q And when you saw it, what was your first instinct to
- 8 do?
- 9 A My first instinct was if she was still alive and to
- 10 render first aid. I didn't want to touch her without
- 11 making sure it was safe just -- just in case.
- 12 Q Okay. So what did you do with the knife?
- 13 A I moved it and put it on the shelving unit that was
- 14 behind me.
- 15 Q Okay. And the shelving unit, was there another item
- 16 in that shelving unit?
- 17 A Yes, sir.
- 18 Q What was there?
- 19 A There was a firearm.
- 20 Q Let me show you what's been marked State's Exhibits
- 21 15, 16, 17 and 18. Take a look at them if you would, sir.
- 22 Are those fair representations of 17 being the house
- 23 diagram, basically where everything was in the house?
- 24 A Yes, sir.
- 25 Q And State's Exhibit 16 is just another vision, just

Kegan Kelley
Direct examination by Mr. Barnette

1 with the hallway, the bathroom and the shelving in the
2 bedroom?

3 A Yes, sir.

4 Q And State's Exhibit 17. What is that? Is that a
5 picture of where you placed the knife on the firearm?

6 A Yes, sir.

7 Q And State's 18. Is that just a close-up view of the
8 knife on the firearm?

9 A Yes, sir.

10 MR. BARNETTE: Your Honor, I'd like to move 15, 16, 17
11 and 18 into evidence.

12 MR. MACDONALD: No objection, Judge.

13 THE COURT: They're admitted.

14 (Diagram marked State's Exhibit No. 15; diagram marked
15 State's Exhibit No. 16; photograph marked State's Exhibit
16 No. 17; photograph marked State's Exhibit No. 18.)

17 Q While I place these in, look at State's Exhibit
18 No. 14. How was the knife placed on Ms. Fernanders?

19 A The knife was -- I remember thinking it was awkward
20 how it was positioned, but it was on her right side with
21 the handle almost touching the ground.

22 Her hands were in a position of the left was in front
23 of the right and the handle was coming down on that back
24 side of the right hand.

25 The blade was pointed up with a sharp edge that was

Kegan Kelley
Direct examination by Mr. Barnette

- 1 facing towards her body and the doorway in which I was
2 coming in.
- 3 Q Did that seem natural to you?
- 4 A No, sir.
- 5 Q How did it seem to you?
- 6 A It seemed awkward.
- 7 Q Let me show you State's Exhibit 15. Is this a
8 diagram, basically, of the house?
- 9 A Yes, sir.
- 10 Q And was this the front door right here?
- 11 A Yes, sir.
- 12 Q And this is the living room area?
- 13 A Yes, sir.
- 14 Q And is this the hallway?
- 15 A Yes, sir.
- 16 Q Okay. Was this where the knife -- where the gun was
17 originally at there?
- 18 A Yes, sir.
- 19 Q Is this where Ms. Fernanders wound up at -- Queenie?
- 20 A Yes, sir.
- 21 Q Okay. And is there a bathroom right here across the
22 hall?
- 23 A I believe so, yes.
- 24 Q Showing you State's Exhibit No. 16. And that's where
25 her body was when you got there, is that right?

Kegan Kelley
Cross-examination by Mr. MacDonald

- 1 A Yes, sir.
- 2 Q State's Exhibit 16. This is just a diagram of those
3 areas with the measurements, is that right?
- 4 A Yes, sir.
- 5 Q State's Exhibit 17. Is that where the gun was when
6 you got there?
- 7 A Yes, sir.
- 8 Q And did you place a knife over the top of that?
- 9 A Yes, sir. I did.
- 10 Q So originally it was where you found it, but you moved
11 it. Was that for officer safety at the time?
- 12 A Yes, sir.
- 13 Q And this is the front-door area right here?
- 14 A Yes, sir.
- 15 Q Showing you State's Exhibit 18. Was that the knife
16 and the gun, and is that how you placed the knife on top of
17 the gun?
- 18 A Yes, sir.
- 19 Q After you determined -- and did you place the
20 defendant in custody?
- 21 A Yes. I did.
- 22 Q Did you place him in your patrol vehicle?
- 23 A Yes. I did.
- 24 Q And did forensics come in and take control of the
25 crime scene after that?

Kegan Kelley
Cross-examination by Mr. MacDonald

1 A Yes, sir.

2 Q Was there E.M.S. that came in and checked on Queenie
3 while you were there?

4 A Yes, sir. There was.

5 Q And they checked to make sure, unfortunately, she was
6 still -- she was dead.

7 A Yes, sir.

8 Q And you do remember a lot of blood on her right side.

9 A Yes, sir.

10 Q If you would, please, answer any questions
11 Mr. MacDonald may have for you.

12 CROSS-EXAMINATION

13 BY MR. MACDONALD

14 Q Officer Kelley, you were the first to respond, is that
15 correct?

16 A - Yes, sir.

17 Q In fact, you stated that you were just down the street
18 when you got the call.

19 A Yes, sir.

20 Q So you arrived within a minute.

21 A Yes, sir.

22 Q One of the first people you saw when you arrived was
23 Mr. Wright, is that correct?

24 A Yes, sir.

25 Q Where was he?

Kegan Kelley
Redirect examination by Mr. Barnette

- 1 A He was outside at the top of the stairs, right outside
2 that front door.
- 3 Q Okay. You -- when you arrived on the scene one of the
4 first things you did was go inside, is that correct?
- 5 A Yes, sir.
- 6 Q You took the knife off of the decedent, is that right?
- 7 A Yes, sir.
- 8 Q Okay. So within one minute you respond. And one of
9 the first things you do is remove the knife from the --
10 where the victim laid, is that correct?
- 11 A Yes, sir, to see if I could render first aid.
- 12 Q Okay. Mr. Wright showed you where the firearm was
13 when you came to the home, is that correct?
- 14 A Yes, sir.
- 15 Q Do you remember writing a report?
- 16 A Yes, sir.
- 17 Q And in that report isn't it true that you noticed no
18 other signs of struggle?
- 19 A Yes, sir.
- 20 Q You noticed no other signs of injury.
- 21 A To the victim?
- 22 Q To either party.
- 23 A No, sir.
- 24 Q Okay.
- 25 MR. MACDONALD: I have no further questions, Judge.

1 MR. BARNETTE: Just a couple on redirect.

2 REDIRECT EXAMINATION

3 BY MR. BARNETTE

4 Q I want to make sure you understood his last question.

5 Obviously, Ms. Fernanders had injury.

6 A Yeah, yes, sir.

7 Q Could you ever tell where she was shot at?

8 A I could not at the time, but I -- I did see the -- the
9 blood on her right-side chest down to her leg. At the time
10 I assumed it was a -- a chest wound.

11 Q Let me ask you a question.

12 Did you ever see any blood on the knife?

13 A No, sir.

14 Q Even the pictures here, you don't see any blood on the
15 knife, do you?

16 A No, sir.

17 Q But you didn't see any blood on him or any injuries on
18 him, did you?

19 A No, sir.

20 Q You got a close-up view, and, obviously, you put him
21 in custody.

22 A Yes, sir.

23 Q So he had no blood on him whatsoever, what you saw.

24 A None, no, sir.

25 Q No cuts, no injuries or anything.

1 A No, sir.

2 Q The only person with injury was Queenie.

3 A Yes, sir.

4 Q Thank you. Please answer any questions Mr. MacDonald
5 has for you.

6 MR. MACDONALD: No further questions.

7 THE COURT: You may step down.

8 MR. BARNETTE: I'd ask this witness be excused, Your
9 Honor.

10 THE COURT: He may be.

11 (Whereupon, the witness was excused.)

12 MR. BARNETTE: May we approach for a second, Your
13 Honor?

14 THE COURT: Yes, sir.

15 (Bench conference held off the record in the presence
16 of the jury but out of the hearing of the jury.)

17 MR. BARNETTE: May this witness be excused, Your
18 Honor?

19 THE COURT: He can be.

20 All right. Ladies and gentlemen, we need to take a
21 short break before we go further, so I'll ask you to please
22 go to your jury room.

23 Let me caution you that you're never permitted to talk
24 about the case with anybody, even among yourselves, unless
25 and until you're engaged in jury deliberations at the

Shawn Cloran
Direct examination by Mr. Barnette

1 trial's conclusion.

2 So during the trial when we take a break or overnight
3 or lunch or whatever it might be, you can't talk about the
4 case with anybody whatsoever in any fashion whatsoever.

5 You're only permitted to do that during deliberations,
6 and that won't be until the end of the presentation of
7 evidence and after I instruct you on the law. So no
8 discussions about the case.

9 Please retire to your jury room. I'll bring you back
10 after that break.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: We will be at ease 15 minutes.

14 (Whereupon, a recess was taken.)

15 THE COURT: All right. Do y'all have the exhibits
16 agreed upon for the next witness?

17 MR. BARNETTE: I think so, Your Honor. I think we do.

18 THE COURT: Okay. Both counsel have responded in the
19 affirmative.

20 Are we ready for the jury?

21 MR. BARNETTE: The state's ready, Your Honor.

22 THE COURT: Bring them in.

23 (The following takes place in the presence of the
24 jury.)

25 THE COURT: The jury is present. You may proceed.

Shawn Cloran
Direct examination by Mr. Barnette

1 MR. BARNETTE: May it please the Court, Your Honor.
2 I'd like to call Investigator Cloran to the stand,
3 please.

4 SHAWN CLORAN, having been
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BARNETTE

7 Q If you would, sir, please, state your full name for
8 the record.

9 A Shawn Cloran.

10 Q And back on August 3rd of 2019, where did you work at,
11 sir?

12 A I worked for the Spartanburg City Police Department.

13 Q And what was your position there, sir?

14 A I was a forensic investigator.

15 Q And how long was you in that position, sir?

16 A Approximately five years.

17 Q And before that was you in law enforcement, before
18 that, sir?

19 A Yes, sir. I was a patrol officer.

20 Q And how long did you do that, sir?

21 A About a year and a half to two years.

22 Q And are you working now?

23 A No, sir. I was retired from the Spartanburg Police
24 Department.

25 Q Was you called to the scene at [REDACTED] Baltimore Street in

Shawn Cloran
Direct examination by Mr. Barnette

1 this case, sir?

2 A Yes, sir.

3 Q And is that located in Spartanburg County?

4 A Yes, sir. In the city limits of Spartanburg County.

5 Q Okay. And once you arrived there did you start
6 working the crime scene?

7 A Once the warrant arrived, I proceeded to take exterior
8 photos.

9 Q When you talk about warrant, you mean search warrant?

10 A Yes, sir.

11 Q And after you obtained the search warrant did you take
12 those pictures, sir?

13 A Yes, sir.

14 Q Look at State's -- State's Exhibit 8 through State's
15 Exhibit 13, sir, and see if you took those pictures, sir.

16 A Yes, sir.

17 Q Do those fairly represent what you saw that day, sir?

18 A Yes, sir.

19 MR. BARNETTE: Your Honor, I'd like to move State's
20 Exhibits 8 through 13 into evidence at this time.

21 MR. MACDONALD: No objection, Judge.

22 THE COURT: They're admitted.

23 (Photographs marked State's Exhibits Nos. 8 through
24 13.)

25 MR. BARNETTE: Permission to publish them, Your Honor.

Shawn Cloran
Direct examination by Mr. Barnette

1 THE COURT: You may.

2 Q Go through these so the jury can see them.

3 Showing you State's Exhibit No. 8. Is this the front
4 of [REDACTED] Baltimore Street?

5 A Yes, sir.

6 Q And that's what you saw when you got there?

7 A Yes, sir.

8 Q Let me show you State's Exhibit No. 9. What is this a
9 picture of, sir?

10 A That was a vehicle that was covered in the front yard.

11 Q And it's still in the front yard of [REDACTED] Baltimore
12 Street, is that right, sir?

13 A Yes, sir.

14 Q Let me show you State's Exhibit No. 10. What is that,
15 sir?

16 A That, I believe, is the back yard.

17 Q And is this the family room where Ms. Fernanders was
18 found?

19 A Yes, sir.

20 Q That would have been in the window for that bedroom,
21 is that right?

22 A Yes, sir.

23 Q State's Exhibit 12. What is this, sir?

24 A That is -- if you're looking at the back of the house,
25 it is the left side with the steps going into the side of

Shawn Cloran
Direct examination by Mr. Barnette

1 the residence.

2 Q State's Exhibit 12. Is this the side door towards --
3 I guess the front door is on that side, that side of the
4 house.

5 A Yes, sir. That's the side of the residence, and it
6 leads into the kitchen.

7 Q Show you State's Exhibit 13. What is that a picture
8 of, sir?

9 A That is the opposing side of the residence.

10 Q I believe these are already entered in. Did you do a
11 diagram of the area, sir?

12 A Yes, sir.

13 Q Showing you State's Exhibit 15. Is this the diagram
14 you did, sir?

15 A Yes, sir.

16 Q And I think we talked about this before. Is this the
17 front door?

18 A Yes.

19 Q Right here, sir?

20 A Yes, sir.

21 Q This is the living-room area?

22 A Yes, sir.

23 Q Is this the bathroom?

24 A Yes, sir. It is.

25 Q And is this, like, a hallway?

Shawn Cloran
Direct examination by Mr. Barnette

- 1 A A narrow hallway leading to the other rooms of the
2 house.
- 3 Q So there's two rooms back here, is that right?
- 4 A Yes, sir.
- 5 Q And then is this the kitchen area?
- 6 A Yes, sir.
- 7 Q And is this the bedroom?
- 8 A Yes, sir. The master bedroom had two entryways.
- 9 Q Is that the victim in this case?
- 10 A Yes, sir.
- 11 Q In the bathroom, did you go examine the bathroom?
- 12 A Yes, sir.
- 13 Q What did you see in the bathtub or in the sink?
- 14 A There was fresh water residue, like droplets, around
15 the shower and the sink.
- 16 Q So it's like somebody took a shower and bath?
- 17 A Yes, sir.
- 18 Q State's Exhibit 16. Is this another diagram you did,
19 sir?
- 20 A Yes, sir, showing the different measurements.
- 21 Q Is this, basically, the bedroom where Ms. Fernanders
22 was found in the hallway?
- 23 A Yes, sir. It also shows the -- from where the officer
24 placed the knife on top of the firearm to where
25 Ms. Fernanders was found.

Shawn Cloran
Direct examination by Mr. Barnette

- 1 Q Is this this area right here, sir?
- 2 A Yes, sir.
- 3 Q As a matter of fact, State's Exhibit 17, which is
- 4 already entered into evidence, that's where the gun and the
- 5 knife was found, is that right?
- 6 A Yes, sir.
- 7 Q Showing you State's Exhibit 19 or 18. Was this the
- 8 knife? And these are the placards. Did you place those
- 9 placards beside it?
- 10 A Yes, sir.
- 11 Q As a matter of fact, they correspond back to one of
- 12 your diagrams, is that right?
- 13 A Yes, sir.
- 14 Q Showing you State's Exhibit 15 where the one and two
- 15 is.
- 16 A Yes, sir.
- 17 Q The knife there, what was on the knife?
- 18 A There was like greasy water residue and seemed like
- 19 dried food. But there was mostly like a greasy substance,
- 20 oily substance.
- 21 Q Was there any blood on that knife?
- 22 A No, sir.
- 23 Q You never saw any blood on it.
- 24 A No, sir.
- 25 Q Did you recover that gun, sir?

Shawn Cloran
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Let me show you what's been marked as State's Exhibit

3 2. Is that the gun that y'all recovered, sir? If you need
4 to open it, you can. If you would, just look at it. Then
5 we'll let the defense look at it before you enter it.

6 A Yes, sir.

7 Q And was there a magazine inside of the gun?

8 A Yes, sir. There was.

9 Q And unspent rounds.

10 A Yes, sir. There was an unfired round chambered and
11 rounds in the magazine.

12 Q Okay. And are those also in the box, also?

13 A Yes, sir.

14 MR. BARNETTE: Your Honor, I'd like to move State's
15 Exhibit 2 into evidence at this time.

16 MR. MACDONALD: No objection.

17 THE COURT: Let me see it, please.

18 MR. BARNETTE: Your Honor, we do have a lock here to
19 lock it.

20 (Pause.)

21 (.25 handgun marked State's Exhibit No. 2.)

22 MR. BARNETTE: Thank you, Your Honor.

23 Your Honor, permission to publish this to the jury.

24 THE COURT: You may.

25 Q If you would, step down for a second, sir. Talk loud

Shawn Cloran
Direct examination by Mr. Barnette

1 enough so madam court reporter can hear you. Okay?

2 A Yes, sir.

3 (whereupon, the witness left the stand.)

4 Q Is this the gun you collected, sir?

5 A Yes, sir.

6 Q If you would, come this way. This is a 25 caliber
7 weapon.

8 A Yes, sir. It is.

9 Q Step back here so -- just walk down this way so they
10 can see it.

11 Do it this way. Once you come -- point straight up.
12 Is this the safety right here?

13 A Yes, sir.

14 Q I don't know if that will work. It may not work now
15 since it's -- it rotates back and forth, is that right?

16 A Yes, sir.

17 Q Was this the magazine that was inside of it, sir, that
18 fits in the bottom?

19 A Yes, sir.

20 Q Was this the .380 unspent, unfired round that you
21 found there?

22 A Yes, sir.

23 Q You said one was actually in that?

24 A Yes, sir. One was chambered and then the other two
25 were in the magazine.

Shawn Cloran
Direct examination by Mr. Barnette

1 Q Please have a seat.

2 (Whereupon, the witness returned to the stand.)

3 Q When you arrived and then took the pictures and went
4 inside, you gathered the gun, gathered evidence in that
5 case.

6 Did you also -- did you also collect the knife in this
7 case too, sir?

8 A Yes, sir. I did.

9 Q Let me show you State's Exhibit 1. Now, this has been
10 treated and tested, is that right, since you collected it?

11 A Yes, sir. It has the SLED stickers.

12 Q Can you go ahead and open that, sir? And SLED is the
13 state law enforcement division, is that right?

14 A Yes, sir.

15 Q And actually the gun was sent for testing, as well as
16 the knife, is that right?

17 A Yes, sir.

18 MR. BARNETTE: Your Honor, I'd like to enter State's
19 Exhibit 1 into evidence at this time.

20 MR. MACDONALD: No objection, Judge.

21 THE COURT: It's admitted.

22 (Gray metal kitchen knife marked State's Exhibit No.
23 1.)

24 MR. BARNETTE: Your Honor, permission to publish.

25 THE COURT: You may.

Shawn Cloran
Direct examination by Mr. Barnette

1 Q And one other thing. This was tested my SLED, is that
2 right?

3 A Yes, sir. It was.

4 Q Was there any blood found by SLED on there?

5 A No, sir.

6 Q And is that the mark? Come on down if you would, sir.

7 (Whereupon, the witness left the stand.)

8 Q Show real quickly here, this picture.

9 THE COURT: Do you need the witness over there?

10 MR. BARNETTE: Yes, sir, just for a second. I'm going
11 to see if I can see -- well, it might be easier to see
12 here.

13 Q Is this the SLED lab number where they tested, sir?

14 A Yes, sir.

15 Q L19-1722. I don't know if that's a four or not, but
16 that's their lab number, is that right?

17 A Yes, sir. It's the corresponding number.

18 Q So it's 17241.

19 A Yes, sir.

20 Q And then it was tested by their lab tech?

21 A Yes, sir.

22 Q And on there is that a test they test for the presence
23 of blood?

24 A It should be the initials saying that's who did the
25 testing, I'm guessing.

Shawn Cloran
Direct examination by Mr. Barnette

1 Q For that phenyl test there where they test for the
2 blood and it's negative?

3 A That may be. I know it was sent there, and sent a
4 report back stating that it was negative.

5 Q And you was talking about the grease and things that
6 was found on that. Is that still reflected on this knife?

7 A Yes, sir.

8 Q Please have a seat, sir.

9 (Whereupon, the witness returned to the stand.)

10 Q Did you get to review the lot of the -- picture later,
11 sir, of where the knife was located when the officer first
12 got there?

13 A Yes, sir.

14 Q And was it located -- how -- how would you describe
15 how it was located?

16 A Awkward. The way it was positioned with the blade up,
17 I don't see how it would be -- as many scenes as I've been
18 to, I don't see how it'd be possible honestly.

19 Q And the blood that -- was there a lot of blood there,
20 sir?

21 A Yes, sir.

22 Q Starting from the hallway into the bedroom, did you
23 take several pictures, sir?

24 A Yes, sir.

25 Q Let me show you what's been marked State's Exhibits 19

Shawn Cloran
Direct examination by Mr. Barnette

1 through 40.

2 (Pause.)

3 Q Do those fairly represent what you saw that day, sir?

4 A Yes, sir.

5 MR. BARNETTE: Your Honor, I'd like to enter State's
6 Exhibits 19 through 40 in. Some of them are black and
7 whites, Your Honor.

8 THE COURT: Nineteen through 40?

9 MR. BARNETTE: Yes, sir.

10 THE COURT: They are all photographs?

11 MR. BARNETTE: Yes, sir.

12 MR. MACDONALD: No objection, Judge.

13 THE COURT: They're admitted.

14 (Photographs marked State's Exhibits 19 through 40.)

15 MR. BARNETTE: May I publish these to the jury, Your
16 Honor.

17 THE COURT: You may.

18 Q Showing you State's Exhibit No. 19. Where is this
19 located at, sir?

20 A Just outside the master bedroom doorway in the
21 hallway.

22 Q Showing you State's Exhibit No. 20. Where is this
23 located at, sir?

24 A In the threshold of the master bedroom coming from the
25 hallway.

Shawn Cloran
Direct examination by Mr. Barnette

1 Q What does this appear to be right here, sir?

2 A It appears to be blood.

3 Q Showing you State's Exhibit 21. Is that a closer view
4 of that -- that spot on the floor, sir?

5 A Yes, sir.

6 Q Does it still appear to be -- what does that appear to
7 be to you, sir?

8 A It appeared to be blood.

9 Q State's Exhibit 22. Is this a closer-up picture of
10 that same spot?

11 A Yes, sir.

12 Q Let me show you State's Exhibit 24. What was there,
13 sir? I know you have a placard there, but what is there?

14 A It's another spots of red substance believed to be
15 blood that were marked.

16 Q Are these like two spots that you saw?

17 A Yes, sir.

18 Q And was that right inside the door and is there a
19 cabinet right here?

20 A That's in the threshold, and just inside the doorway
21 there is a two-or-three-drawer plastic tote.

22 Q Okay.

23 MR. BARNETTE: One moment, Your Honor, please.

24 (Pause.)

25 Q Taking you back to State's Exhibit 23. This is before

Shawn Cloran
Direct examination by Mr. Barnette

1 you put the placard down, is that right?

2 A Yes, sir. It's just inside the doorway.

3 Q And, like you said, there's red spots that you saw, is
4 that right, sir?

5 A Yes, sir.

6 Q State's Exhibit 24 -- 25. Did you find a shell casing
7 inside of there near the --

8 A Yes, sir.

9 Q And did you collect that shell casing?

10 A Yes, sir.

11 Q And was that sent for analysis at SLED?

12 A Yes, sir.

13 Q Okay. Let me show you what's been marked as State's
14 Exhibit 3. Is that the shell casing you collected, sir?

15 A Yes, sir.

16 Q And that's what we see in the picture right here.

17 A Yes, sir. Would you like for me to open it?

18 Q Please open it.

19 (Pause.)

20 A Yes, sir. It is.

21 MR. BARNETTE: Your Honor, I'd like to move this into
22 evidence at this time.

23 MR. MACDONALD: No objection, Judge.

24 MR. BARNETTE: Permission to publish it, Your Honor.

25 THE COURT: It's admitted. What number is that?

Shawn Cloran
Direct examination by Mr. Barnette

- 1 MR. BARNETTE: No. 3, Your Honor.
2 (Sealed envelope marked State's Exhibit No. 3.)
3 Q Okay. Was that sent to SLED to be tested, sir?
4 A Yes, sir.
5 Q Was it fired by that gun that you collected?
6 A Yes, sir.
7 Q Going back to State's Exhibit 25. That was found
8 inside the bedroom, is that right?
9 A Yes, sir.
10 Q Showing you State's Exhibit No. 26. What is that a
11 picture of? Is it like a plastic cabinet there?
12 A That's the 3-drawer tote I was referring to just as
13 you enter through the doorway into the bedroom.
14 Q Did the blood that started at the doorway kind of go
15 beside of where the plastic thing was?
16 A Yes, sir.
17 Q I call it cabinet. I don't know what the exact name
18 of that is. Did it appear to be hit or broke?
19 A Yes, sir.
20 Q Showing you what's been marked as State's Exhibit 27,
21 sir, on the black-and-white photos. Can you tell us what
22 this is, sir?
23 A That is the leg of the victim and droplets of blood.
24 And then you can see the blood beginning to pool.
25 Q This is the blood beginning to pool around her leg,

Shawn Cloran
Direct examination by Mr. Barnette

- 1 underneath her leg and so forth?
- 2 A Under one of her legs and then around her calf.
- 3 Q Right here too, sir?
- 4 A Yes, sir.
- 5 Q And these are blood drops.
- 6 A Yes, sir.
- 7 Q Showing you what's been marked as State's Exhibit 28.
- 8 Can you describe this for us, sir?
- 9 A That is the victim to the left with the bed clothing
- 10 and her phone, and then the drops going along in a circular
- 11 pattern on the bed is a directional pattern.
- 12 Q And so does it appear that she started at the door and
- 13 just kept going around over the bed?
- 14 A Yes, sir.
- 15 Q And what is that, sir?
- 16 A That was the victim's phone -- Ms. Fernanders.
- 17 Q And what was this here, sir?
- 18 A I believe that was a pair of leggings.
- 19 Q Let me show you State's Exhibit No. 29. Can you tell
- 20 us what that is, sir?
- 21 A That is the drops of blood, her phone and some
- 22 clothing.
- 23 Q These drops, the bigger drops and everything, where
- 24 did they appear to come from?
- 25 A From just below her eye about her cheek area, about

Shawn Cloran
Direct examination by Mr. Barnette

1 midway down her nose.

2 Q And State's Exhibit 30. What's that a picture of,
3 sir?

4 A Closer-up photo of the drops of what appeared to be
5 blood on the bed on the sheets.

6 Q And this was in the bed in that bedroom, is that
7 right?

8 A Yes, sir.

9 Q Let me show you what's been marked as State's
10 Exhibit 31. What is that?

11 A That appears to be a transfer, blood transfer, mark
12 which was on her shoulder area.

13 Q Is that consistent with everything else you found?

14 A No, sir.

15 Q What would cause that transfer on the back of her
16 shoulder like that?

17 A If someone had blood on their hand and touched
18 something that didn't have blood on it, like if she was to
19 be repositioned.

20 Q State's Exhibit 32. What is this, sir?

21 A That is Ms. Fernanders' purse, her keys containing a
22 knife.

23 Q As a matter of fact, she had a knife right there, is
24 that right?

25 A Yes, sir.

Shawn Cloran
Direct examination by Mr. Barnette

- 1 Q Or a blade. I should say maybe a razor blade.
- 2 A Yes, sir.
- 3 Q And she also had a knife inside of her purse too?
- 4 A Yes, sir. The one on her keys was a razor blade, and
- 5 she had a folding pocketknife inside of her purse.
- 6 Q Showing you State's Exhibit 33. What is this, sir?
- 7 A That is how Ms. Fernanders was when I came to the
- 8 scene.
- 9 Q Okay. And we see. Is it right down in here where the
- 10 blood starts and goes like in this right here?
- 11 A Yes, sir.
- 12 Q Okay. Showing you State's Exhibit 34.
- 13 A Another photo of Ms. Fernanders.
- 14 Q Okay. Is there blood, a lot of blood, in that area?
- 15 A Yes, sir. It was down her face, down her chest, down
- 16 her legs, and more on her right arm than her left.
- 17 Q And was it dry, basically, when you got there?
- 18 A On her legs, on the top of her legs, was dry. But it
- 19 was still wet in most areas on her chest, but there were
- 20 several spots that were dry.
- 21 Q Let me show you State's Exhibit 35. Was this pool of
- 22 blood down here?
- 23 A Yes, sir.
- 24 Q And there was blood running all the way down her chest
- 25 into her leg and that area?

Shawn Cloran
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q Show you State's Exhibit 36. Was this the gunshot
3 wound?

4 A Yes, sir.

5 Q Was blood coming from it, as well as her nose?

6 A Yes, sir.

7 Q Was that what's running down her body and down that
8 way?

9 A Yes, sir. It was.

10 Q And was that the blood that started at the door and
11 continued apparently across the bed in that circular motion
12 we saw?

13 A Yes, sir. That was the only area that we, myself and
14 Investigator Lawson, saw that had any injury or any blood
15 coming from it.

16 Q So there was a lot of blood, obviously.

17 A Yes, sir.

18 Q Let me show you State's Exhibit 37. Is this her right
19 hand?

20 A Yes, sir.

21 Q Was there blood on her right hand?

22 A Yes, sir.

23 Q Did there appear to be a blade or a knife or anything
24 like that?

25 A No, sir.

Shawn Cloran
Direct examination by Mr. Barnette

1 Q Did she appear to have ever handled a knife?

2 A No, sir.

3 Q Showing you State's Exhibit 38. What is this a
4 picture of, sir?

5 A It appears those were the clothes that Ms. Fernanders
6 had laid out to wear for the party she was going to attend
7 later.

8 Q Showing you State's Exhibit 39. What's that a picture
9 of, sir?

10 A The clothes, the bed, part of the window and the air
11 conditioner that was pushed in.

12 Q Let me show you State's Exhibit 40. What is that,
13 sir?

14 A That is the air conditioner and the additional
15 sections of, I believe, insulation to block off the other
16 areas where outside air would come in.

17 Q So a lot of times they used cardboard to help cover
18 those areas with an air conditioner, is that right?

19 A Yes.

20 Q And that would be placed around the air conditioner?

21 A Yes, sir.

22 Q Did you obtain a G.S.R. kit from Mr. Wright?

23 A I did.

24 Q And in that G.S.R. kit, you collected, and was it sent
25 to SLED?

Shawn Cloran
Direct examination by Mr. Barnette

1 A It was.

2 Q And what was the results of that? Showing you State's
3 Exhibit 4.

4 A Mr. Wright's hands were present for gunshot residue.

5 Q So that's consistent with shooting a gun, is that
6 right?

7 A Yes, sir.

8 Q Okay.

9 MR. BARNETTE: Your Honor, I'd like to enter State's
10 Exhibit 4 into evidence.

11 MR. MACDONALD: No objection.

12 THE COURT: It's admitted.

13 (G.S.R. kit marked State's Exhibit No. 4.)

14 MR. BARNETTE: And just publishing State's Exhibit 4.

15 Q It just says it's consistent with gunshot primer
16 residue, was found, is that right?

17 A Yes, sir.

18 Q Did you also collect a phone, or there was a phone
19 collected from Mr. Wright in this case? Was it collected
20 by y'all?

21 A Yes, sir.

22 Q Let me show you State's Exhibit 7. Was that the phone
23 that was collected from Mr. Wright? If you need to open
24 it, you can, sir.

25 A Yes, sir. It is.

Shawn Cloran
Direct examination by Mr. Barnette

1 Q And that was collected by a search warrant, is that
2 right?

3 A Yes, sir. And with a copy of the search warrant.

4 MR. BARNETTE: Your Honor, I'd like to move State's
5 Exhibit 7 into evidence at this time.

6 MR. MACDONALD: No objection, Judge.

7 THE COURT: It's admitted.

8 (Black Motorola cell phone marked State's Exhibit No.
9 7.)

10 Q So this was Mr. Wright's phone that was collected, is
11 that right?

12 A Yes, sir.

13 Q Was it later analyzed by another person in y'all's
14 police department?

15 A Yes, sir.

16 Q Who was that?

17 A It was Investigator Kaur.

18 Q Did you go to the autopsy, sir?

19 A Yes, sir.

20 Q At the autopsy did you collect the -- oh, before I get
21 that, is this Investigator Kaur's analysis of the phone?

22 A It appears to be, yes, sir.

23 Q And that's State's Exhibit 43.

24 A Yes, sir.

25 MR. BARNETTE: Your Honor, I'd to enter State's

Shawn Cloran
Direct examination by Mr. Barnette

1 Exhibit 43, which is her analysis of the phone.

2 MR. MACDONALD: No objection.

3 THE COURT: It's admitted.

4 MR. BARNETTE: Thank you, Your Honor.

5 (Extraction report marked State's Exhibit No. 43.)

6 Q At the morgue was there a bullet collected from Ms.

7 Fernanders in this case?

8 A Yes, sir. During the autopsy after photographs the

9 fired round was turned over to me by Dr. Wassum.

10 Q Okay. State's Exhibit 6. Is that the bullet that was
11 collected?

12 A Yes, sir.

13 Q And was you present there when pictures were taken?

14 A Yes, sir.

15 Q Let me show you State's Exhibits 41, 42. Do those
16 pictures fairly represent what you saw at the autopsy, sir?

17 A Yes, sir.

18 MR. BARNETTE: Your Honor, I'd like to enter State's
19 Exhibits 6, 41 and 42 into evidence at this time.

20 MR. MACDONALD: No objection, Judge.

21 THE COURT: They're admitted.

22 (Fired bullet marked State's Exhibit No. 6; photograph
23 marked State's Exhibit No. 41; photograph marked State's
24 Exhibit No. 42.)

25 Q If you would, sir, go ahead and open up State's

Shawn Cloran
Cross-examination by Mr. MacDonald

1 Exhibit 6 so we can publish it to the jury.

2 MR. BARNETTE: Your Honor, permission to publish these
3 items to the jury -- State's Exhibits 6, 41 and 42.

4 THE COURT: You may.

5 Q Sir, was that the bullet that Dr. Wassum collected --

6 A Yes, sir.

7 Q -- in this case? And was that the container he placed
8 it in?

9 A Yes, sir.

10 Q And was that sent to SLED also, sir?

11 A Yes, sir.

12 Q And did that bullet match up with the gun that you
13 collected?

14 A Yes, sir. It did.

15 Q Showing you State's Exhibit 42. Is that a picture of
16 the same bullet we just looked at?

17 A Yes, sir.

18 Q When they did the autopsy on Ms. Fernanders did they
19 clean up the wound and the area?

20 A Yes, sir.

21 Q Let me show you State's Exhibit 41. Was that the
22 bullet hole where the bullet -- where she was shot at?

23 A Yes, sir.

24 Q Is this her nose?

25 A Yes, sir.

Shawn Cloran
Cross-examination by Mr. MacDonald

1 Q This right here underneath her left eye where he
2 shot -- where she was shot at?

3 A Yes, sir.

4 MR. BARNETTE: One moment, Your Honor.

5 (Pause.)

6 Q Going back to State's Exhibit 42. Was this dark area
7 around the wound itself -- what's that called, sir?

8 A That is called stippling.

9 Q And what causes that?

10 A A -- it's a burn pattern from the gunpowder, which
11 means the handgun that was used was fired at a very close
12 proximity. With that pattern, say, within roughly about
13 6 inches.

14 MR. BARNETTE: One moment, Your Honor.

15 (Pause.)

16 Q Sir, if you would, please, answer any questions
17 Mr. MacDonald may have for you.

18 A Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. MACDONALD

21 Q Investigator Cloran, I'm going to show you what's
22 State's Exhibit 40. This item right here, what is that?

23 A That's an air conditioning unit.

24 Q When you first came into the residence and you checked
25 the bedroom you saw the air conditioning unit face down, is

Shawn Cloran
Cross-examination by Mr. MacDonald

1 that correct?

2 A That's not the first thing I noticed but --

3 Q But that's one of the things you notice in the
4 bedroom, is that correct?

5 A Yes, sir.

6 Q Okay. It was still running, is that correct?

7 A Yes, sir.

8 Q What time did you arrive to take pictures?

9 A First, I did the G.S.R. on Mr. Wright at city hall,
10 collected items of evidence from him. I did not put it in
11 the -- let's see. I opened the search warrant at the
12 residence at 1608 hours.

13 Q So what time is that in the --

14 A 4:08 p.m.

15 Q So it was several hours after the 9-1-1 call, is that
16 correct?

17 A Yes.

18 Q Okay. You documented inside the residence, is that
19 correct, with photos?

20 A Yes.

21 Q You took photos of things that you saw inside the
22 residence. You took photos of a rug that was rolled up on
23 the sofa in the living room, is that correct?

24 A Yes, sir.

25 Q You document in your report that you saw both the

1 kitchen and the living room which appeared clean.

2 A Yes, sir.

3 Q You stated that in your report you saw chairs stacked
4 on top of the table in the kitchen.

5 A Yes, sir.

6 Q You indicated in your report that you saw droplets of
7 water in the tub and in the sink indicating recent use, is
8 that correct?

9 A Yes, sir.

10 Q And, as you stated, you noticed stippling around the
11 wound of the victim, is that correct?

12 A Yes, sir.

13 Q And that indicates a very close shot from gun to where
14 the victim was, is that correct?

15 A Yes, sir.

16 Q Okay.

17 MR. MACDONALD: Beg the Court's indulgence.

18 (Pause.)

19 MR. MACDONALD: I have no further questions, Judge.

20 MR. BARNETTE: No further questions of this witness,

21 Your Honor.

22 THE COURT: You may step down.

23 MR. BARNETTE: We would ask he be excused, Your Honor.

24 THE COURT: He may be.

25 THE WITNESS: Thank you, Your Honor.

Kimberly Spainhour
Direct examination by Mr. Barnette

1 THE WITNESS: Yes, sir.

2 SHAWN CLORAN, having been
3 previously duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. BARNETTE

5 Q Sir, the defendant in this case -- Mr. Wright -- did
6 you ever see any blood on him?

7 A No, sir. I didn't.

8 Q Did you ever see any marks on him?

9 A No, sir.

10 Q Any bruises or anything like that?

11 A No, sir.

12 Q And was there also -- his shoes. Was there a test ran
13 on his shoes just to make sure there was no blood on his
14 shoes?

15 A Yes, sir. They were sent to SLED for testing.

16 Q Okay. Let me show you State's Exhibit No. 50.

17 A Yes, sir.

18 Q And what does that say, the results of the testing on
19 the shoes?

20 A The results from the shoes were negative for blood.

21 MR. BARNETTE: Your Honor, I'd like enter State's
22 Exhibit 50 into evidence.

23 MR. MACDONALD: No objection, Judge.

24 THE COURT: It's admitted.

25 (D.N.A. analysis marked State's Exhibit No. 50.)

Kimberly Spainhour
Direct examination by Mr. Barnette

1 MR. BARNETTE: May I publish it to the jury, Your
2 Honor?

3 THE COURT: You may.

4 Q Okay. So that was sent, and the presumptive test was
5 negative for blood, is that right?

6 A Yes, sir.

7 Q If you would, please answer any questions
8 Mr. MacDonald may have for you, sir.

9 MR. MACDONALD: I have no questions, Judge.

10 THE COURT: You may step down.

11 MR. BARNETTE: Ask for the witness to be excused, Your
12 Honor.

13 THE COURT: He may be.

14 (Whereupon, the witness was excused.)

15 MR. BARNETTE: Your Honor, I'd like to call Kimberly
16 Spainhour to the stand, please.

17 KIMBERLY SPAINHOUR, having
18 been first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BARNETTE

20 Q If you would, ma'am, state your full name for the
21 record.

22 A Kimberly Spainhour.

23 Q Ms. Spainhour, where did you work at previously?
24 Where do you work at now, ma'am?

25 A I currently work for the department of health and

kimberly spainhour
Direct examination by Mr. Barnette

1 environmental control.

2 Q Okay. what do you do there, ma'am?

3 A I work in the public health lab.

4 Q And before that where did you work at, ma'am?

5 A Before that I worked at the South Carolina Law
6 Enforcement Division, usually referred to as SLED.

7 Q And they -- is items sent there for analysis and so
8 forth from there?

9 A Yes, yes.

10 Q In this case did you receive a knife to examine?

11 A I -- I did, yes.

12 Q Let me show you what's been marked as State's
13 Exhibit 1. If you would, take a look at that, ma'am, and
14 see if that's the knife that you examined. It's already
15 been entered into evidence.

16 A This is the knife I received. It's got my initials
17 marked on it.

18 Q Okay. And I believe we showed that to the jury
19 earlier. But it has your initials marked on it, is that
20 right?

21 A That's correct, yes.

22 Q I will show here. Is that the markings you put on
23 this, ma'am?

24 A That's correct, yes.

25 Q Is that the lab number on this case?

Kimberly Spainhour
Cross-examination by Mr. MacDonald

1 A That would be the lab number, the item number and then
2 my initials.

3 Q Okay. And then on the other side, did you test for
4 the presence of blood?

5 A I did, yes.

6 Q And what did you find out?

7 A That presumptive testing for blood was negative.

8 Q So no blood was found on the knife, is that right,
9 ma'am?

10 A Correct.

11 Q And did you make a report concerning this case, ma'am?

12 A I did, yes.

13 Q Let me show you what's been marked as State's
14 Exhibit 51. Is that the report you generated in this case,
15 ma'am?

16 A It is.

17 MR. BARNETTE: Your Honor, I'd like to enter this
18 report into evidence, State's Exhibit 51.

19 MR. MACDONALD: No objection, Judge.

20 THE COURT: It's admitted.

21 (Serology analysis marked State's Exhibit No. 51.)

22 MR. BARNETTE: Permission to publish, Your Honor.

23 THE COURT: You may.

24 Q In your report did the test, and it was negative for
25 blood, is that right?

Suzanne Cromer
Direct examination by Mr. Barnette

1 A That's correct.

2 Q If you would, please, answer any questions the defense
3 may have for you.

4 CROSS-EXAMINATION

5 BY MR. MACDONALD

6 Q Did you do any other test on the knife, or was it just
7 for blood?

8 A Just for blood.

9 Q Okay.

10 MR. MACDONALD: That's all, Your Honor.

11 THE COURT: You may step down.

12 MR. BARNETTE: Your Honor, we'd ask for the witness to
13 be excused.

14 THE COURT: She may be.

15 (Whereupon, the witness was excused.)

16 MR. BARNETTE: Your Honor, the Court [sic] would like
17 to call Suzanne Cromer to the stand, please.

18 SUZANNE CROMER, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q If you would, ma'am, please give us your full name.

22 A My name is Suzanne Cromer.

23 Q And where do you work at, ma'am?

24 A I'm employed by the South Carolina Law Enforcement
25 Division, commonly referred to as SLED.

Suzanne Cromer
Direct examination by Mr. Barnette

1 Q And what's your position there, ma'am?

2 A I am a firearm and toolmark examiner in the forensic
3 services laboratory.

4 Q And how long have you been in that position, ma'am?

5 A Well, this Friday I will have been with SLED 23 years.
6 I moved into the firearms examiner training position in
7 February of 2000.

8 Q If you would, just tell them a little bit about your
9 education and your background, ma'am.

10 A I have a bachelor's degree from Clemson University. I
11 did some graduate work in criminal justice at the
12 University of South Carolina where I did an internship in
13 the forensic services laboratory firearms department at
14 SLED.

15 I was hired on and then started their in-house
16 training program, which is a multi-year intense study
17 program where you study under other court-qualified
18 firearms examiners. It's more of an apprenticeship. We
19 take multiple tests. We have a training manual with
20 multiple modules. We take oral tests, practical tests,
21 mock casework.

22 Upon completion of all of the modules of our training
23 program we're given a comprehensive final exam that is
24 graded by our training officer and our lieutenant.

25 I've also taken classes with the association of

Suzanne Cromer
Direct examination by Mr. Barnette

1 firearm and toolmark examiners, which is an international
2 organization for our profession. They meet once a year for
3 a week-long seminar, minus the COVID year, last year, and
4 offer extra workshops. I've been fortunate enough to
5 attend several of those week-long seminars and extra
6 workshops such as machinegun conversion, barrel making,
7 Highpoint firearm familiarization just to name a few.

8 I've taken classes with the South Carolina
9 International Association of Identification, most relevant
10 being two different 3-day shooting scene reconstruction
11 workshops.

12 I've also taken classes with the bureau of alcohol,
13 tobacco and firearms, commonly referred to as the A.T.F.,
14 on serial number restoration, and the national integrated
15 ballistics information network, which is a digital database
16 of images of cartridge cases that could seemingly link two
17 unrelated cases.

18 I am the NIBIN, which is what we call the National
19 Integrated Ballistics Information Network. I am the NIBIN
20 program administrator for SLED.

21 THE COURT: Ms. Cromer, let me ask you to use that
22 microphone, please.

23 THE WITNESS: Yes. This one?

24 THE COURT: The one in front of you. The one closest
25 to you.

Suzanne Cromer
Direct examination by Mr. Barnette

1 Q Thank you, ma'am.

2 And how many times have been you qualified as an expert
3 in firearms in state court, ma'am?

4 A Approximately 126 times.

5 MR. BARNETTE: Your Honor, I move her as an expert in
6 firearms and ballistics at this time.

7 MR. MACDONALD: No objection.

8 THE COURT: She is so qualified.

9 Q Yes, ma'am. Did you get to examine some items in this
10 case, ma'am?

11 A Yes, sir. I did.

12 Q Let me show you what's been marked as State's Exhibit
13 -- or admitted into evidence as State's Exhibit 2 and
14 State's Exhibit 3 and State's Exhibit 6 and see if you --
15 if those are the items that you examined, ma'am.

16 A Okay. State's Exhibit 2 was my Item 2. It is a
17 Tanfoglio semiautomatic pistol.

18 Q What caliber is that, ma'am?

19 A .25 auto.

20 Q Thank you, ma'am.

21 A There's also a magazine. And all of this bears my
22 initials, my item number and my lab number. And some
23 unfired .25 auto caliber cartridges.

24 Q Go ahead and look at State's Exhibit No. 3, ma'am. I
25 think it's your Item 3 also.

Suzanne Cromer

Direct examination by Mr. Barnette

1 A Okay. State's Exhibit 3 was my Item 3. It is a fired
2 .25 auto caliber cartridge case.

3 Q Thank you, ma'am.

4 A State's Exhibit 6 was my Item 6. It is a fired
5 bullet. And, again, it's in a sealed container with my
6 initials and seal date.

7 Q And, ma'am, did you do analysis to see if the shell
8 casing, that bullet, was fired by that weapon?

9 A Yes. I did.

10 Q And what was your finding?

11 A I concluded in my opinion that this cartridge case and
12 this fired bullet were fired from this .25 auto Tanfoglio
13 firearm.

14 Q The shell casing was fired by that weapon, the .25
15 pistol.

16 A Yes, sir.

17 Q And then the bullet was also fired by it.

18 A Yes, sir.

19 Q In looking...

20 MR. BARNETTE: Your Honor, can we remove -- well, I'll
21 just let her show the mechanics of the gun in that case.

22 THE COURT: Sure.

23 MR. BARNETTE: Officer, do you have the key?

24 (Pause.)

25 Q If you would, come down and show and -- I'm going to

Suzanne Cromer
Direct examination by Mr. Barnette

1 need you to speak loud enough so the court reporter can
2 hear you.

3 THE WITNESS: Do I need to put this on to come down?

4 MR. BARNETTE: Can she come down without her mask,
5 Your Honor?

6 THE COURT: Sure.

7 (Whereupon, the witness left the stand.)

8 Q If you would, just show the basic mechanics of the
9 weapon if you would, ma'am.

10 A This is what we call a semiautomatic pistol.

11 Q If you would, come down here, right here in the
12 middle, so everybody can see.

13 A To load this firearm you would load cartridges or
14 unfired rounds into this magazine. The magazine is then
15 placed into the magazine well and locked in.

16 On a firearm like this you have -- that's a strict
17 blow-back design you have to chamber a round. You have to
18 pull the slide back and then let it fly forward.

19 By doing that this will push the top round in that
20 magazine into the chamber of the firearm, which is right
21 here.

22 So you have your barrel, your muzzle. This is your
23 hammer and your trigger.

24 Then to fire this firearm this has to be pulled
25 backwards. There is a safety on it, a rotating thumb

Suzanne Cromer
Direct examination by Mr. Barnette

1 safety.

2 Q If you would, show that. Show that to the jury real
3 quick.

4 A Right here.

5 Q Just go down through there so they all can see. Just
6 go slowly and let them see it.

7 A And that's S for safe and then the red dot for fire.

8 Q If you would, come down and let them see right here.

9 A I did test the safety during my examination, and it
10 was functional. So once there is a round loaded into the
11 chamber --

12 Q Hold on.

13 Come down here and let them see that safety also. I'm
14 sorry. I know it's hard for everybody to see it.

15 A The red dot's for fired. The S is for safe.

16 Q Yes, ma'am.

17 A Once there's a round of cartridge loaded into the
18 chamber and you have to make your safety is off, the red
19 dot, your hammer's cocked, then you can pull the trigger to
20 fire this firearm.

21 As long as there are other cartridges in the magazine,
22 once it fires under spring tension, or this slide will go
23 backwards, it will eject that fired cartridge out the top.
24 Then when it -- under that spring tension that slide will
25 come back forward. It will push another round from that

Suzanne Cromer
Direct examination by Mr. Barnette

1 magazine into the chamber. Then all we have to do is pull
2 the trigger again.

3 Q But to put the initial bullet in there, you have to
4 pull it back you showed.

5 A Right.

6 Q And that's not easy.

7 A No. The -- this is an older type style firearm, so
8 it's very heavy to do.

9 Q And the trigger pull, how -- it is a heavy trigger
10 pull?

11 A Yes, sir. When I tested it, it's approximately over
12 what it would be to pick up a gallon of water or a gallon
13 of milk with one finger.

14 Q So that it's a very strong -- I mean, it's a stronger
15 trigger-pull.

16 A I would say so.

17 Q And when you're saying trigger-pull, that's actually
18 pulling the trigger.

19 A Pulling the trigger backwards to cause omission.

20 Q And that would cause the gun to fire, obviously.

21 A That's correct.

22 Q So it would take approximately a gallon of water.
23 You'd have to lift up on your fingers to pull that trigger.

24 A Over a gallon of water, yes, sir.

25 Q So this is not a hair trigger, ma'am.

Suzanne Cromer
Direct examination by Mr. Barnette

1 A No, sir. A hair trigger is considered 2 pounds or
2 under.

3 Q And that's, obviously, a gallon of milk or water from
4 that standpoint.

5 A With one finger.

6 Q With one finger. Thank you, ma'am.

7 (Whereupon, the witness returned to the stand.)

8 Q Like you said, the safety has to be rotated, is that
9 right?

10 A That's correct.

11 Q And did you create a report on this case, ma'am?

12 A Yes, sir. I did.

13 Q Let me show you what's been marked as State's
14 Exhibit 52. Is this your report, ma'am?

15 A Yes, sir. It is.

16 MR. BARNETTE: Your Honor, I'd like to introduce
17 State's Exhibit 52 into evidence at this time.

18 MR. MACDONALD: No objection, Judge.

19 THE COURT: It's admitted.

20 (Firearms report marked State's Exhibit No. 52.)

21 MR. BARNETTE: Permission to publish, Your Honor.

22 THE COURT: You may.

23 Q Let's go through this. Hopefully, the jury can see
24 this.

25 It was submitted by the department of public safety,

Suzanne Cromer
Cross-examination by Mr. MacDonald

1 Shawn Cloran. I think he testified earlier from that
2 standpoint. It was submitted by them, is that correct,
3 ma'am?

4 A That is correct.

5 Q Item 2 is the pistol that was entered that you spoke
6 about earlier, is that right?

7 A That's correct.

8 Q And Item -- well, 2.1, you just did a test specimen,
9 is that right?

10 A Whenever we shoot firearms we label our test specimens
11 as a sub item of that parent item. So 2.1 were the actual
12 rounds that I fired from this pistol.

13 Q And Item 3 was the shell casing you examined, is that
14 right, State's Exhibit 3?

15 A Yes. It was.

16 Q And then Item 6 was the bullet that was recovered from
17 the victim at the autopsy, is that right?

18 A That's correct.

19 Q And you compared those items: Item 3 was you examined
20 it and everything and was fired by Item 2, which is the
21 pistol.

22 A That's correct.

23 Q Same thing with the bullet. You looked at that, and
24 it was also fired by Item 2, which is the pistol, is that
25 right?

Suzanne Cromer
Cross-examination by Mr. MacDonald

1 A That's correct.

2 Q If you would, ma'am, please answer any questions the
3 defense may have for you.

4 CROSS-EXAMINATION

5 BY MR. MACDONALD

6 Q You stated that in order to get a bullet you have to
7 pull the trigger or you have to pull the part -- what part
8 of the gun would you have to pull back to load the chamber?

9 A This is the slide.

10 Q Right. So you would have to pull the slide back.

11 A If you have rounds loaded in your magazine, you would
12 pull the slide back, let it fly forward, and it would push
13 an unfired round into the chamber of the gun.

14 Q Okay. And that bullet would then stay there unless it
15 was physically removed, is that correct?

16 A That unfired round would stay there unless it was
17 removed, yes.

18 Q Okay. So if that bullet was put in there days ago it
19 would still -- and was not touched it wouldn't -- it would
20 not go anywhere. It would stay in that spot in the
21 firearm, is that correct?

22 A That's correct.

23 Q Okay. You were talking about trigger weights. You
24 mentioned that the trigger weight for this gun is about the
25 equivalent of a gallon of water or milk or something.

Inderjit Kaur
Direct examination by Mr. Barnette

1 A It was actually less than what a gallon of milk or
2 water would be.

3 Q Okay.

4 A I mean, actually it was more than what a gallon of
5 milk or water would be.

6 Q Right. Now, different guns have different trigger
7 weights, is that correct?

8 A That's correct.

9 Q So, for example, shotguns, hunting rifles, semi-auto
10 pistols, those typically have lower trigger weights, is
11 that correct?

12 A It depends on the manufacturer of the firearm. I
13 can't speak in generalities because some shotguns can have
14 a higher trigger pull than other shotguns. So it's all
15 relative to that firearm.

16 Q But there are some guns that have even higher
17 trigger-pull weights than this firearm that you examined,
18 is that correct?

19 A That is correct.

20 Q But, essentially, it's the higher the gun pressure --
21 the higher the trigger pressure, the more likely it is, or
22 the more unlikely it is to have an accidental discharge, is
23 that correct?

24 A That is the theory behind a high trigger-pull weight,
25 is to have it be kind of like a safety feature. If it

Inderjit Kaur
Direct examination by Mr. Barnette

1 takes more pressure to pull the trigger, then hopefully
2 there won't be an accidental discharge.

3 Q However, there's -- accidental discharges happen all
4 of the time, is that correct?

5 A It depends on the firearm, and there's a difference
6 between accidental and incidental discharge.

7 Q Right. And while height trigger weight helps decrease
8 the chance of that happening, it does not replace proper
9 gun safety, is that correct?

10 A That is correct.

11 Q Okay.

12 MR. MACDONALD: Judge, I have no further questions.

13 MR. BARNETTE: I have no further questions of this
14 witness, Your Honor. We'd ask for her to be excused.

15 THE COURT: You may step down. You may also be
16 excused.

17 (Whereupon, the witness was excused.)

18 MR. BARNETTE: Your Honor, I would like to call Dr. --
19 not doctor -- like to Ms. Kaur to the stand, please.

20 INDERJIT KAUR, having been
21 first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. BARNETTE

23 Q If you would, ma'am, please give us your full name for
24 the record.

25 A My name is Inderjit Kaur.

Inderjit Kaur
Direct examination by Mr. Barnette

1 Q And where do you work at, ma'am?

2 A I work for City of Spartanburg Police Department.

3 Q And what's your position there, ma'am?

4 A I'm a police officer, but I also do Cellebrite
5 extractions.

6 THE COURT: Use the microphone, please. Not that one.

7 THE WITNESS: This one, sir?

8 THE COURT: Yes, ma'am.

9 A So I do cell phone extractions with Cellebrite.

10 Q Okay. And how long have you been with the city,
11 ma'am?

12 A About seven years.

13 Q And where was you there, before that, ma'am?

14 A I was with the U.S. Military.

15 Q And what was your position there, ma'am?

16 A I was a military intelligence officer.

17 Q And did you also do cell phone analysis?

18 A Yes, sir. I used the same tool.

19 Q So, and, if you would, tell the jury a little bit
20 about cellebrite.

21 A Cellebrite is a forensically sound machine that you
22 take any type of device, hook it up to that machine. And
23 then they also offer a software that you can read that --
24 that data in a user friendly format.

25 Q And when you're talking about a machine, like a cell

Inderjit Kaur
Direct examination by Mr. Barnette

1 phone, things like that that store data?

2 A Yes, sir.

3 Q And did you receive a cell phone which might have been
4 the defendant's cell phone in this case?

5 A Yes, sir. I did.

6 Q Let me show you what's been marked as State's
7 Exhibit 7.

8 A Yes, sir. This is cell phone -- Motorola.

9 Q Okay. And was that the phone that you obtained and
10 you did a Cellebrite analysis on that?

11 A Yes, sir.

12 Q And let me show you what's been entered into evidence
13 as State's Exhibit 43. Was that the disc that contained
14 your analysis from the Cellebrite?

15 A Yes, sir. It is.

16 Q And how many pages was this report? Was it over
17 10,000 pages?

18 A There's -- yes. It's going to be a lot, a lot more
19 than an eight-gig C.D. has to hold that data.

20 Q Okay. So, basically, you download all of this
21 information. Was the call log information available on
22 that phone?

23 A Yes, sir.

24 Q And let me show you what's been marked as State's
25 Exhibit 44. And this -- obviously, we didn't print all,

Inderjit Kaur
Direct examination by Mr. Barnette

1 everything. But the last two pages, is that where your
2 extraction report was done on this phone?

3 A Yes, sir. This is mine.

4 Q Okay. And did you also do part of the call log,
5 perform analysis?

6 A I did. I looked at it. Yes, sir.

7 Q And is these two -- the front -- the back two pages
8 are the front of your report just saying what was done.
9 And then these last -- these first two pages, is that the
10 call log from that phone?

11 A Yes, sir. This is call log and that's just the front
12 pages of my report for the extraction.

13 Q Okay.

14 MR. BARNETTE: Your Honor, I'd like to enter State's
15 Exhibit 44 into evidence at this time.

16 MR. MACDONALD: No objection.

17 THE COURT: It's admitted.

18 (Copy of call log marked State's Exhibit No. 44.)

19 MR. BARNETTE: Your Honor, permission to publish to
20 the jury.

21 THE COURT: You may.

22 Q Can you see the screen okay where you're sitting at?

23 A Yes, sir.

24 Q Okay. Showing this. This is the first two pages of
25 the extraction report. This is the defendant's Motorola

Inderjit Kaur
Direct examination by Mr. Barnette

1 phone that you received?

2 A Yes, sir. That's the Moto phone.

3 Q And it's got some information on the front.

4 Obviously, there's a search warrant obtained --

5 A Yes, sir.

6 Q -- to get this information.

7 A The top portion where it says summary, that's where I
8 put my notes.

9 Q Okay. And you, obviously, go through. I know there's
10 a lot of things here but the -- tell us about the phone,
11 everything involved in this extraction.

12 A Yes, sir. So this source extraction, that's actually
13 the phone doing the -- the forensic Cellebrite machine,
14 that's the one that denotes what everything is. That's not
15 me inputting it.

16 Q I'm not going to go through all of this, but,
17 basically, there's a breakdown of everything involved in
18 that phone, is that right?

19 A That's correct, sir.

20 Q And that's the second page of that. And this is just
21 general information about what was done and everything.

22 A Correct, sir.

23 Q And on the call log, there was 506 phone calls on it,
24 is that right?

25 A That's correct, sir.

Inderjit Kaur
Direct examination by Mr. Barnette

1 Q And let's start it on August the 3rd, that morning.
2 It shows the phone call that either was calling him to --
3 if it's incoming, it's coming to him, is that right?

4 A Yes, sir. That's correct.

5 Q If it's outgoing, it's going from him.

6 A That's a number dialed out, yes, sir.

7 Q Okay. What I'd like to do -- and I know the jury will
8 have all of this, but I specifically want to look at 12,
9 No. 20 here.

10 A Yes, sir.

11 THE COURT: Please be mindful of that microphone.
12 You're rubbing against it.

13 THE WITNESS: Sorry, sir.

14 A So No. 20 is an outgoing call to -- it's listed as Ma,
15 and it was made on 8/3rd, 2019, at 12:53 p.m. for 17
16 seconds.

17 Q So that's him calling that number.

18 A Yes, sir.

19 Q That phone. The next one is another phone call. It's
20 outgoing to that number, is that right?

21 A Yes, sir. That's correct.

22 Q Obviously, what time was that call placed?

23 A That one was at 12:55 p.m., and it wasn't picked up.
24 was only zero.

25 Q Let's go to Number 18 on there.

Inderjit Kaur
Direct examination by Mr. Barnette

1 A That one is an outgoing to grandma's number on 8/3rd,
2 2019, at 12:56, and it was only for 43 seconds.

3 Q That's him calling -- it says grandmother, that
4 number.

5 A Yes, sir.

6 Q Okay. No. 17. There's an incoming number. Who is
7 that from?

8 A From ma at 8/3/2019, 12:57, for two minutes and eight
9 seconds.

10 Q Okay. And this was all on the August 3rd date.

11 A Correct, sir.

12 Q And then there's an outgoing call. Or tell me on
13 No. 16.

14 A Sixteen, outgoing to a number listed as G. Date is
15 8/3/2019 at 1:00 p.m. for four minutes and 20 seconds.

16 Q Okay. And did you determine through your analysis who
17 G was or what G was?

18 A Yes. So looking at all of the text messages between
19 the owner and the number listed as G, it seemed like it was
20 a relationship, romantic relationship. So there was text
21 messages saying love you, babe, stuff like that.

22 Q Okay. No. 18 or No. 15. I'm sorry. What is that?

23 A No. 15 is a [sic] incoming call from a number listed
24 as Bro, 8/3/2019 at 1:04 p.m. And that call lasted for
25 seven minutes and ten seconds.

Inderjit Kaur
Direct examination by Mr. Barnette

- 1 Q If you would, go to No. 14.
- 2 A So No. 14 is a missed call from a number listed as
- 3 Santana on 8/3 at 1:7 p.m. And, again, it's zero minutes
- 4 because it's missed.
- 5 Q And going back to Bro, just looking through the
- 6 information, who was that?
- 7 A Brother.
- 8 Q Okay. And then who is Santana?
- 9 A From looking at the text messages, sister, because it
- 10 says sis in text format.
- 11 Q So tell us about No. 13.
- 12 A No. 13, that's also an incoming call from Santana,
- 13 8/3/2019 at 1:09 p.m. That call actually was picked up and
- 14 the call lasted for two minutes and 21 seconds.
- 15 Q Okay. And the next one, No. 12.
- 16 A No. 12 is an outgoing call to a number listed as Dot,
- 17 and that one, 8/3/2019, was made at 1:12 p.m. And that
- 18 only lasted for 14 seconds.
- 19 Q If you would, go to No. 11.
- 20 A Eleven. Also an outgoing call to number listed as Dot
- 21 on 8/3/2019 at 1:18 p.m. And it wasn't picked up.
- 22 Q And any idea who Dot was?
- 23 A I don't recall, sir. I have to look at the text
- 24 messages again.
- 25 Q Looking at Steve -- No. 10. Tell me about that one.

Inderjit Kaur
Direct examination by Mr. Barnette

1 A That's a number, outgoing call, from -- or excuse me.
2 To Stephen and at 8/3/2019. It was made at 1:19 p.m., and
3 it wasn't picked up.

4 Q Okay. No. 9.

5 A Nine is also an outgoing call, but this one is to a
6 number listed as Josh, 8/3/2019 at 1:20 p.m. And that one
7 lasted for two minutes and 23 seconds.

8 Q No. 8.

9 A No. 8 is a missed call from Santana at 8/3/2019,
10 1:21 p.m. And, again, it was missed, so zero seconds.

11 Q If you would, go to the next one.

12 A Missed call, again, from Santana, on 8/3, 1:22 p.m.
13 No -- no timeframe.

14 Q Okay. If you would, go to No. 6.

15 A No. 6, incoming from Stephen, 8/3/2019 at 1:22 p.m.
16 And it lasted for one minute and 28 seconds.

17 Q On to the next page. Look at No. 5.

18 A Santana. Again, it's an incoming call 8/3 at
19 1:24 p.m. And it was only for 55 seconds.

20 Q Okay. The next one.

21 A Next one is incoming call from Bro, 8/3 at 1:27 p.m.
22 And it was only for 39 seconds.

23 Q And No. 3.

24 A Then you have a missed call from Dot, 8/3, 1:31 p.m.
25 Again, zero seconds.

Stephen Rouleau
Direct examination by Mr. Barnette

1 Q Okay. And No. 2.

2 A Two is an outgoing call to Dot at 8/3, 1:37 p.m. And
3 that lasted for three minutes and 18 seconds.

4 Q And the last call.

5 A The last one is a missed call from G, 8/3, 2:08 p.m.
6 Again, zero seconds.

7 Q And the times and everything is what you obtained from
8 the defendant's cell phone, is that right?

9 A Yes, sir. That's correct.

10 MR. BARNETTE: One moment, Your Honor, please.

11 (Pause.)

12 Q If you would, ma'am, please answer any questions
13 Mr. -- the defendant may have for you.

14 A Yes.

15 (Pause.)

16 MR. MACDONALD: Judge, we have no questions.

17 THE COURT: Step down.

18 MR. BARNETTE: We'd ask for the witness to be excused,
19 Your Honor.

20 THE COURT: She may be.

21 (Whereupon, the witness was excused.)

22 MR. BARNETTE: I'd like to call Stephen Rouleau. He
23 might be outside.

24

25

25 | Q How did you know him at work?

Stephen Rouleau
Direct examination by Mr. Barnette

1 A He reported to me. He was on my team.

2 Q Okay. So he worked on your team and reported to you?

3 A Yes, sir.

4 Q Back on August 3rd of 2019 did you receive a call from
5 him?

6 A I did.

7 Q was you able to pick up initially?

8 A what's that?

9 Q Did you initially pick it up or did you -- did you get
10 it or did you miss it?

11 A I missed the first call.

12 Q And did you call him back?

13 A I did.

14 Q And what did he say to you when he called you back?

15 MR. MACDONALD: Objection, Judge. Hearsay.

16 THE COURT: Overruled.

17 Q If you would, what did he tell you, sir?

18 A I called him back, and on the phone he said he
19 wouldn't be coming in to work any more. And then I asked
20 him why, and he said that, you know, he did something
21 really bad.

22 And then when I -- I kinda asked, you know, I said,
23 well, maybe we can talk about it Monday with H R. and maybe
24 it's not that bad. You know, I thought maybe he thought he
25 was going to get fired or something.

Stephen Rouleau
Cross-examination by Mr. MacDonald

1 And, you know, he said, no, it's pointless, I'm
2 probably going to jail, I really F'd up. And then he -- he
3 said something about how everything was going well in his
4 life up until that point or something.

5 Q Let me show, sir, real quick. Was (864)414-3821 your
6 phone number?

7 A Yes.

8 Q And let me show you State's Exhibit 44 and publish it
9 so the jury can see it also. So he called you at
10 1:19:37 p.m. on August 3rd of 2019.

11 A Yes.

12 Q And he called you, and, obviously, you didn't pick up
13 the phone. You missed the phone call.

14 A Correct.

15 Q Now, at 1:22 that same day you called him back.

16 A Yes, sir.

17 Q And that's when y'all talked?

18 A Yes.

19 Q And it lasted approximately a minute and a half, give
20 or take a minute and 28 seconds.

21 A Yes. It was a pretty brief call.

22 Q And that is your phone number -- (864)414-3821.

23 A Yes. That was my work number.

24 Q Okay. And then -- do y'all know a Josh that also
25 worked at -- with y'all at A.F.L.?

Dr. John Wassum
Direct examination by Mr. Barnette

1 A Yes. Josh also reported to me on my team.

2 Q So Josh was on your team also.

3 A Yes.

4 Q So, if you would, please, answer any questions that
5 the defense may have for you, sir. Thank you.

6 A Thank you.

7 CROSS-EXAMINATION

8 BY MR. MACDONALD

9 Q Mr. Wright didn't get into any specifics in that phone
10 call, is that correct?

11 A No. He did not.

12 Q So you're not really sure what exactly happened.

13 A Correct.

14 MR. MACDONALD: That's all, Your Honor.

15 MR. BARNETTE: No more questions, Your Honor. I would
16 ask the witness be excused.

17 THE COURT: You may step down and may also be excused.

18 THE WITNESS: Thank you.

19 (Whereupon, the witness was excused.)

20 MR. BARNETTE: Your Honor, I'd like to call Dr. Wassum
21 to the stand.

22

23

24

25

Dr. John Wassum
Direct examination by Mr. Barnette

1 DR. JOHN WASSUM, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q Doctor, if you could, state your full name for the
5 record, sir.

6 A It's Dr. John Wassum.

7 Q And where do you work at, sir?

8 A I currently work for Pathology Associates of
9 Greenville and contracted with Spartanburg County Coroner's
10 Office to do their autopsies.

11 Q And how long have you been doing this kind of work,
12 sir?

13 A This work in general for about six and half years.

14 Q And could you tell the jury a little bit about your
15 education and your experience, sir?

16 A Sure. I went to medical school at Eastern Virginia
17 Medical School in Norfolk, Virginia. I then did a 4-year
18 anatomic and clinical pathology residency at the Medical
19 University of South Carolina and stayed there for one more
20 year for a forensic pathology fellowship.

21 Q And how many times have you been qualified in state
22 courts throughout this country, sir?

23 A About 30 times.

24 MR. BARNETTE: Your Honor, I'd like to move him as an
25 expert at this time in forensics.

Dr. John Wassum
Direct examination by Mr. Barnette

1 MR. MACDONALD: No objection.

2 MR. BARNETTE: Autopsies.

3 THE COURT: He is so qualified.

4 MR. BARNETTE: Yes, sir.

5 Q Did you do an autopsy on the victim in this case, Ms.
6 Fernanders?

7 A I did.

8 Q If you would, tell the jury what you found, sir.

9 A Might I have my copy of my report here to refer to?

10 Q Yes, sir.

11 A Okay. So in general the overwhelming finding was a
12 single gunshot wound to the head. It was located on the
13 left cheek, and it perforated into the skull and the brain.
14 I'm not sure how detailed you want right now.

15 Q If you would, just tell -- obviously, is that what --
16 she died from that wound?

17 A It is. That was the cause of death.

18 Q Let me show what's been marked as State's Exhibit --
19 well, it's entered into evidence already. State's
20 Exhibits 41 and 42. Are those pictures you took, sir?

21 A They are.

22 MR. BARNETTE: Your Honor, permission to publish these
23 to the jury.

24 THE COURT: You may.

25 Q Let me show you State's Exhibit 41 real quickly, sir.

Dr. John Wassum
Direct examination by Mr. Barnette

1 Doctor, can you see that okay from where you're at?

2 A I can.

3 Q If you would, describe the wound to the jury and what
4 we see here.

5 A This is the entrance wound. It is directly below the
6 left eye. We -- there was no exit wound in this case. We
7 recovered the bullet at the time of autopsy. But what's
8 significant about this injury, there are few things that we
9 can use to find range of fire. They're not always present
10 in every case.

11 When a gun is fired the gunpowder doesn't always burn
12 completely. So some of the burnt part comes out as soot,
13 very light weight, travels a short distance.

14 Another part of it is burning and unburned gunpowder
15 that can also strike the skin. So that is soot, and then
16 the component called stippling. And that's how we
17 determine range of fire. And they're not extremely
18 specific.

19 They are within a certain range. So a close-range
20 injury would have soot and stippling. It's about three to
21 six, to maybe eight, inches away from the barrel, end of
22 the barrel of the gun, to whatever object it's striking.

23 And so the soot can be wiped away. It's very light
24 weight. But stippling is those particles of gunpowder that
25 can embed in the skin like a tattoo and cannot be wiped

Dr. John Wassum
Cross-examination by Mr. MacDonald

1 away.

2 And so this is a picture after we've already cleaned
3 the face, and so the soot is gone. But you can see the
4 dense stippling. So it's all that dark discoloration
5 around the very small entrance wound itself.

6 And so this did have soot and stippling. So it's in
7 that 3-to-6-inch range. If it were just stippling it would
8 be outside of that from about six to eight, up to about
9 2 feet, depending on the type of weapon used and the
10 ammunition.

11 Q So you feel like this when she was shot was 3 to 6
12 inches, in that range.

13 A It's within the range, yes, sir.

14 Q Let me show you State's Exhibit 42. Was this the
15 bullet that you removed from her?

16 A It is.

17 Q And where was it located at, sir?

18 A So it's within the skull. It's on the back of the
19 skull where the bullet came to rest. It struck and made a
20 punched out fracture in the back of the skull, and that's
21 where we found it.

22 Q If you would, sir, please answer any questions the
23 defense may have for you.

24

25

Dr. John Wassum
Redirect examination by Mr. Barnette

1 CROSS-EXAMINATION

2 BY MR. MACDONALD

3 Q As you stated already, the soot plus the stippling
4 indicates very close range of fire, is that correct?

5 A That's correct.

6 Q Now, in your report you said the path or trajectory of
7 the bullet was -- was slightly upward, is that correct?

8 A It is.

9 Q So that means that the gun had to have been below
10 where the entrance -- fired from where -- below where the
11 entrance wound was, is that correct, to have the slightly
12 upward projection?

13 A It is. I can't really comment on the positioning of
14 the body at the time that the gun was fired. So, yeah, I
15 mean, technically from that path. The barrel has to be
16 aimed in that direction.

17 Q Okay. Did you measure the body as part of your
18 testing and --

19 A As far as height and weight?

20 Q Yes, sir.

21 A Yes, sir.

22 Q And what was that? What was the height?

23 A I'll refer again to my report. The height was
24 62 inches and the weight 179 pounds.

25 Q About how tall is 62 inches?

Dr. John Wassum
Redirect examination by Mr. Barnette

1 A 5'2".

2 Q 5'2". All right.

3 MR. MACDONALD: Judge, I have no further questions.

4 MR. BARNETTE: Just a couple on redirect, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. BARNETTE

7 Q When he's talking about -- one thing, I know you said
8 body position. If somebody moves their head can it change
9 the angle of the bullet?

10 A It can.

11 Q So, obviously, if they're moving trying to dodge or
12 whatever, it can change it.

13 A Whatever the positioning is the -- the way we report
14 it in the report is called the anatomic position, so flat
15 with palms out. And so everything is described in that
16 way. So that's the only way we can evaluate it at the time
17 of autopsy.

18 We can't make any kind of suggestions about how the
19 body was positioned at the time of injury. We can kind of
20 say one thing is plausible versus another, but that's about
21 as far as we can go.

22 Q Like you said, you're just looking at it once she's on
23 the table, is that right?

24 A Yes, sir.

25 Q You don't know how she was positioned when she was

1 shot.

2 A Correct.

3 Q The other thing, when you said slight, how slight of
4 an angle are you talking about?

5 A Minimally upwards of a few degrees.

6 Q Just slightly, just a few degrees.

7 A Correct.

8 Q Angle from that, from that standpoint.

9 And what was her age at the time, sir?

10 A She's 23 years old.

11 Q Thank you. Please answer any questions they may have
12 for you.

13 MR. MACDONALD: No questions, Judge.

14 THE COURT: You may step down.

15 MR. BARNETTE: We'd ask for the witness to be excused,
16 Your Honor.

17 THE COURT: He may be.

18 (Whereupon, the witness was excused.)

19 MR. BARNETTE: Your Honor, may we have a brief recess
20 to check on something?

21 THE COURT: All right. Ladies and gentlemen, I'll ask
22 you to please go to your jury room. Remember the caution
23 I've previously given you. Do not discuss the case in any
24 fashion. I'll bring you back after that break.

25 (The following takes place outside the presence of the

1 jury.)

2 MR. BARNETTE: Your Honor, I just want to check the
3 exhibits. We may be closing here shortly.

4 THE COURT: Okay. We'll be at ease for ten minutes.
5 (Whereupon, a recess was taken.)

6 THE COURT: All right. Are we ready for the jury?

7 MR. BARNETTE: The state's ready, Your Honor.

8 MR. MACDONALD: Yes, sir, Your Honor.

9 THE COURT: Do you have something else you're going to
10 introduce?

11 MR. BARNETTE: No, sir. I just had this for -- if I
12 need it for cross. This is from the last over here.

13 THE COURT: All right. So you're going to rest?

14 MR. BARNETTE: Yes, sir.

15 THE COURT: All right. Rather than bring the jury in
16 and send them right back out -- they've rested.

17 Have you got motions or matters you want to address?

18 MR. MACDONALD: Judge, I would like to just renew my
19 previous objections made in this case, as well as objecting
20 to your finding of denying the stand-your-ground hearing.
21 I just want to make sure that's preserved on the record.

22 Then, Judge, we'd like to make a move for a directed
23 verdict. It's our stance that we don't believe that all of
24 the elements of murder have been met. We do not believe
25 that the malice aforethought part of the murder has been

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 it is a jury question. And motion for directed verdict is
2 denied.

3 MR. MACDONALD: Thank you, Judge.

4 THE COURT: All right. Bring them in, please.

5 (The following takes place in the presence of the
6 jury.)

7 THE COURT: All right. Mr. Barnette.

8 MR. BARNETTE: Your Honor, the state would rest at
9 this point.

10 THE COURT: All right. Ladies and gentlemen, that is
11 all of the testimony or other evidence to be offered by the
12 state, at least in their case in chief.

13 So we'll now proceed with any to be offered by the
14 defense.

15 Mr. MacDonald.

16 MR. MACDONALD: Judge, we're going to call Mr. Charvix
17 Wright.

18 CHARVIX LAVOY WRIGHT, having
19 been first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. MACDONALD

21 Q Mr. Wright, what did you do for a living before --
22 back -- back when this incident occurred?

23 A I worked at A.F.L. I was a technician.

24 Q And how many hours did you work?

25 A Up to 60 hours a week sometimes.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

- 1 Q And that residence that you lived at, could you tell,
2 say, the address.
- 3 A [REDACTED] Baltimore Street, Spartanburg, South Carolina.
- 4 Q Is that where this incident occurred?
- 5 A Yes, sir.
- 6 Q And you lived there.
- 7 A Yes, sir.
- 8 Q Is that correct? Did anyone else live there?
- 9 A Yes.
- 10 Q Who else lived there?
- 11 A Quanisha Fernanders.
- 12 Q Okay. What kind of residence was it? Was it an
13 apartment or --
- 14 A It was a house.
- 15 Q And did you -- who owned the house?
- 16 A We rented.
- 17 Q What was the rent for the home?
- 18 A Six hundred.
- 19 Q And how much of that did you pay?
- 20 A She gave me two fifty. I put in the rest, so three
21 fifty.
- 22 Q Who was the one that paid the rent?
- 23 A Me, sir. I did.
- 24 Q Did you have utilities for the residence?
- 25 A Yes. Lights, water, gas, internet.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 Q Who paid for the utilities?

2 A I did. And they was all in my name. All of the
3 utilities was in my name.

4 Q Okay. I'm going to take you to the night before the
5 incident happens.

6 A Okay.

7 Q What -- what was going on the night before at your
8 residence?

9 A Well, pretty much I was in my game room playing my
10 PlayStation 4 like I always do. She had company over --
11 her sister and a few other -- a few others -- cousins and
12 stuff like that. This is normal. She do that on the
13 weekend. They play cards, drink, you know, have a good
14 time. Listen to music. Normal.

15 Q How long -- how long did you have guests over there
16 for?

17 A I can't say because I left around 10:00. I went to
18 Wal-Mart to grocery stop. So when I came back they were
19 gone, so.

20 Q Okay. Now, I'm going to take you to the next day, the
21 morning of. What time did you wake up approximately?

22 A Quanisha woke me up, I would say, a little before
23 12:00, like a quarter till 12:00, between that time,
24 timeframe.

25 Q Okay.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 A She woke me up stating that it was somebody at the
2 door for me. And I told her to tell her -- tell them that
3 I was asleep because I didn't feel like being bothered. I
4 was just waking up and had on my boxers and stuff like
5 that. Didn't want to get up and rush, rush to the door.

6 Q Eventually, you did get up. What time did you
7 eventually get out of bed?

8 A She went and did what I asked her to do. She came
9 back, like, about five minutes later, like, she peeked in
10 the room to see, I guess to see, was I getting -- I'm
11 getting up or anything. So that's when I do get up.

12 Q And what was the first thing you did when you got up?

13 A I turned on my play station as always, and the T.V.,
14 and started playing music on YouTube, you know.

15 Q So you started playing music?

16 A Yes, sir.

17 Q And how loud would you say the volume was?

18 A It was moderate, but it wasn't to the max. It wasn't,
19 you know, all the way up, but it -- it was -- it was a nice
20 volume.

21 Q But you were basically getting up getting ready for
22 the day?

23 A Getting ready for the day, yeah. I already had my
24 plans, you know, mapped out from the night before. I knew
25 I was going to wash my car and I knew I was going to finish

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 school shopping for my kids, you know. School was like two
2 weeks away from starting.

3 Q So your plans for the day, you're saying, were --

4 A To wash my car and finish school shopping with my
5 kids. And I had planned a romantic night for me and her,
6 you know, but we never got to that.

7 Q Okay. When did the first issue occur that day?

8 A I would say for about, like, 20 minutes. She didn't
9 see what I was doing because I was in the back room. You
10 know, I was getting dressed. So once I get dressed I'm
11 walking through the living room, and she says and where you
12 going.

13 Q Well, let me -- let me back you up real quick.

14 Was there anything said about the music between you
15 two?

16 A After she asked me where I was going.

17 Q Okay.

18 A She was, like, and where you going, you can't stay
19 still, you just want to be seen. And, you know, just I
20 feel like normal women stuff, you know.

21 Q What -- what did she mean by that?

22 A She -- she was very possessive and a very jealous
23 girl, but she did love me, you know. She didn't want to
24 lose me, and I think, you know, she just expressed her
25 feelings in that way, you know.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 Q Okay. Okay. So just continue. So what happened?

2 A So she was like and don't nobody want to listen to
3 that loud music or what not. So I ignored her. I
4 proceeded to the kitchen, you know. And then when I walked
5 in the kitchen that's when I see all the mess from last
6 night what her and her company made. And tit for tat, you
7 know, being childish.

8 Q Let me just stop you there. You said the mess that
9 her and her company made. Can you go into -- can you
10 explain what you mean by that?

11 A Yes. It was bottles of Patron, like a couple, like
12 they had a good time. I should have been in there with
13 them, but they had a good time. Tobacco, paraphernalia,
14 cigarette butts and stuff like that was still on the table.

15 So, and I proceeded to clean it up, you know, but at
16 the same time telling her it wasn't fair that I work 60
17 hours a week and still had to clean up after her and her
18 company.

19 She gets real offended by this saying that she took it
20 as I didn't want her to have company, and that wasn't what
21 I was saying.

22 Q Did you care if she had company, or not?

23 A No, not all. They -- they always came over. I was
24 welcome at their house. We was close. We all was close.

25 Q So you had -- did you have any problem with company

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 coming to that house?

2 A No, no, not at all.

3 Q Your issue was solely with the -- I guess the mess
4 that was left.

5 A Yeah, the mess that was left.

6 Q Okay. So what did you do about the mess?

7 A I cleaned it up, you know. And as I was I cleaning it
8 up, like I said, I was telling her like it wasn't fair that
9 I work all week. I'm barely home, you know. I'm only home
10 on the weekend. I should be able to enjoy myself when I'm
11 home listening to music and don't have to clean up after
12 you and your guests. And, like I say, she took that very
13 personal, you know. She gets up and, you know, starts
14 unplugging things, you know, just being childish.

15 she rolled up the living room rug, you know, just
16 acting like she don't want me to use certain things in the
17 house, you know.

18 Q And she did that in response to you giving her, I
19 guess, grief about the mess?

20 A Yes, and, oh, yeah. And she was like -- I told her if
21 she didn't like what I was saying -- she was like I'm
22 grown, I can do what I want to do. And I was like I'm
23 grown also, you know, and I should be able to do what I
24 want to do and if you don't like what I'm telling you, you
25 can leave, you know, you can leave.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 And she -- that's when she gets really irate and
2 starts, you know, collecting things and unplugging things,
3 you know, in a childish way, you know, trying to say like I
4 can't use these things, you know.

5 Q So you cleaned up the kitchen and you put things in
6 the trash can?

7 A Put things in the trash can. It was so much trash,
8 the trash can filled over. It was basically those Patron
9 bottles.

10 Q So what did you do with the trash?

11 A I asked her to -- as we're, you know, I would say
12 having our dispute, I'm steady cleaning. She's steady.
13 You know, we're talking back and forth.

14 I asked her to open the front door for me -- she
15 did -- so I could take the trash out. You know, she opened
16 the front door for me, you know, and proceeded to collect
17 things to take in the room and stuff like that.

18 So when I come back in the house from dumping the
19 trash, I placed the trash can in the -- in back where it
20 goes in the kitchen, you know, and she's steady, you know,
21 being childish, you know, putting stuff in the room.

22 So I told her that I was, like, you're so childish,
23 Queen, I say you so petty, you know. And I proceeded back
24 to my game room.

25 Q Now, was the things that she was putting in her

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 room -- what -- what items were they?

2 A She -- at first she was chilling in the -- the living
3 room. She had a T.V. out there, you know, the nightstand.
4 It was a couple of floor fans. And she took all of those
5 things in the room, what I remember.

6 Q And you believe that that was due to the argument that
7 y'all had?

8 A Due to the argument, like, just being childish. I'm
9 fixing to barricade myself in the room, you know.

10 Q Okay. So then you -- when you came back from taking
11 the trash out, you proceeded to go back --

12 A Back to my game room.

13 Q Okay.

14 A I cut the music off and started playing my game Call
15 of Duty. And at the same time I'm on facebook, you know,
16 just the normal Saturday thing, what I always do.

17 Q Okay. So while you're playing your game, what happens
18 next?

19 A Like I say, I could continuously hear her, like, you
20 know, barricading herself in the room. And I would say,
21 like, five minutes after from dumping the trash I hear her
22 in the living room, like, struggling with something like
23 she's lifting the window. So that caused me to, you know,
24 peep out there and see what she was doing. And she was
25 getting the air conditioner outta the window, you know, to

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 take that in the room also when that A.C. was for the whole
2 house.

3 Q What time of year was this?

4 A Summer.

5 Q And what was -- was it hot outside?

6 A Very.

7 Q Okay. So you said the air conditioning was kind of
8 vital for the house.

9 A Yes. It was. Yes.

10 Q So what did she -- what was she doing with the air
11 conditioning unit?

12 A She was attempting to take it outta the window and, I
13 guess, take it in the room too.

14 Q Okay. And did -- did she?

15 A Yes, yes.

16 Q Okay. So she ended up taking it and putting it in her
17 room?

18 A Yeah, after I asked her nicely not to. I say don't do
19 that, Queen. I say stop being so childish. I said
20 summertime, you know, just being reasonable. It's hot.
21 You know, let the whole house cool down. You know, she
22 said it's mine and I can do what I want to do, and she did
23 what she wanted to do.

24 Q Which was what?

25 A She put it in the room.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 Q And did the air -- did the air from the air
2 conditioning unit reach the rest of her house from her
3 room?

4 A No.

5 Q Why not?

6 A Because she had the door closed.

7 Q The door was shut?

8 A Yes, sir.

9 Q Was it locked or unlocked?

10 A I don't know. I didn't -- yes.

11 Q Okay. But she had the door shut?

12 A She had the door shut.

13 Q Okay. So after she had put the air conditioning unit
14 inside her room and shut the door, what did you do?

15 A I went back to my game room and just was, like, this
16 girl's so childish, you know, just playing my game and
17 stuff like that. I'm --

18 Q Essentially, it's just the argument was just
19 continuing.

20 A Continuing, basically, you know.

21 So, like I say, I'm playing my game. You know, I say
22 about ten minutes passed. And it gets hot. You know, it's
23 summertime.

24 So I attempt to, you know, make peace again. I knock
25 on her room door. Queenie, don't do this. I say I'm

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 getting ready to leave. I say and when I come back from
2 washing my car it's going to be even hotter and I might
3 have my kids with me. I don't know. You know, I don't
4 know if they was going to go with me school shopping or
5 what, whatever their grandmother had decided. But it still
6 was open for option. I don't know if they was going to
7 come with me. So I explained this to her.

8 Q Okay. And what was her response when you pled for the
9 air conditioning unit to come back out?

10 A It was hers and she could do what she wanted to do
11 with it. And that's when I proceeded to tell her, Queenie,
12 I pay all the utility bills.

13 I say don't do this. I say we -- we probably had that
14 A.C. unit for about, like, I would say three months and
15 the -- the utility bill, that electric bill, had went up, I
16 would say, forty to fifty dollars just from running it.
17 She always runs it summertime. She's hot natured. She
18 always saying she's hot and stuff like that. So the bill
19 went up, you know.

20 Q So you didn't -- how -- so how long did you say you'd
21 had the A.C. unit for at this time?

22 A About three months, you know, since summer started.

23 Q And before then you had no A.C. unit in the house?

24 A No A.C. We didn't -- we didn't need because it was,
25 you know, springtime.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

- 1 Q Right.
- 2 A But it was still kinda cool, you know.
- 3 Q Okay. All right. So what did she do when you asked
- 4 to move the air conditioning unit, the air conditioning
- 5 unit could be moved back into the living room?
- 6 A She told me that it was hers and she could do what she
- 7 wanted to do with it.
- 8 Q Okay. And this -- this -- how did -- how did that
- 9 make you feel?
- 10 A That made me feel bad. That made me feel like she was
- 11 taking advantage of me.
- 12 Q Did it upset you?
- 13 A It upset me.
- 14 Q So what did you do?
- 15 A I went outside the front door. I went to the back of
- 16 the house and I pushed the A.C. unit back through the
- 17 window.
- 18 Q And this was the window -- where -- was this window to
- 19 her bedroom?
- 20 A To the master bedroom.
- 21 Q Okay. And where -- did the A.C. get through the
- 22 window?
- 23 A Yes. It flew. It fell back through the window on her
- 24 side in the house.
- 25 Q How did it land in her bedroom?

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

- 1 A Like upside down, like on its face.
- 2 Q Okay. What did she respond to you pushing the A.C.
- 3 unit through the window on the floor?
- 4 A She told me that I had her F'd up.
- 5 Q Okay.
- 6 A And she kept repeating that a few times, I had her F'd
- 7 up, I had her F'd up.
- 8 Q And what did you do next?
- 9 A I proceeded back in the house. I was going back in
- 10 the house. I was fixing to leave, sir. Grabbed my wallet,
- 11 grabbed my car keys and my cell phone. Those -- those were
- 12 still in the room.
- 13 Q So you were going to grab your things and leave to
- 14 cool off.
- 15 A To cool off, you know.
- 16 Q Okay. You felt -- did you feel like you'd made your
- 17 point?
- 18 A Yes, I felt like I made my point.
- 19 Q Okay. So you're -- you stated that you were on your
- 20 way to getting your belongings to leave?
- 21 A To get my belongings and leave.
- 22 Q Okay. What -- where you going to go first when --
- 23 when you left? What was your plan?
- 24 A To wash my car.
- 25 Q Okay. When you walked back into the house, where was

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

- 1 Ms. Fernanders?
- 2 A In the kitchen.
- 3 Q Okay. What was she doing in the kitchen?
- 4 A In the sink.
- 5 Q What was she doing in -- with the sink?
- 6 A I guess fumbling through the sink. You know, I heard,
- 7 like, glass, you know. You know the sound it makes when
- 8 you hear dishes clattering together.
- 9 Q Okay. So you could hear her clattering dishes in the
- 10 sink?
- 11 A Yes, sir.
- 12 Q Okay. Did you go into the kitchen?
- 13 A No, sir.
- 14 Q Okay. Where did you go?
- 15 A I went back towards the left, towards the back of the
- 16 house where my phone and car keys and wallet was located.
- 17 Q So was -- was that where the game room was?
- 18 A That's where the game room was.
- 19 Q So the path to get to the game room is you have to --
- 20 when you walk into the house, what direction do you turn?
- 21 A Left.
- 22 Q You turn left.
- 23 A Yes, sir.
- 24 Q And then you -- what direction or what -- just explain
- 25 the path that you walk to to get from the door to into the

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 game room.

2 A Okay.

3 Q What rooms? What rooms are in that path?

4 A It's the living room. As soon as you step in the
5 front door, the living room is right there.

6 You go to the left. It's the master bedroom where she
7 was. It's the bathroom on the opposite side of the house
8 and a game room on the same side of the house as the master
9 bedroom. And another room -- the three-bedroom, another
10 room in the back. I'm not going to say far back because it
11 was a small house.

12 Q Okay. One moment.

13 (Pause.)

14 MR. MACDONALD: Your Honor, may I approach the
15 witness?

16 Q I'm showing you what's been marked as Defense Exhibit
17 1. Could you please state what's in this picture?

18 A That's the A.C. unit.

19 Q And can you please explain the positioning of the A.C.
20 unit?

21 A It's face down.

22 Q And where is it located?

23 A Right outside, right below the window that I pushed it
24 through between the bed and the dresser.

25 Q And does this picture fairly and accurately portray

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 how the air conditioning unit appeared during this sequence
2 of events?

3 A Yes, sir.

4 MR. MACDONALD: Judge, at this time I'd like to admit
5 Defense Exhibit 1 into evidence.

6 MR. BARNETTE: No objection, Your Honor.

7 THE COURT: It's admitted.

8 (Photograph marked Defendant's Exhibit No. 1.)

9 Q I'm showing you Defense Exhibit 2. Could you please
10 explain what's in the picture?

11 A The A.C. unit, again, and it looks like two pieces of
12 cardboard box.

13 Q So it's just a different angle of the same A.C. unit
14 that's in the bedroom?

15 A Correct, yes.

16 Q Okay. Does it fairly and accurately portray how the
17 air conditioning unit was faced in that bedroom at that --
18 that time of day?

19 A Yes. It does.

20 MR. MACDONALD: Judge, at this time we'd like to admit
21 Exhibit 2, Defendant's Exhibit 2, into evidence.

22 MR. BARNETTE: No objection, Your Honor.

23 THE COURT: It's admitted.

24 (Photograph marked Defendant's Exhibit No. 2.)

25 Q And next is Defense Exhibit 3. Can you just explain

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 also what's in this picture?

2 A The bed, the A.C. unit again.

3 Q Just the third --

4 A Just the third --

5 Q -- angle of this.

6 A -- angle, yes.

7 Q Does it fairly and accurately portray where the A.C.
8 unit was positioned during those sequence of events?

9 A Yes, sir.

10 MR. MACDONALD: Judge, at this time we'd like to admit
11 Defense Exhibit 3.

12 MR. BARNETTE: No objection, Your Honor.

13 THE COURT: It's admitted.

14 (Photograph marked Defendant's Exhibit No. 3.)

15 Q Last I'm handing you Defense Exhibit 4. Could you
16 please state what is in that picture?

17 A That's the living room area. It's the couch, love
18 seat. And that's the rug that was on the floor that she
19 rolled up and put on the -- put on top of that sofa being
20 childish.

21 Q Does that -- does that fairly and accurately represent
22 the position of the rug during that sequence of events that
23 happened that day?

24 A Yes, sir.

25 MR. MACDONALD: Judge, at this time we'd like to admit

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 Defense Exhibit 4 into evidence.

2 MR. BARNETTE: No objection, Your Honor.

3 THE COURT: Admitted.

4 (Photograph marked Defendant's Exhibit No. 4.)

5 Q All right. So just -- I just wanted to get that out
6 of the way.

7 So you heard, I guess, jingling around in the kitchen,
8 is that correct?

9 A Yes, when I walked back through the front door and was
10 proceeding back towards my game room.

11 Q Okay. And so you said that you have to go through a
12 hallway to get there.

13 A Yes, sir.

14 Q Could you describe that hallway?

15 A It's a very narrow, little type, hallway.

16 Q Approximately, how narrow would you say?

17 A I would say no more than 3 feet, yeah, and that's
18 probably too much.

19 Q And how far did you get down that hallway before you
20 heard Ms. Fernanders?

21 A Right before the linen. It's a linen closet.

22 Q Okay. So what happened once you began walking down
23 the hallway?

24 A She came out and confronted me with the knife.

25 Q Who? Who did?

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

- 1 A Quanisha came out and confronted me with the knife.
2 Q So where did she get the knife?
3 A I'm assuming outta the sink.
4 Q Okay.
5 A Because I heard the dishes rambling and stuff like
6 that, and that caught me by surprise because she'd never
7 done anything like that before.
8 Q So she started walking towards you with a knife. Is
9 that you're saying?
10 A Yes.
11 Q Okay. Was she still agitated?
12 A Yes. She was stating, saying, that I had her F'd up,
13 you got me F'd up and she was tired of me --
14 Q Was she -- was she saying it or shouting, or what was
15 her demeanor?
16 A Yes, yes. She was shouting that I had her F'd up.
17 Q Okay. Were the two of you still bickering?
18 A Yes. I would say.
19 Q Okay. At this time, just while she's yelling at you
20 with the knife, did you fear for your safety?
21 A Yes, sir.
22 Q You did? Did you think that she was going to stab you
23 at first when she was --
24 A No. In my mind -- in my mind I'm telling myself I
25 know she wouldn't do it, you know, but it did kinda scare

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 me a little, but my -- my better judgment is telling me
2 that I know she's not going to stab me, you know.

3 Q So she has a knife in her hand and she's shouting at
4 you.

5 A Shouting at me, waving it back and forth.

6 Q And what happens next?

7 A I reach back. The linen -- the linen closet is right
8 there. You got the pictures, you know. It shows
9 everything is very close. So I reach back and get the gun,
10 you know, just trying to scare her like she was trying to
11 scare me.

12 Q Right. And so what were you trying to do by grabbing
13 the gun?

14 A Just intimidate her like she was trying to intimidate
15 me, you know.

16 Q Were you trying to deescalate the situation?

17 A Deescalate the situation, yeah.

18 Q And were you -- were you able to deescalate the
19 situation?

20 A I told her to back up before someone gets hurt, you
21 know, and she told me I wasn't going to do anything with
22 the gun, and I told her she wasn't going to do anything
23 with the knife.

24 And, like I say, she was steady going on and on about
25 the A.C. and how it was broke and stuff like that, and that

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 caught my attention when she said it was broke and stuff
2 like that.

3 So that's when I stepped inside of the room and was,
4 like, Queenie, the A.C. isn't broke, it's still on, I hear
5 it going, you know.

6 And I tried to deescalate the situation by offering to
7 put it back in the window because I felt childish about it.

8 Q So she thought that the A.C. was broken?

9 A She thought it was broken.

10 Q But it was still running?

11 A It was still running.

12 Q So what happens next?

13 A Like I said, I offered to put the A.C. back in the
14 window. She told me she didn't need my help or what not
15 like that.

16 So then that's when I was like, you know what, you
17 still being childish, I'm trying to be the bigger person,
18 I'm offering you my help or what not.

19 And she was like she don't want my help, and that's
20 when I was, like, you know what, I say I'm fixing to leave
21 and when I come back I'm going to get myself together, get
22 dressed, and I'm not coming home tonight, you know, just
23 basically making her think that I was going to spend the
24 night with another woman or something.

25 Q Okay. And what was -- at this -- during this whole

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 conversation is she still holding the knife?

2 A Yes. It's at her side now.

3 Q Okay.

4 A And the gun -- the gun's in my left hand. I'm right
5 handed.

6 Q Yeah.

7 A It's at -- it's at my side and the knife is at her
8 side.

9 Q Okay. And where -- where are you holding the gun?

10 A Down towards my -- my thigh area.

11 Q Okay. Does the gun stay there up until this point?

12 A Yes.

13 Q Is that where it was?

14 A Yes. And her knife was down too. We was just
15 basically, you know, having a conversation in each other
16 face. She wasn't backing down and I wasn't backing down.

17 Q So after you said these, those comments that you just
18 referred to, what happened next?

19 A That caused her to react, you know, me bringing up
20 another woman and that I wasn't going to be coming home.
21 You know, that caused her to react.

22 Q How close were you at the time when you said this?

23 A We were very close. Like I say, I was just inside of
24 the bedroom and she was right there by the dresser. You
25 know, we were face to face, very close.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 Q Give me an approximation.

2 A I would say no more than -- no more than 12 --
3 12 inches at the most, probably closer, so.

4 Q Now, would you -- would you say you could smell her
5 breath? You were that close?

6 A Yes, yes. We were that close. You could smell her
7 breath, and I'm pretty sure she could smell mine.

8 MR. BARNETTE: Your Honor, I'm going to object to the
9 leading at this point.

10 THE COURT: Don't lead him.

11 MR. MACDONALD: I'm sorry, Judge.

12 Q When you pulled the gun out did you know whether or
13 not the safety was on or off?

14 A I didn't check.

15 Q You didn't check?

16 A Yeah.

17 Q You didn't check. Why didn't you check?

18 A Because I knowed I wasn't going to hurt her, and,
19 basically, all the time it's always on safety. I don't
20 know why it wasn't then. I knew I wasn't going to hurt
21 her, so.

22 Q Is that -- did you check if there was already a bullet
23 in the chamber?

24 A It's always a bullet in the chamber.

25 Q Why?

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 A For protection.

2 Q Okay. From -- from other people?

3 A From other people, yes, sir.

4 Q Okay.

5 A Yes, sir. I just had had a breaking-in in my car,
6 like, two weeks before that right in my yard. Somebody
7 broke in my car. While me and her was watching T.V.,
8 somebody broke in my car.

9 Somebody broke in that same house the night all of
10 this happened and stole all of our belongings. It was a
11 very bad neighborhood. So, like I say, I kept it in that
12 linen -- linen close for protection. That's it.
13 Protection only, to protect my house.

14 Q Do you know whether or not Ms. Fernanders was aware
15 that -- of that firearm?

16 A Yeah. She knew about it.

17 MR. BARNETTE: Objection, Your Honor. Speculation.

18 THE COURT: Well, you can answer that question yes or
19 no, and then you'll have to develop it.

20 A Yeah. She knew about that gun. Yeah. She did.

21 Q How did she know about it?

22 A She done seen it plenty of times. Like I -- I had it
23 over a year.

24 Q And did she -- you stated earlier that -- did she live
25 there?

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

- 1 A Yeah, she lived there.
- 2 Q Was there -- was the linen-closet area, was it a [sic]
- 3 open area or closed area?
- 4 A It's the open area.
- 5 Q Okay. And where in that closet was the gun located?
- 6 A On one of the shelves. It's several shelves in the
- 7 closet, and the gun was on one of the higher ones.
- 8 Q Do you know if it was hidden or if it could be seen?
- 9 A It could be seen. It was easily, you know, just in
- 10 case I needed it, easy to grab.
- 11 Q So it wasn't hidden in like a drawer or underneath
- 12 anything?
- 13 A No. Right there.
- 14 Q So you said those things to her about coming home
- 15 later that night. How did she react?
- 16 A That caused her to lunge at me.
- 17 Q And how did she lunge at you?
- 18 A She was like I should and that made me --
- 19 Q And what was your reaction to her lunging at you from
- 20 close range?
- 21 A It made me tense up. I put my hands up to guard my
- 22 neck and my chest area and turned my head sort of like
- 23 this. And the gun discharged one shot -- one shot.
- 24 Q Did you -- did you intentionally --
- 25 A No, sir.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 Q -- shoot a gun because of her lunging?

2 A No, sir, no, sir. I would've never done that. I
3 would've never done that. I loved her. We had our
4 problems. No relationship's perfect. But I loved -- I
5 loved Quanisha. She was a good girl. She didn't deserve
6 that, you know, but it was an accident.

7 Q When she lunged at you with the knife, what was going
8 through your head and what was your instant feedback in
9 your head when she had lunged at you with the knife?

10 A I automatic went into defensive and threw my hands up,
11 like I said, in a defensive manner to block my neck and
12 chest area. We were so close, and, you know, it just
13 shocked me. It surprised me.

14 Q Was it defensive because you thought she was going to
15 stab you?

16 A Yes, sir.

17 Q When you shot her accidentally did you know if she was
18 dead or not after you shot her?

19 A Pretty much. You know, I'm no medical expert, but her
20 eyes were open. She wasn't breathing. You know, I didn't
21 know where she was shot at, but she wasn't moving, she
22 wasn't responding, you know, and I grabbed her hand and was
23 calling her name Queenie, Queenie, Queenie, you know, like
24 she wasn't --

25 Q She wasn't responding to anything?

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 A No, sir.

2 Q So at that point what did you think her status was?

3 A She was dead.

4 Q Okay. What was going through your mind at that point?

5 A I was in shock; I was scared. You know, I never been
6 through nothing like that before. You know, I'm like, oh,
7 my God like, damn like.

8 Q You didn't know what to do?

9 A I didn't know what to do, sir.

10 Q So what was the first thing? Who is the first person
11 you contacted?

12 A My mother.

13 Q Okay. And what -- did you -- did you have a phone
14 conversation with her?

15 A I don't -- I don't know if she answered the first
16 call, but we did have a phone conversation.

17 Q Okay. Who else did you call?

18 A I called my kids' grandmother. I called my kids'
19 godmother, which is my X, you know. We're still very
20 close, you know. Called her, called my job, my boss.

21 My brother and sister called me. I never called my
22 brother; I never called my sister. They called me because
23 my mom had informed them of what happened. And any
24 concerned brother and sister would call, you know, to check
25 on their bigger brother. I'm the oldest.

Charvix Lavoy Wright
Direct examination by Mr. MacDonald

1 Q So you were letting your family --

2 A Know what had just happened.

3 Q -- know what happened.

4 A They're over 700 miles away in West Palm Beach,
5 Florida. You know, I have no family up here, and I just
6 was making them aware. Only family I have up here is my
7 kids and two uncles, and we're not close like that, you
8 know.

9 Q Did you call the police?

10 A Yes, sir, yes. I called the police.

11 Q And did you -- in the -- you made a 9-1-1 call?

12 A Yes.

13 Q In the 9-1-1 call did you state what happened?

14 A Yes. I did.

15 Q Were you truthful?

16 A Yes. I was.

17 Q Were you accurate?

18 A Yes. I was.

19 Q How quickly after the 9-1-1 call that you made?

20 A I didn't make it immediately. Like I say, I called my
21 family, you know. They was all hysterical, you know, kept
22 calling me, you know, trying to find out what's going on
23 and if I was all right and stuff like that. But once all
24 of those phone calls was over with, I called 9-1-1. I
25 didn't leave.

Charvix Lavoy wright
Cross-examination by Mr. Barnette

1 Q What was your reasoning for -- what -- why didn't you
2 call 9-1-1 first?

3 A I was panic; I was scared. That -- that I believe
4 anybody in that situation. I'm not saying I done the right
5 thing, but anybody would have panicked after accidentally
6 shooting their girlfriend of four years. You know, I just
7 wanted to make my family aware of what happened. They're
8 way in Florida.

9 Q How soon after you called 9-1-1 did an officer
10 respond?

11 A I would say fast. Within -- within two or three
12 minutes the first officer was there.

13 Q And that was Officer Kelley. Do you remember Officer
14 Kelley?

15 A Yes, yes. I do.

16 Q Okay. What was the first thing you did with Officer
17 Kelley when he arrived?

18 A I showed him where the gun was.

19 Q Okay.

20 A And told him what had happened. I was cooperative
21 from the beginning.

22 Q And what did he do when he went inside the residence?

23 A First thing he did was grabbed the knife off the body
24 for --- he say for safety purposes.

25 Q Okay. And where did he put the knife? Did you see?

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 A On -- on the shelf where the gun was.

2 Q Is that where you left the gun?

3 A Yes.

4 Q Did you ever intend to fire that gun?

5 A No, sir. God knows it.

6 Q Do you regret firing the gun?

7 A Yes. I do. I regret that whole day, like. If that
8 wouldn't happened, sir, we would still be together. They
9 know it.

10 Q And you said that you were planning to leave the
11 residence when you had first come back in the house after
12 pushing the air conditioning unit.

13 A Yes, to run -- run my errands. It was going to wash
14 my car and finish school shopping for my kids.

15 Q So you were not trying to continue any arguments.

16 A No. I had felt like I had got my point across. I was
17 leaving. If she wouldn't assaulted me with that knife,
18 this wouldn't have happened.

19 MR. MACDONALD: Judge, I have no further questions.

20 MR. BARNETTE: May it please the Court, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BARNETTE

23 Q She's nude. She's in her panties. You're claiming
24 she did all of this in that kind of condition?

25 A Yes, sir.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 Q So she walks around with just panties on in the house?
- 2 A Yes, sir. It's just me and her. We're grown.
- 3 Q She was going to go to a party with her mom, wasn't
- 4 she?
- 5 A Not that I know of. That's -- I heard her
- 6 mom-testimony and said -- she said that but I didn't -- I
- 7 wasn't aware of that.
- 8 Q Well, she's got the clothes, her wig and everything on
- 9 the bed ready to go.
- 10 A I seen that too in the pictures.
- 11 Q She's --
- 12 A But I was already dressed ready to go, sir.
- 13 Q And she didn't -- so she's there. I mean, you called
- 14 your mom at 12:54.
- 15 A Correct.
- 16 Q You didn't call 9-1-1 until 1:29.
- 17 A Correct.
- 18 Q You go through calling your family. You called your
- 19 work.
- 20 A Correct.
- 21 Q What's more important than a lady dying right there on
- 22 the floor right in front of that you supposedly loved?
- 23 A You're right, sir. I panicked -- I panicked. Like I
- 24 say, my family is in Florida. I just wanted them aware of
- 25 the situation.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q You sounded real panicked on the 9-1-1 call, didn't
2 you?

3 A That's your opinion.

4 Q Well, the jury has heard it and they will have it with
5 them.

6 A Yes, sir. And they're going their chance at opinion
7 too, sir.

8 Q True. So you let her just lay there. You call all of
9 these family members. By the way, what does your brother
10 do?

11 A He's a police officer for the West Palm Beach Police
12 Department.

13 Q You talked to him for seven minutes?

14 A Yes. I did. What are you indicating?

15 Q Then you said -- and you've made statements before --
16 that you hugged and kissed her as she's laying on the
17 ground, didn't you?

18 A Yes. I didn't bear hug her, but I did embrace her and
19 kiss her on the top of the head. I did.

20 Q You had no blood on you, sir.

21 A It wasn't no -- it wasn't that much blood. What are
22 you talking about? You got --

23 Q Wasn't that much -- wasn't that much blood? What do
24 you mean?

25 A At the beginning, sir. All that blood didn't

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 accumulate until hours later. When that first officer got
2 on the scene his body cam was active, right?
- 3 Q Well, they've got the pictures.
- 4 A Okay. They got the pictures from --
- 5 Q I mean, there's blood everywhere --
- 6 A From hours --
- 7 Q -- and you're saying she didn't hardly bleed at all
8 and she's got in the face?
- 9 A Hours later. That's when all that blood accumulated.
10 The first officer responded. He got there.
- 11 Q He saw blood. Didn't you hear him testify?
- 12 A It wasn't that much blood.
- 13 Q Well, you let her lay there before you called.
- 14 A I did -- I did.
- 15 Q You let her lay for what -- okay. 12:54 to 1:29.
16 That's 35 minutes.
- 17 A I did, sir. I can't deny that. I did.
- 18 Q And this knife that winds up in her lap, no blood on
19 it. Where did the knife really come from?
- 20 A She got it out of the sink, sir.
- 21 Q Well, how do you know about this knife?
- 22 A When she assaulted me with it.
- 23 Q Isn't it true you said you bought that knife?
- 24 A I bought that knife.
- 25 Q Where did you buy that knife from?

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 A Wal-Mart. That knife is old, been had that knife.

2 Q That's an old knife.

3 A It wasn't new, had it for a few months, probably
4 longer. I bought that when we was living on Carson Avenue,
5 as a matter of fact.

6 Q Okay. So you buy everything then. You pay for
7 utilities. You did it all, right?

8 A I tried to be a good provider, and that's what she
9 liked about me. I'm not saying she didn't help out. I
10 even helped her get a car and all of that.

11 Q Well, she worked too, didn't she?

12 A She worked, yeah, but she didn't make good money like
13 that. She was always complaining about she wanted a better
14 job. So, you know, I tried to be a good man and, you know,
15 take some of the stress off of her shoulders.

16 Q Well, pushing an air conditioner through the window is
17 not going to take the stress off.

18 A She just was being childish, sir, and I was being
19 childish. That's it.

20 Q So your testimony is that she moved this -- where was
21 the T.V.?

22 A It was -- she was in the living room. She fell asleep
23 in the living room the night before.

24 Q She fell asleep in the living room. Where did you
25 fall asleep at?

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 A In my game room.
- 2 Q So nobody --
- 3 A where I was woke up at.
- 4 Q So nobody slept in the master bedroom that night.
- 5 A No, sir.
- 6 Q So she pulls the T.V. outta the living room. She
- 7 takes the air conditioner out of the living room and puts
- 8 this all into the bedroom?
- 9 A Correct.
- 10 Q The T.V. is on. I mean, it's hooked up. What kind of
- 11 system do y'all have?
- 12 A What do you mean?
- 13 Q You have cable? What have you got?
- 14 A We got internet, Netflix, Hulu, Fire Stick.
- 15 Q Okay. And you bought all of that, right?
- 16 A No, no, I didn't. I paid for the Hulu and the Netflix
- 17 and stuff like that, but she purchased her own T.V. and the
- 18 Fire Stick.
- 19 Q Okay. And so she moved all of this and sat it there,
- 20 put the air conditioner, fit it in perfectly with the
- 21 cardboard and everything else around it.
- 22 A Yes, sir.
- 23 Q So she did all of that.
- 24 A Yes, sir.
- 25 Q Okay. And let me ask you. Who slept in the bedroom

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 that night?

2 A Sir, I told you when she went in the room and started
3 putting stuff up -- she was watching T.V. I told you when
4 I came back in from dumping the garbage she barricaded
5 herself in the room. So, obviously, she got up under the
6 covers and was watching T.V.

7 Q So she was -- just took a shower. I mean, basically,
8 naked, and she's laying in the bed.

9 A She didn't just take a shower. She was getting ready
10 to take a shower.

11 Q Oh, she was getting ready to take a shower.

12 A Had to be.

13 Q Had to be. But you were leaving.

14 A Yes, sir.

15 Q And you just told her supposedly that you was going to
16 go, just stay out the night with another woman.

17 A I said that being childish.

18 Q Okay. As a matter of fact, who did -- who did you
19 call? Who was it, your X?

20 A My X. She's in Florida, so, obviously, I definitely
21 couldn't have been staying the night with her. She's my
22 kids' godmother. We're still very close.

23 Q Who was you going to stay the night with?

24 A Just I made that up. You know, I'm pretty sure I
25 could've went through my phone -- I'm not going to lie. I

Charvix Lavoy wright
Cross-examination by Mr. Barnette

- 1 talked to other women. I did it. But it wasn't that many.
2 Q How many women did you talk to?
3 A Like two others.
4 Q Who were they?
5 A One of them stayed in Summer Place. I -- I don't
6 remember her name. And Sierra Hernandez.
7 Q And where does she live at?
8 A Leeds Drive, Spartanburg, [REDACTED] Leeds Drive.
9 Q So you were just talking to these women.
10 A Yes. We conversated.
11 Q How did you converse with them?
12 A You know, just talk. I, basically, couldn't do
13 anything like I wanted to because I lived with someone, but
14 I did talk to other women, you know.
15 Q So you wanted to do other things with other women?
16 A Just friends, sir.
17 Q Just friends.
18 A If that opportunity presented itself, I'm not going --
19 I'm a man, you know.
20 Q So if the opportunity presented itself, you would do
21 something with the other women.
22 A What point are you making, sir? I thought we was
23 sticking to the facts of what happened.
24 Q You brought it up, not me.
25 A You brought it up.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q No. You brought it up that night in your testimony
2 saying you told her that before all of this happened.

3 A You're right, sir. I did. That mean I murdered her
4 in cold blood? No, sir. I'm no killer. God knows that.
5 Tragic accident.

6 Q And you keep the gun in the hallway, right, for
7 protection?

8 A Always for protection. Locked and loaded.

9 Q Always for protection. Locked and loaded.

10 A Couldn't -- couldn't wait for the next person to break
11 in my car and try to take something from me. That hurts
12 when somebody steals from you. You work hard for your
13 stuff, and I work hard, 12 hour-shifts standing on my feet,
14 five, six days a week sometimes. You seen my boss when he
15 came in here. I ran my department. I was the lead. I was
16 in charge. Anything went wrong, that fell on me, you know.
17 I loved that job.

18 Q So you had that gun locked and loaded and ready to go
19 if somebody broke in that house, right?

20 A Yes, sir.

21 Q If somebody broke in your car, you were ready to go.

22 A Ready to go.

23 Q Then why would you have the safety on then if you had
24 it ready to rock and roll then?

25 A why would I have the safety on?

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q Yeah.

2 A It's --

3 Q Because if somebody breaks in your house, you're going
4 to say, hey, wait a minute, I gotta get the safety on?
5 Anybody that has a gun knows that you're going to be ready
6 to go with it.

7 A It doesn't take nothing but a safety to -- a second to
8 put the safety on and off, sir.

9 Q And didn't you make statements before, "I knew she
10 wasn't going to cut me"?

11 A I was thinking in my head she wasn't going to cut me.
12 Yeah. I made those statements.

13 Q You made the statement. "I know she was not going to
14 cut me."

15 A I felt she wasn't going to cut me.

16 Q But you told them, "I knew she wasn't going to cut
17 me." That's what you told them.

18 A But how could I think for her? I'm not inside her
19 head, sir. I felt she wasn't going to cut me. She lunged
20 at me though.

21 Q "I did not feel threatened." You made that statement,
22 didn't you?

23 A I did not feel threatened and I made that statement.
24 Who wouldn't feel threatened with a knife on them, like?
25 That's why I picked up the gun, to intimidate her.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q well, didn't you say, "I should never have pointed it
2 at her"?

3 A I should have never pointed it at her.

4 Q You said that statement, right?

5 A I should have never pointed it at her.

6 Q That's the statement you made before, isn't it?

7 A I should have never got the gun in the first place,
8 but I did. This was an accident, sir. None of that should
9 have went on. She should not have got the knife.

10 Q well, as a matter of fact, where you reached for the
11 gun, the front door is right there, right?

12 A For both of us. She could have left too. I got the
13 right to stand my ground in my house, my vehicle, my place
14 of business. That is the law. I have the right to stand
15 my ground and protect those things.

16 Q with your girlfriend?

17 A She has a knife on me. And, like I say, it wasn't
18 initially. I wasn't going to kill her in cold blood. It
19 was just to scare her like she was trying to scare me.

20 Q So now you was trying to scare her by shooting at her.
21 I mean, you shot the lady right here, point blank range.

22 A At an upwards angle. You had the gunshot expert
23 analyst said the bullet went in an upward angle lining up
24 with the story that my hands went in a defensive manner.

25 Q well, let's talk about that.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 You made the statement, isn't it true? You pointed the
2 gun just like this at her, didn't you?

3 A No. I didn't.

4 Q Your testimony is today you didn't do that.

5 A I didn't point the gun at her, no.

6 Q You didn't represent that to anybody.

7 A I told her to back up when it initially happened.

8 Q You never said you put your hands in this method.

9 A I told her to back up.

10 Q I'm giving you a chance to answer the question, sir.

11 A I'm -- I'm telling you. I told her to back up.

12 Q Your testimony is that you never showed anybody that
13 that's how you held the gun to shoot her.

14 A My testimony is I told her to back up.

15 Q No. I'm asking the question here. Answer the
16 question yes or no. Did you ever show anybody that you was
17 going to point the gun like this at her?

18 A Yes, sir.

19 Q You did, didn't you?

20 A Yes, sir.

21 Q And now you've changed it where it was at your side.
22 It was in your left hand. Is that the first time you've
23 ever said that? Why is it in your left hand? And you're
24 right handed, right?

25 A Sir, wouldn't the gunshot residue kit prove that the

Charvix Lavoy wright
Cross-examination by Mr. Barnette

1 gun -- like you have all of the evidence. I can't call and
2 get the evidence and stuff. I know the gunshot residue was
3 on my left hand because that's where it was. The gun was
4 never in my right hand. It didn't go off in my right hand.

5 And you're right. I am right handed. That's how you
6 know I didn't mean to do no harm. I picked the gun up with
7 my left hand just trying to scare her. You trying to make
8 me out a cold-blooded murderer, but that's your job.

9 Q Let me ask you a question. State's Exhibit 4. You
10 realize that kit's on both hands. It's not on one.

11 A Okay. Okay.

12 Q So, basically, you had it on both hands.

13 A Basically, sir, I didn't touch that gun with my right
14 hand. It doesn't say on that paper that gunshot residue
15 was found on both hands.

16 Q Why would you grab a gun, I mean, a deadly weapon,
17 with your non-useable hand?

18 A It doesn't say on that paper that it was gunshot
19 residue on my right hand.

20 Q No. It says gunpowder residue basically --

21 A Was found. That's it. You're putting it on my right
22 hand. And I'm fighting for my life, sir. It's like you
23 trying to convict me for vengeance, for the family, but
24 vengeance is the Lord. This was an accident.

25 Q You killed a lady, point blank range --

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 A Accident.
- 2 Q -- that did not have a knife in her hand. Did you?
- 3 A She had a knife, sir. I would have never got the gun.
- 4 Point blank.
- 5 Q Well, why would she go to the kitchen if she's been in
- 6 the bedroom and barricaded herself and she has two weapons
- 7 right beside of her there on the dresser?
- 8 A I can't think for that -- her. That's what she did --
- 9 that's what she did.
- 10 Q A knife that supposedly was laying in a blood area or
- 11 whatever and it had no blood on it.
- 12 A The first responding officer took the -- took the
- 13 knife, sir. It wasn't that much blood.
- 14 Q He didn't say any blood either. And you're saying
- 15 there wasn't any blood?
- 16 A I didn't say there wasn't any blood. I mean, it
- 17 wasn't as much blood as you're trying to make it seem after
- 18 four hours had went by. All of those pictures you got is
- 19 hours later.
- 20 Q Well, you realize that the officer -- was it
- 21 4:00 o'clock -- got there. So you're saying hours later.
- 22 It's not hours later.
- 23 A 4:00 o'clock. That's three hours later. This
- 24 happened around 1:00.
- 25 Q Happened around 1:00. Actually, it happened before

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 12:54, didn't it? How long was it --

2 A Isn't that around 1:00, sir?

3 Q How long did she lay there before you even called your
4 mom?

5 A What you said? You said 34 minutes before I called
6 the police?

7 Q Thirty-five, sir.

8 A Thirty-five.

9 Q Well, it may be longer than that because I just saw
10 this. You called your mom. What did you do when she went
11 down? How long did you wait before you called your mom?

12 A Like I said, when she first went down I tried to see
13 what was wrong, you know. I was calling her name trying to
14 get her to respond.

15 Q What about that blood on the back of her shoulder?

16 A I didn't put it there. Was there any blood on my
17 hand; was there any blood on my clothes?

18 Q You said you hugged her and kissed her. Did you?

19 A Not to get bloody. I embraced her. I kissed the top
20 of her head, but I didn't bear hug her.

21 Q You embraced her.

22 A Yes.

23 Q Okay. And you kept saying you was going to go see
24 your kids, is that right?

25 A I kept saying that I was going to go see my kids.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q Okay. And you said you -- I believe you made the
2 statement before that you was going to take them to church
3 or get them from church.

4 A Get them from church. They was at church with their
5 grandmother.

6 Q So you were trying to wait until it was closer time
7 for my kids to get out of church, is that right?

8 A And to -- I told her I'd be to get them around 2:00.

9 Q Okay. So you was going to get them from church that
10 day.

11 A Yes, sir. I don't know what time church would've got
12 out, but I was going to get them around 2:00 when I was
13 done washing my car. That -- that was the plan.

14 Q Do you realize what day August 3rd, 2019, was on?

15 A A Saturday.

16 Q Yeah.

17 A What point is you -- their grandmother is very
18 religious. Any day that church is open, she's there.

19 Q So they were at church on Saturday.

20 A Yeah. She'll be in church on Wednesday.

21 Q People do have church on Wednesday.

22 A Yeah. Saturday too.

23 Q Okay. Why did y'all sleep in different rooms that
24 night before?

25 A She fell asleep on the couch and I -- I like to play

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 my game. I'm a game freak. Call of Duty. I love it.
2 Everybody that knows me knows that. That's all I do --
3 that's all I do, work and play my game and try to be a good
4 provider, take care of my kids. That's it. I'm a simple
5 dude, open book.
- 6 Q Okay. What kind of game is Call of Duty?
- 7 A A shooting game. Oh, my God. I trust in you, Lord.
- 8 MR. BARNETTE: One moment, Your Honor, please.
- 9 (Pause.).
- 10 A I trust in you, Lord.
- 11 Q You testified you pretty much thought that she had
12 passed away or died. But you didn't know if she was dead or
13 not, did you?
- 14 A Correct. I'm not medical expert. You're right.
- 15 Q So she's laying there.
- 16 MR. BARNETTE: Permission to publish State's
17 Exhibit 44 to the jury, Your Honor.
- 18 THE COURT: You may.
- 19 Q Okay. So she -- you don't know if she's dead or not,
20 and you call your mom at 12:53 p.m., correct?
- 21 A Correct.
- 22 Q Who was the person you was trying to call at
23 (864)737-6758 [sic]?
- 24 A What was it? 864?
- 25 Q 737-6756 [sic].

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 A Oh, that's -- I dialed the wrong area code. That's my
2 grandma's phone number in Florida. I dialed 864, but
3 instead I should have dialed 561.
- 4 Q Okay. So then you called you grandmother at 12:56, is
5 that right?
- 6 A Correct.
- 7 Q Talked to her for 43 minutes.
- 8 A Forty-three minutes?
- 9 Q For 43 seconds. I'm sorry.
- 10 A Correct.
- 11 Q And then you got a phone call from your mom, is that
12 correct?
- 13 A Correct.
- 14 Q And you talked to her for two minutes and eight
15 seconds.
- 16 A Correct.
- 17 Q And then you got a phone call from G, or you called G.
- 18 A Correct.
- 19 Q Who is G?
- 20 A That's my ex, my kids' godmother.
- 21 Q And you talked to her for four minutes and 20 seconds.
- 22 A Correct.
- 23 Q And that was at 1:00 p.m. And then at 1:04 you got a
24 call from -- is that your brother?
- 25 A Does it say Bro on this, on the top?

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 Q It does.
- 2 A That's my brother.
- 3 Q And you talked to him for seven minutes and ten
- 4 seconds, right?
- 5 A Correct.
- 6 Q Then you got a phone call. I'll just go to the call
- 7 where you -- you received a call from Santana. Who is
- 8 Santana?
- 9 A My sister.
- 10 Q Okay. And that was 1:09 p.m. You talked to her for
- 11 two minutes and 21 seconds.
- 12 A Correct.
- 13 Q Then you called Dot. Who is Dot?
- 14 A That's my kids' grandmother.
- 15 Q Okay. And that was at 1:12 p.m., is that right?
- 16 A Correct.
- 17 Q Then you tried to call her again at 1:18.
- 18 A Correct.
- 19 Q Then you called Stephen. Is that the gentleman who
- 20 testified earlier?
- 21 A Yeah. That's my supervisor. Well, was my supervisor.
- 22 Q And you called him at 1:19 p.m.
- 23 A Correct.
- 24 Q And he didn't answer.
- 25 A Correct.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

- 1 Q Then you called Josh at 1:20 p.m., is that right?
- 2 A Correct.
- 3 Q You talked to him for two minutes and 23 seconds?
- 4 A Correct.
- 5 Q Then Stephen called you back. Then Stephen called you
- 6 back at 1:22:45 p.m., is that right?
- 7 A Correct.
- 8 Q And you talked to him for a minute and 28 seconds.
- 9 A Correct.
- 10 Q Then you got a phone call from Santana, your sister,
- 11 is that right?
- 12 A Correct.
- 13 Q At 1:24 p.m.
- 14 A Correct.
- 15 Q And then your brother called you back at 1:27 p.m.
- 16 A Correct.
- 17 Q Then you called 9-1-1 after that call, didn't you?
- 18 A After what call?
- 19 Q After your brother called you.
- 20 A Was that call answered?
- 21 Q I think it was, the 1:27 call. It appears that it was
- 22 39 seconds at 1:27.
- 23 A All right. I talked to my brother at 1:27.
- 24 Q Okay.
- 25 A Correct.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q Then you called 9-1-1.

2 A Yes, sir.

3 Q while she lay dying there.

4 A Yes, sir.

5 Q why didn't you call 9-1-1 off the bat?

6 A Like I told you, sir. I panicked, and I had already
7 come up with the conclusion that she was dead from trying
8 to get a response. She wasn't gripping my hand back; she
9 wasn't blinking; she wasn't breathing like.

10 I'm no medical expert, but it doesn't tell -- it's not
11 hard to tell if someone is dead or not. And I panicked. I
12 called my family. But eventually did I call 9-1-1 or not,
13 sir? If I was guilty, why didn't I run, like. Come on,
14 Man.

15 Q what did you --

16 A I did the right thing.

17 Q Give you plenty of time to make up a story, wasn't it,
18 plant a knife and everything else?

19 A That's your theory, but I'm telling you the truth that
20 God knows.

21 If she wouldn't've assaulted me with that knife, we
22 wouldn't be here today. That's the God honest truth. I
23 was leaving. I was leaving, sir.

24 Q You could have easily left.

25 A She could have easily left. why do I have to retreat?

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q Why did she have to retreat if she had a knife?

2 A She didn't have to retreat. Both of us had our right
3 to stand our ground because she lives there, she pays
4 bills.

5 Q There's a lady. She's nude, basically, in front of
6 the world.

7 A Always, always walked through the house like that. I
8 loved seeing her like that, as a matter of fact.

9 Q So she walked up -- always walked like that?

10 A In the summertime when it was hot outside, yeah. She
11 does that.

12 Q All of the time?

13 A Summertime, yeah, when she's hot.

14 Q She didn't walk through nude.

15 A We're grown. We live alone. She's not the first
16 women that I had that done that. We two grownups that live
17 together. There's no kids in the house. She -- she walks
18 around like that. Yeah. Facts.

19 Q So other women done this just like she did that you've
20 been with.

21 A Yeah. I done been with other women like that. Yes.

22 Q How old were you at the time, sir?

23 A I was 38.

24 MR. BARNETTE: One moment, Your Honor, please.

25 (Pause.)

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q How did you assault her with the knife -- how did she
2 assault you with the knife?

3 A How did she assault me with it?

4 Q Yeah.

5 A She just ran up on me waving it and telling me that I
6 had her F'd up.

7 Q In what way? Show us how she was.

8 A She just was, you know, talking at the same time --
9 you got me messed up, you got me messed up.

10 Q So she was waving it like this?

11 A Waving it.

12 Q With the point up?

13 A With the point up just trying to intimidate me, you
14 know.

15 Q And that's how she assaulted you.

16 A Talking me -- talking to me with the knife.

17 Q Why didn't you call her family?

18 A Why didn't I call her family?

19 Q Yeah.

20 A What you mean, after the incident?

21 Q Why didn't you call her family?

22 A What I'm going to call her family for because I know
23 if somebody would have accidentally shot my sister or my
24 daughter, I'm going to want to do something to them, and I
25 know that's how they feel, and I don't blame them for that.

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 And that's why I called my job and told them I wouldn't be
2 coming back, because I feared a retaliation. If someone
3 killed my sister, I don't care if it was on accident, we
4 fixing to try to get some justice. And I know that's how
5 they felt. So why would I call them? why would I call
6 them for them to come hurt me? Does that sound logic?
7 call her family? You think they gonna be, oh, you
8 accidentally killed her.

9 Okay. All right. Come on, Man. Let's be real. My
10 life's on the line. Man, you trying to make me out to be a
11 horrible, coldblooded liar, I planted this, I moved the
12 body. Sir, that isn't the truth, sir. There's no physical
13 evidence backing that, sir. God knows that, sir. Was I
14 wrong? That's up to the jury to decide.

15 Q So you felt like people at work should know before
16 anybody else did?

17 A Like I said, I was team lead. My boss Steve, he
18 always told me how valuable I was. And, you know, I wanted
19 to make him aware of the situation. That's it.

20 As you could see, he was one of the last ones I
21 called. I had to notify my job. I was a very responsible
22 worker. Like I say, I loved my job. It provided a good
23 lifestyle for me -- two cars, money in the bank, seven-plus
24 credit score, like I was doing very good for myself. Very
25 good. And you think I would have threw that all away?

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 Q It's all about you, isn't it?

2 A No, it's not all about me. You're making it, you
3 know. It's not all about me. It's not.

4 Q Today's the first day that you made a statement about
5 the gun being in your left hand, is that correct?

6 A To my knowledge, I don't remember, but the gun was in
7 my left hand, sir. It was.

8 Q You never said that until today, have you?

9 A Well, even if it was in -- if you're insinuating that
10 it was in my right hand, it still was an accident, sir, but
11 it wasn't in my right hand. That piece of paper you got
12 right there states that it just was gunshot residue found.
13 It doesn't say left hand, right hand. But I'm telling you
14 because I was there. I know what happened. You're making
15 up theories. You're insinuating. I was there. I know
16 what happened.

17 Q Well, Queenie can't testify because she's not here.

18 A She can't. And that's your job. You know, I don't
19 blame you. You looking for a conviction. You looking for
20 vengeance for the family. But I'm telling you what
21 happened. You know, I'm sorry.

22 I -- I don't want to be here today. I want Queenie to
23 still be here. We would still be together, you know. This
24 was a horrible accident. I turned myself in. I called the
25 police. You know, I didn't run like. Come on. Guilty

Charvix Lavoy Wright
Cross-examination by Mr. Barnette

1 people run.

2 Q No. Guilty people plant evidence too.

3 A What evidence -- what evidence that you got to support
4 that I planted evidence? None, none.

5 Q No blood on the knife.

6 A Did you ever check the knife for fingerprints, for
7 D.N.A.? Was my fingerprints on it? You didn't even check
8 for her fingerprints like that's -- what kind of job is
9 that? I would think that's a poor forensic job. Y'all
10 didn't even check for fingerprints.

11 Q Did y'all look at the grease on the gun?

12 A Trying to sentence me off for theory. Just come with
13 facts, sir. That's my life on the line. I did not murder
14 her.

15 Q The fact is -- the fact is --

16 A I didn't murder her.

17 Q -- you didn't call for 35 minutes while a lady died
18 there on the floor. Did you?

19 A You're right, you're right. I didn't call. But the
20 facts is after those 35 minutes I called 9-1-1.

21 Q Well, it may be more than 35 minutes. She could have
22 maybe still been alive but you -- you decided to take fate
23 in your hands, didn't you? The whole bottom line is this
24 is about you. She didn't want -- she wanted to go out with
25 her mom to the party. You didn't want her going, did you?

Charvix Lavoy Wright
Redirect examination by Mr. MacDonald

1 A What? You're reaching now, sir. You could ask her
2 mom. You could ask anybody in her family. I wasn't that
3 type of guy. I wasn't jealous. She was the jealous one.
4 She'd stay out 4:00 or 5:00 in the morning with her sisters
5 and them. I never would call. She's grown. She needs to
6 enjoy her life. She's young. I never was that type of
7 dude, and I'm pretty sure somebody in her family will
8 testify to that. Never was that type of dude.

9 Q You were never that type.

10 A Never.

11 Q But you're the type of dude that will tell a woman you
12 loved I'm going to go out tonight and be with another
13 woman.

14 A Childish, childish. I'm human. I make mistakes.
15 Does that mean I'm a murderer?

16 Q You killed her, didn't you?

17 A Accidental. One, one gunshot.

18 Q You shot her in the face.

19 A One got shot accidentally.

20 Q And the 9-1-1 operator asked you where did you shoot
21 her at. well, obviously, had to know where you shot her at
22 because you could look -- you said you looked at her, you
23 patted, checked her and everything else.

24 A There was no blood coming outta that wound when I did
25 all of that.

Charvix Lavoy Wright
Redirect examination by Mr. MacDonald

1 Q No blood?

2 A No blood coming outta that wound when all of that
3 first happened, it happened so fast.

4 MR. BARNETTE: No more questions, Your Honor. Thank
5 you.

6 MR. MACDONALD: One moment, Judge.

7 (Pause.)

8 REDIRECT EXAMINATION

9 BY MR. MACDONALD

10 Q Ms. Fernanders was nude. Why was she nude?

11 A She always walks through the house nude when she's
12 hot. You know, that was normal. That wasn't nothing.
13 That wasn't a surprise.

14 Q So there's nothing out of the ordinary about that.

15 A No, no.

16 Q Solicitor Barnette referenced that you stated that you
17 knew she wasn't going to cut me. What was that statement
18 in reference to?

19 A I was thinking she wasn't going to cut me. I was
20 feeling she wasn't going to cut me, but, you know, she
21 lunged at me and that changed everything. That scared me.

22 Q So once she lunged at you that changed?

23 A That caused me to -- that caused me to react. That
24 caused me to tense up, protect myself and --

25 Q And what -- what exactly? How did you react?

Charvix Lavoy Wright
Redirect examination by Mr. MacDonald

1 A I put my hands up in a defensive manner to block my
2 neck and chest area and turned my face, and the gun
3 discharged one shot.

4 Q So when you held your hands up were you trying to
5 shoot the gun?

6 A No, I wasn't. I wasn't trying to shoot the gun.

7 Q So you were holding your hands up in defense.

8 A In defense.

9 Q You stated you grabbed the gun with your left hand
10 instead of your right hand.

11 A Correct.

12 Q Why did you grab it with your left hand?

13 A Because I didn't intent to hurt her, just was trying
14 to intimidate her like she was trying to intimidate me with
15 the knife. And things just got outta hand.

16 I'm pretty sure if she could take that back -- I know
17 I would take that back. We didn't know the outcome of
18 that, what that was going to be over that simple argument.
19 Like I say, we -- I had a wonderful night planned for us,
20 you know, and things just got out of hand.

21 Q If you were planning to use the gun, which hand would
22 you have grabbed it with?

23 A My right, my right hand. That's -- I'm right-handed.

24 Q How quickly did you believe that she was dead?

25 A Like I say, like, soon as she dropped, I dropped down

Charvix Lavoy Wright
Recross-examination by Mr. Barnette

1 to her level, grabbed her hand -- Queenie, Queenie, oh, no,
2 no, God, please. I couldn't tell where she was hit at.
3 You know, she wasn't breathing, wasn't responding, and she
4 just was like dead weight, you know. So I made the
5 assumption that she was dead.

6 Q Did she have any signs of life at that point?

7 A No signs of life -- no signs of life.

8 Q How close in proximity was she when she lunged at you?

9 A Inches, sir, inches.

10 Q Is that why you flinched?

11 A That's why I flinched. We were so close it just was a
12 reaction. That's it.

13 Q Mr. Barnette stated that you called your work before
14 you called 9-1-1. Why did you do that?

15 A Just to notify them that I wouldn't be coming back.
16 Even -- even if I didn't go to jail, you know, they found
17 that it was, you know, I was right, it was self-defense, I
18 wasn't going back to that job.

19 Q How -- so I asked this previously, but how many hours
20 a week did you work at that job?

21 A Sixty hours.

22 Q So if you were to describe yourself, how far up on the
23 priority list would you say your job was?

24 A How important my job was to me?

25 Q Yes.

Charvix Lavoy Wright
Recross-examination by Mr. Barnette

1 A Very important, and it provided me a very good
2 lifestyle, like, I didn't have no worries about bills. And
3 I loved shoes and clothes. I -- that was no problem, you
4 know.

5 Q Did you consider your job part of your identity?

6 A Yes, sir. I loved that job.

7 Q Were you planning to be with another woman that night?

8 A No, sir. It wasn't no plans. It wasn't written in
9 stone, you know.

10 Q You stated that you flinched and that caused the
11 firearm to discharge.

12 A Correct.

13 Q Is that why you didn't know where the shot landed?

14 A Correct.

15 MR. MACDONALD: No further questions, Judge.

16 MR. BARNETTE: I am going to recross, Your Honor.

17 RECROSS-EXAMINATION

18 BY MR. BARNETTE

19 Q If you would, show me again how your hands was when
20 you defended yourself.

21 A I went up in a defensive manner to block my neck and
22 chest area and turned my face.

23 Q Okay. So your testimony is your hands -- make sure
24 I'm correct about this -- is like this.

25 A Yes, sir.

Charvix Lavoy Wright
Recross-examination by Mr. Barnette

1 Q That's correct. Okay. And the gun's in your left
2 hand.

3 A Correct.

4 Q Okay. How does that project -- work in the projection
5 that the doctor described?

6 A It works perfectly.

7 Q Okay. He testified it was just a few degrees like
8 that.

9 A So how -- how would I know at what degree? The gun
10 fired.

11 Q Let me ask you this question. Okay. You're
12 left-handed. Gun in your left hand.

13 A Correct.

14 Q Put your left hand up, please. How did she get shot
15 here then?

16 A She gets shot on her right side, sir. You got
17 pictures proving that, sir, like you --

18 Q Yeah. I do got pictures.

19 A Yeah.

20 Q That's the problem. It was left cheek. It's like
21 what they testified to. It doesn't match up, does it? She
22 was shot here. There's no way with a left hand you could
23 shoot at the angle it was. Could you, sir?

24 A She was facing me. We was in total -- two
25 different -- she was this way and I was this way. Her left

Charvix Lavoy Wright
Recross-examination by Mr. Barnette

1 is my right; my right is her left.

2 Q If you was right handed it would match up perfectly,
3 but now you say you had it in your left hand.

4 A Her right is my right; her right is my left; my left
5 is her right. We was standing on opposite sides, like.

6 Q Got you. And you said she dropped right there, is
7 that right?

8 A She dropped right there, yeah.

9 Q Dropped right there.

10 A Dropped against the -- the nightstand, the dresser.

11 Q Where did you shoot her at? If she dropped right
12 there, was she right there at the dresser and she dropped?

13 A She -- she took a step back, yeah.

14 Q Well, if that's true, how does the blood start at the
15 doorway, go through, hit the case, go all the way through,
16 go over the top of the bed where her iPhone is goes back
17 where she's at if that's true?

18 A I guess it was some hemorrhaging. The bullet
19 probably, you know, went -- those little small bullets,
20 they travel. They probably bounce around, and that's what
21 made the blood get on the bed like. I'm not expert, but
22 I'm no dummy either.

23 Q Well, you said there wasn't any blood.

24 A I didn't say it wasn't no blood. I said it wasn't
25 that much blood as you're making it was four hours later.

1 Q The jury will have the pictures there. I mean, how
2 does that blood get on the bed if she drops right there?
3 You can't answer that, can you?

4 A I answered it. You -- you just keep insinuating like.
5 How many times do you want me to answer it?

6 Q If she walks nude all of the time does she wear her
7 cap or stocking cap over her head when she's getting ready
8 to put her wig on?

9 A When she's getting ready to put her wig on, yeah.
10 what does that mean?

11 Q well, she was getting ready to go, wasn't she? She
12 had the clothes on the bed. She had her wig on the bed
13 ready to go.

14 A Probably. She probably was getting ready to go. I
15 wasn't going to stop her from going nowhere. I had
16 business to tend to myself, sir. If she needed me, I
17 would've even dropped her off because her car wasn't
18 working at the time. She had a spare tire on it. I
19 would've dropped her off. No problem.

20 Q Her mama was coming to pick her up.

21 A She didn't -- I didn't know that, you know.

22 Q Thank you, sir.

23 MR. BARNETTE: Thank you, Your Honor.

24 MR. MACDONALD: No further questions, Judge.

25 THE COURT: You may step down.

Closing arguments

1 MR. BARNETTE: May I remove my mask, Your Honor?

2 THE COURT: You may.

3 MR. BARNETTE: Madam forelady and ladies and gentlemen
4 of the jury, I want to take you back to yesterday when the
5 defendant testified.

6 And several things he said just struck me. He said
7 that she was shot, she dropped right on the spot and she
8 didn't bleed. Then she sat there, and he said she didn't
9 bleed. Well, you saw the blood. For that blood to come
10 out her heart had to keep beating. She was still alive.

11 Instead of calling for help to try to do something, he
12 didn't even put towels on her, didn't do anything to stop
13 the bleeding or anything.

14 He claims he don't even know where she was shot at.
15 He let her lay there and die and didn't do anything to help
16 her.

17 You'll have the pictures back with you. And, like I
18 said, you bring your common sense to the courtroom. The
19 judge will talk to you about that. Every one of us has our
20 own experiences.

21 What's the first thing somebody is going to do?
22 They're going to try to help that person. Even -- even if
23 it's a mistake, they're going to try to help that person.
24 This wasn't no mistake by any means. His actions speak
25 louder than words, ladies and gentlemen.

Closing arguments

1 Who's the first person you call when you're in
2 trouble? The first person you need help from? You call
3 your mama. That's the first thing he did.

4 He didn't stop there, and you'll have the whole list.
5 I know we've been through it, and you'll have it back there
6 with you.

7 It starts on page two. You can go through. He calls
8 his mom, his grandmother, his brother, his sister, his
9 work, his exgirlfriend.

10 He called everybody else but somebody to come and help
11 her. He let her die right there on the floor. If that's
12 not malice, I don't know what is.

13 Common sense will tell you you hurt somebody even
14 accidentally, you're going to do everything you can to help
15 that person. He didn't do anything.

16 He called all of these people, and you'll see the
17 malice on this, the times. He talks to his brother, which
18 is a police officer, for seven minutes.

19 Why are you talking to your brother that's a police
20 officer? Why aren't you calling the police? Why aren't
21 you calling for help? Why are you calling your brother and
22 talking to your brother, the policeman?

23 He talked to him twice. He talked to him for seven
24 minutes, and then you'll see the last phone call he gets or
25 talks to is his brother for 27 seconds before he calls

Closing arguments

1 9-1-1.

2 He didn't want her to be alive because then she could
3 tell what happened to her.

4 Let's talk about the rest of the testimony he gave.
5 He says he wakes up. She wakes him up and there's somebody
6 at the door and she goes to the front door.

7 Is she naked then? He says she goes through the house
8 all of the time naked, especially in the summertime, with
9 her panties on.

10 Then she comes back. He turns up his music and is
11 talking so loud and she's trying to watch T.V. Then he
12 gets up, and he's upset. He said, well, I go in the
13 kitchen and it's a mess. She had a party with all her
14 sisters and everybody else down there in there that night.
15 He said I had to clean it up, I had to clean up the
16 bottles, the dishes, whatever was there all over the
17 kitchen.

18 He cleaned it up. He puts the stuff in the trash can;
19 he puts the stuff in the sink. He said the only thing she
20 did is when I asked her to open the front door, she did,
21 like it's doing him a favor.

22 well, ladies and gentlemen, he knew where this was.
23 He cleaned that kitchen that day according to his
24 testimony. It's got grease in it. He probably threw it in
25 the sink with the greasy water in it.

Closing arguments

1 Then he tells you that she gets mad at me and
2 everything else and I tell her, well, I'm just going to
3 spend the night with another woman. He tries to set her
4 off intentionally.

5 This story would be great for him, but the one thing
6 that you heard as our first witness, you heard from his --
7 her mother, Ms. Switzer. And Ms. Switzer called her that
8 morning about 11:30 or so and talked to her about they were
9 going to have a party, you know, a party for their cousin
10 down in Woodruff. She was going to pick her up around
11 2:00 o'clock or so and they were going to go down there.

12 We know that she's getting ready for the party. You
13 know, the bathtub, the sink is wet. She's just taking her
14 shower and gotten ready. She's ready to go. She's got her
15 clothes set out there.

16 You'll have the pictures there. I know you've seen
17 them with her wig there and everything. And she's even got
18 her hair -- the cap to put the wig on top.

19 What he's upset about is that she's going somewhere,
20 and we know that because of what Ms. Switzer's told you.
21 So he tells her, says, well, if you're going to go do your
22 thing, I'm going to go do my thing.

23 He says he's got two women he talks to. So he's
24 intentionally trying to set her off. Why would you tell
25 somebody that you love so much like he tried to show you up

Closing arguments

1 here on the stand and cried and all of that?

2 He says that she moved the air conditioner out of the
3 window in the front living room. You'll have the pictures.
4 He claims the air conditioner came out of that window, out
5 of those windows in the living room.

6 And he said I came back in and I just went outside,
7 and I said -- she locked all of the doors on him, which
8 makes no sense. She's getting ready to go somewhere. We
9 know that because you see that on the clothes and the wig
10 on the bed.

11 He made this big deal saying I'm in my game room all
12 night and she was up in the living room all night. He said
13 she moved the T.V. set. That makes absolutely no sense.
14 She's the only one that's moving. And says she rolled up
15 this thing. They showed that up there.

16 The funny thing was, and I'll never forget, his
17 attorney asked him -- asked the Agent or Investigator
18 Cloran. How clean was the house, and he said it was clean
19 and all of this.

20 So if you look at the pictures where did this -- where
21 did all of this movement come from? I submit to you he did
22 not want her to go that day with her mom and visit with her
23 family.

24 He confronts her. And the story he tells about her
25 faking, what makes more sense, to go get this knife that he

Closing arguments

1 knows about in the kitchen sink or -- and I know you'll
2 have these exhibits. I want to show you State's
3 Exhibit 38.

4 Like I said, she's got her clothes out ready to go.
5 He says he pushes -- showing you State's Exhibit 39 -- he
6 pushes the air conditioner through there. And State's
7 Exhibit 40 shows the cardboard that's used to fill around
8 it. why? why did she put all of that back in there, or
9 so? He just pushed it all out.

10 Showing you State's Exhibit 32. She had a knife right
11 there -- a blade. So why go to the kitchen when you've got
12 one right there that she could have used? And she had
13 another knife in her purse.

14 She didn't get that knife, ladies and gentlemen. He
15 did in the 35 minutes that was going on.

16 He claims he shot her immediately and she dropped
17 immediately. Look at State's Exhibit 20. There's blood
18 spots right there. Twenty-one there's a bigger -- you can
19 see the bigger one, and 22 you can see it's definitely
20 blood from that standpoint.

21 Twenty-three, more blood. You can see where it was
22 marked there. And this is in the room itself. The shell
23 casing, obviously, he fired. It's in front of the shell
24 casing, and it was in the room when he fired it to be in
25 there.

Closing arguments

1 You can see where -- 26 -- where a plastic thing,
2 looks like it's been hit, and it was broke when she was
3 falling back, falling away from there.

4 Twenty-seven, you see the path of the blood going
5 there.

6 Thirty-three, you see the path of the blood continued
7 up going in a circle. So she had to be over the bed at
8 some point. She's bleeding from her wound and she's
9 bleeding from her nose. You see the stocking cap she has
10 on ready to put the wig on.

11 In court he said there was no bleeding whatsoever, or
12 not whatsoever but very little bleeding. Make sure -- and
13 remember the testimony the way y'all remember it from
14 there.

15 Showing you State's Exhibit 35. Blood's obviously
16 when -- so her heart kept beating the whole time, and you
17 can see where the blood came from.

18 And you can see State's Exhibit 37. Blood on her
19 hand. There was no blood on the knife. And you'll have
20 that test where it was tested, and you've heard from the
21 person that tested it -- Ms. Spainhour.

22 Obviously, she didn't drop right there. She had to be
23 over the bed at one point. She had her Iphone there. She
24 had another shirt there. She's ready to go somewhere.
25 She's not ready for a fight. She's not ready for this.

Closing arguments

1 She's getting ready to have a good time with her mom and
2 her friends, not with him.

3 He talked about this romantic night that they were
4 going to have. No. She was going somewhere else. wasn't
5 part of his plans.

6 Then yesterday is the first time he ever said anything
7 about this. He's right handed, but he put the gun in his
8 left hand.

9 That's defies common sense. If I pick up a gun, I'm
10 going to pick it up with my dominant hand, because a gun's
11 dangerous. I mean, that's what it is. You're not going to
12 pick up with your non-dominant hand.

13 And the other thing too, he kept talking about
14 break-ins in his car, in his house. He said, well, I had
15 the safety on.

16 well, if you're going to use a weapon, you don't have
17 the safety on. You have it ready to go, because that
18 second or two can cost you your life.

19 And he says he pulls it up, and he says I go up like
20 this. Now, how in the world if he goes up like this -- and
21 y'all saw him. And please remember the testimony the way
22 y'all see it. How in the world if that's true -- you've
23 got State's Exhibit 41. How does that bullet go straight
24 in? Because if you go up like this that bullet's going to
25 go way up. I mean, you know, it's going to follow the path

Closing arguments

1 where this goes.

2 And you remember the trigger-pull they talked about.
3 You heard from Andrea [sic] Cromer. It would take a --
4 lift a gallon of milk or water with that finger for this
5 trigger. This is a heavy trigger-pull on this. And you
6 saw how hard it was to -- to pull it back from the slide.

7 But then he says I was as close to her, I could feel
8 her breath. That's close, ladies and gentlemen, to feel
9 somebody's breath on a hot summer day, and you're that
10 close. And you heard what was testified, what the doctor
11 said -- 3 to 6 inches -- 3 to 6 inches approximately. And
12 y'all know how -- you know inches. I know that. That's
13 how you take his -- I'm not going to point the gun. We did
14 it this way.

15 Let's say he uses his left hand and he puts the gun
16 that way. Which cheek is it going to shoot into? Going to
17 shoot in the right cheek.

18 If he would have shot his left hand and shot that way,
19 the first thing he'd have to do it like this to get it to
20 go straight. If he shot with his left hand it would have
21 been an angle. Instead of the bullet winding up here, it
22 would wind up going and exiting it out. And the bullet
23 didn't exit, as we know.

24 The doctor talked about how it stopped. It was at a
25 very slight angle. He said maybe a couple of degrees from

Closing arguments

1 there and shot her at pointblank range. He didn't shoot
2 with the left hand. He shot.

3 And you -- I don't remember if you remember or not
4 when I was here talking to him. I said you've told people
5 that you shot her like this. And he finally admitted that
6 he did.

7 You're shooting like this, you mean to shoot somebody.
8 You meant to do it, especially with a trigger-pull that
9 hard.

10 He was mad. He didn't want her to go, and he wanted
11 her to stay even though he could have women on the side to
12 do whatever he wants to.

13 I'm going to give you the definition of murder very
14 quickly, and the judge will give this to you.

15 Murder is defined as the killing of any person with
16 malice aforethought, either expressed or implied. That's
17 the definition of murder, ladies and gentlemen, in South
18 Carolina.

19 He will read you several parts of it, but one part
20 is -- I want to read to you is a couple of paragraphs here.
21 And, like I say, the judge will read it too.

22 Malice is an essential element of the crime of murder.
23 It's a state of mind connoting ill will or having the
24 intent to do harm.

25 The term means the state of a person's mind which

Closing arguments

1 directs his actions towards a specific object or goal.
2 Intent would include those consequences which represent the
3 very purpose for what [sic] an act is done, as well as
4 those consequences what are not -- what are known
5 substantially certain to resolve [sic], which [sic]
6 actually intended or not.

7 The problem was, if you look at his actions, he
8 intended everything to happen -- the way she was shot, the
9 way she fell, the way she -- he left her. Never called
10 9-1-1 until after he talks to his brother for the second
11 time. It's like he had the scene planned.

12 You heard the testimony of the officers. It was
13 awkwardly placed, the knife was, the way it was positioned
14 and everything else.

15 And another part of the definition of malice you'll
16 hear, malice is an essential element of the crime of
17 murder. It does not necessarily require proof of ill will
18 or hatred towards a particular individual who was killed,
19 nor does it necessarily require proof of actual or specific
20 intent to take human life, even though may such evidence
21 tend to prove the fact introduced during the trial.

22 Malice is necessary to establish the crime of murder
23 and refers to the state of mind accomplishing -- signaling
24 [sic] general -- general malignant recklessness and extreme
25 disregard for the indifference to human life.

Closing arguments

1 His actions, like I said, speak louder than words --
2 the way he did it, how he did it and the way he tried to
3 get away with it.

4 Ladies and gentlemen, like I said, there's no blood on
5 the knife. He said he embraced her, he kissed her.
6 There's no blood on him. There's no blood on his clothes,
7 his shoes, anything.

8 And then there's also that transfer on the back of her
9 shoulder where she brushed up against some blood at some
10 point. Was she moved; did she fall where she was on the
11 bed and fell off where she hit the blood? We don't know
12 that. But the problem is she didn't drop right there where
13 he said. She don't do that. She was shot initially in the
14 doorway right between there and the mat.

15 And the other thing, ladies and gentlemen, while the
16 state must prove beyond a reasonable doubt that a killing
17 did occur and was accomplished by malice aforethought too,
18 in order to establish the killing of murder it is not
19 necessary that the state prove any motive for the killing,
20 although there may be some evidence related to that.

21 We don't have to prove motive or anything else,
22 premeditation. We just have to prove malice. And this is
23 what we have to prove too. It's essential that malice
24 existed aforethought. The law does not require the malice
25 exist for any appreciable length of time before the

Closing arguments

1 commission of an act proximately causing the fatal result.
2 In fact, it may be conceived at the very moment the fatal
3 act is committed.

4 what he did to this young lady is murder, ladies and
5 gentlemen -- the way he did it, the way he acted. You all
6 have your common sense. You know this is not the way you
7 do it if you love somebody.

8 And you remember I asked him. I said why didn't you
9 call her family. He said, oh, they get panicked. Let me
10 tell you something. Every member of this family would have
11 been there in a heartbeat to help her if they could because
12 they loved her. They loved her for who she was. Her mom
13 would have been there in a heartbeat. But he wasn't.
14 He -- he let her die. He said she wasn't bleeding.
15 Obviously, she was alive. Her heart beat.

16 what I'd like you to do is I'm going to start here in
17 about 3 seconds, and I'm going to wait a minute. Starting
18 now.

19 (Pause.)

20 MR. BARNETTE: That was one minute. He waited 35
21 minutes, at least 35 minutes we know, before he called
22 9-1-1. Imagine what you could have done in just one minute
23 to try to help her. Called 9-1-1. He's in the house
24 covering up, trying to do anything you can. And you know
25 how fast the police officer was there. As soon as 9-1-1

Closing arguments

1 was called, he was in there within one or two minutes. He
2 was there to help her. He wasn't.

3 You'll have the picture where the knife was. Where
4 the knife was there should have been blood, ladies and
5 gentlemen, if she held it beforehand. But I submit to you
6 this police officer -- both called and said is everything
7 okay, and he said yes. He didn't called 9-1-1.

8 Ladies and gentlemen, his actions, what he did,
9 everything screams malice. When you have malice, when you
10 shoot, commit a homicide, you have murder.

11 On behalf of her, her family and the state I'm going
12 to ask you to return a verdict of guilty on the murder and
13 possession of a weapon during a violent crime, because,
14 obviously, murder is a violent crime. And you possess a
15 weapon committing a murder, you're guilty of that too.
16 Thank y'all very much for your time.

17 MR. MACDONALD: May it please the Court.

18 THE COURT: Mr. MacDonald.

19 MR. MACDONALD: I told you at the start of the case
20 that this was going to be emotional, that you needed to
21 leave your emotions at the door, you need to look at the
22 objective facts here.

23 And right after I said those statements the first
24 witness that was called was Wyoming Switzer. She didn't
25 see anything that day. She didn't know what happened.

Closing arguments

1 That's what she testified to. But they wanted to put
2 before any facts that were presented the grieving mother of
3 the deceased so that your opinions would be influenced
4 before you heard a single fact in this case. I told you
5 that was going to happen, and that's what they did.

6 But here's the -- here's the objective facts,
7 unquestionable facts, that were testified to by the state's
8 witnesses.

9 First off, we have the 9-1-1 that was played. The
10 9-1-1 call that y'all got to hear, Mr. Wright stated, "I
11 accidentally shot my girlfriend. She had a knife in her
12 hands." His story hasn't deviated from that at all.

13 Officer Kelley arrives within two minutes of that
14 phone call. What's the first thing he does? He
15 immediately removes the knife from the body. Does he take
16 a picture of the knife on the body beforehand? We don't
17 know but all the -- only pictures you got to see were taken
18 hours later. That's not how the body appeared when Officer
19 Kelley arrived and removed the knife from the decedent's
20 lap. We don't know where the blood was located or how much
21 was when Mr. -- when Officer Kelley arrives. So we don't
22 know. We don't have that information.

23 The only information we have in terms of where the
24 blood's located were pictures that were taken at
25 4:00 o'clock, hours later.

Closing arguments

1 Officer Kelley also testified that he could not tell
2 where Ms. Fernanders was shot, which is the same thing that
3 Mr. Wright testified to. He couldn't tell. Officer Kelley
4 couldn't either.

5 Investigator Sean Cloran, he also testified. He took
6 pictures of the home at 4:08 p.m. He took pictures of the
7 house.

8 A couple of things to note that he took pictures of,
9 the air conditioning unit that was face down in the
10 bedroom, the rug that was rolled up on the sofa, the
11 kitchen chairs that were stacked on the kitchen table, the
12 empty trash can, the T.V. that was moved into the bedroom.
13 And he also testified that there was stippling on the wound
14 which indicates that the gunshot was fired within very
15 close proximity.

16 All of these are unquestionable. These are the
17 objective facts here.

18 The state then called SLED Agent Kimberly Spainhour.
19 She tested the knife for blood and she testified that there
20 was no blood. Did she test the knife for anything else,
21 any fingerprints, any D.N.A.? Not that we're aware of.

22 The state is trying to say that the knife was planted.
23 If the knife was planted then we -- if you think the knife
24 was planted, wouldn't you test it for fingerprints or for
25 D.N.A.? Mr. Wright said he never touched the knife. So if

Closing arguments

1 his -- if his D.N.A. was on the knife, I mean, that would
2 contradict his statements.

3 They then called SLED Agent Suzanne Cromer, the gun
4 expert, and she said that there's a strong trigger-pull
5 equivalent to about a gallon of water.

6 She said that there's some guns that have higher
7 trigger-pull weights and that trigger-pull weight does not
8 guarantee that there'll be no accidental discharges, that
9 the higher the weight, the less likely it is to happen.
10 But when asked if it can still happen, she stated yes, that
11 the only real way, the only foolproof way a gun accidentally
12 discharges is using proper firearm safety. That was her
13 testimony.

14 She also stated that if a bullet had been put in the
15 chamber on a prior occasion and not removed physically,
16 then it would have still been there.

17 I know that the solicitor has pointed out the
18 cell-phone-call logs. The call logs are going to show that
19 the phone was continuously in use from 12:53 until
20 1:29 when 9-1-1 called. And that's unquestionable. That's
21 facts. The phone was in use the entire time.

22 The next witness they called, Stephen Rouleau, which
23 was Mr. Wright's boss, he testified that Mr. Wright had
24 called him and he stated that he messed up. And that's not
25 saying that he murdered someone. It's him saying that he

Closing arguments

1 messed up. He accidently discharged the gun. That's
2 messing up. He did mess up. It was a mistake. There's
3 nothing contradicting what Mr. Rouleau testified to and
4 what Mr. Wright testified to later.

5 Next you've got Dr. John Wassum. He testified that
6 there was stippling in the wound, which indicates close
7 range from where the fire -- the gun was fired and where
8 the entry wound was. It is from very close together. He
9 stated that the bullet trajectory was slightly upward at an
10 angle and that Ms. Fernanders height was 5'2".
11 Mr. Wright's height's 5'10". That's about an 8-inch
12 difference here.

13 Mr. Wright testified that he acted in self-defense.
14 There's four elements of self-defense, and the state has to
15 disprove self-defense. We don't have to prove
16 self-defense.

17 The first element of self-defense is that the
18 defendant was without fault in bringing on the difficulty.

19 The second element is that the defendant was in actual
20 imminent danger of losing his life or sustaining serious
21 bodily injury, or he believed he was in imminent danger of
22 losing his life or sustaining serious bodily injury.

23 The third element is that a reasonably prudent person
24 would have shared the same belief, or if the defendant was
25 actually in imminent danger and the circumstances were such

Closing arguments

1 as would warrant a person of ordinary prudence and courage
2 to shoot the fatal shot in order to save himself from
3 serious bodily harm.

4 The last element is the defendant had no other means
5 of avoiding the danger of losing his own life. However,
6 this element does not apply if the defendant was on his own
7 premises. Mr. Wright testified that that was his home. He
8 lived there with Ms. Fernanders. If on your own premises
9 you have no duty to retreat or act in self-defense.

10 Now, the state has to prove beyond a reasonable doubt
11 that there was no self-defense in this case.

12 Now, here's what Mr. Wright testified to. Morning
13 started with an argument over the cleanliness of the
14 kitchen. The previous night she had friends over and there
15 was some bottles left out. He cleared the table and threw
16 away the bottles and he took out the trash. They had some
17 arguments over the cleanliness of the kitchen.

18 Ms. Fernanders thought that he was arguing about her
19 having her siblings over, that he had some issue with her
20 siblings being over, and she took offense to that and they
21 kinda started bickering.

22 Mr. Wright took the trash out. When he came back
23 Ms. Fernanders was in the process of rolling up her carpet,
24 putting it on the sofa, unplugging the T.V. and taking it
25 into the bedroom. And the photos back that up, what Mr.

Closing arguments

1 wright said, that the rug was rolled up. It was on the
2 sofa. The T.V. was moved to the bedroom.

3 Mr. wright then went into the gaming room, and after
4 about five minutes he hears the A.C. being moved. And then
5 he goes into her bedroom.

6 He testified that she shut the door. He didn't
7 testify that she locked it. The door's never locked. But
8 she did shut the door with the A.C. unit in there.

9 Now, the A.C. unit's for the whole house. Mr. wright
10 testified he pays the power bill. The A.C. unit was a gift
11 from their -- from her mother. And it was kind of a 50-50.
12 He pays for the power bill. It's her A.C. unit that her
13 mother gave her.

14 He took offense that she was shutting it in the room
15 and not using it for the whole house on a hot summer day.
16 He didn't think that that was fair.

17 He went outside the door and told her to put the A.C.
18 unit back in the living room so that everyone in the house
19 could use it. She told him off and that -- that upset him.
20 He testified to it. He was agitated. He went out into the
21 back yard and he went out to the window and he pushed the
22 A.C. unit into the bedroom. It landed face down. You saw
23 the pictures. That matches up with his testimony. The
24 A.C. unit was face down and still running inside of the
25 bedroom.

Closing arguments

1 After doing that he went back around and went inside.
2 He was going to get his belongings -- his keys, his
3 wallet -- and he was going to leave.

4 He heard Ms. Fernanders in the kitchen. He starts
5 walking down the hallway, and Ms. Fernanders approaches
6 him, walks towards him with the knife.

7 She said you've got me F'd up and she's shouting and
8 she's waving the knife at him while he's -- while he's in
9 the hallway. In the hallway in the linen closet there's a
10 firearm that he keeps for protection. He grabbed the
11 firearm and told her to get back to try to deescalate the
12 situation.

13 They go into the bedroom which is adjacent to the --
14 to the closet, and he says that he would help put the A.C.
15 unit back, and she told him off. She said she doesn't want
16 your help, and so he said that he's going to leave and he's
17 not going to come back tonight. They'd been bickering. I
18 think that that just set him off. He said -- he said that
19 she's being immature and that he doesn't want to deal with
20 her right now.

21 When they're -- when they're having this argument, he
22 testified that they were so close he could feel her breath.
23 When he said those words to her, she snapped and she lunged
24 at him from pointblank range.

25 He tensed up and jumped in surprise flinching, and the

Closing arguments

1 gun accidentally discharges. That's why there was stippling,
2 because she had charged at him with the knife and he
3 reacted.

4 He had the knife -- he had the gun by his side. He
5 wasn't planning to use it. He's 8 inches taller. If he
6 was holding it out in front of him the gun angle -- the
7 bullet trajectory would have been going downward because
8 she's 5'2". He is 5'10". But instead the report shows
9 that the bullet trajectory was going upward, which would
10 corroborate with the gun being at his waist and it going up
11 and shot and going off by accident.

12 And, like he said, he thought the gun was on safety.
13 He had no plans to use it. He didn't really need to. He
14 wasn't shooting her in response to her lunging. He
15 flinched and the gun accidentally discharged. There's no
16 intent here.

17 What happens next, he even acknowledged, was the wrong
18 thing to do. He panicked. He didn't know what to do. She
19 wasn't breathing; she wasn't responding; and she had a
20 blank stare. She was dead. And so he didn't know what to
21 do. He calls his family; he calls his work. He testified
22 that his work was his life. He then called 9-1-1, and he
23 waited for the arrival of the officer.

24 Now, I went over the elements of self-defense. The
25 first element is that the defendant was not at fault in

Closing arguments

1 bringing on the difficulty. This event escalated when a
2 knife was presented. The deadly weapon was wielded by
3 Ms. Fernanders.

4 He didn't arm himself with the gun until after the
5 knife was being waved in his face. They were just arguing
6 before this. There was no deadly weapon. They were
7 arguing; they were bickering. Ms. Fernanders got the
8 knife. That's when this turned into a more serious
9 situation.

10 There's a 5-inch -- there's a knife with a 5-inch
11 blade involved now and it's being waved right in your face.
12 Also, Mr. Wright even said he was planning to leave. He
13 was going to a carwash, wash his car. He was going to run
14 errands for his kids. He was not planning on staying.

15 The second element is that the defendant believed that
16 he was in imminent danger or in actual danger.

17 You heard his testimony. The knife was being waved
18 right in his face. She lunged at him from pointblank range
19 with the knife.

20 The stippling wounds confirms that they were right
21 next to each other. If he was going to kill her in cold
22 blood, he wouldn't need to get 6 inches away from her to
23 kill her.

24 Why would he get the gun right near her face when she
25 could just grab it from him? He could safely shoot her

Closing arguments

1 from 3 feet away, 4 feet away, and there wouldn't be
2 stippling and still it would be super close just without
3 the stippling.

4 The stippling tells the story here, and that's that
5 she lunged at him and he reacted. They almost collided.
6 They -- they're inches apart.

7 The third prong, third element, is that a reasonable
8 person in the same situation would believe that they are in
9 danger. If any -- any reasonable person that had a knife
10 being waved at you from pointblank range and someone
11 lunging at you would believe that they were in imminent
12 danger. It's a knife. It's a deadly weapon. It could do
13 some serious damage.

14 And, lastly, he testified that that's their home,
15 that's their residence. He had no duty to retreat.

16 The state has to prove beyond a reasonable doubt that
17 he was not acting in self-defense here. So you've got to
18 ask yourself what is the most important piece of evidence
19 in this case. It's the knife. The knife is the most
20 important piece of evidence.

21 The solicitor says that it was planted. If it was
22 planted, then let's test the fingerprints, let's test for
23 his D.N.A. Did they do that? No. They didn't. That's an
24 easy thing to test. They could have easily done it. You
25 can't just say, oh, well, there's grease on it so we

Closing arguments

1 couldn't do it. You didn't even try it -- didn't even try
2 it.

3 The solicitor makes a big deal that there's no blood
4 on the knife. Well, Officer Kelley immediately removed the
5 knife when he got there to the scene. That was the first
6 thing he did.

7 He didn't take a picture of the body, so we don't get
8 to see where the blood on her body was and whether or not
9 it should have been on the knife or not. We don't have
10 those pictures. We have pictures from 4:08, hours later.
11 That's not how the body was when he got there.

12 Officer Kelley said the knife was found in her lap.
13 There's no proof that anybody else touched it that was
14 presented in this trial.

15 Like I said, the stippling tells the story. It was a
16 reaction. They were in close range. He wouldn't need to
17 get that close if he was going to execute her or murder
18 her. He would not need to get that close. He could have
19 shot her from 3 feet away and there would be no stippling.

20 Next the judge is going to give you an instruction on
21 accident. The state must prove that this killing was not
22 accidental. They have to prove that the killing was
23 unintentional, that the defendant was acting lawfully and
24 he was acting without recklessness or negligence with a
25 firearm.

Closing arguments

1 You heard the testimony. You've seen the evidence.
2 He said it was an accident. He didn't mean to shoot. He
3 was acting lawfully because he armed himself in
4 self-defense in his own home after someone threatened him
5 with a knife from pointblank range. And it was without
6 recklessness or negligence because the firearm was at his
7 waist. He wasn't waving it around. When he flinched from
8 the -- from the reaction -- from the results of
9 Ms. Fernanders lunging at him, that's when the gun
10 discharged by accident. It was an accident.

11 There has been no showing that this was a murder,
12 there's been no showing that this was voluntary
13 manslaughter, because both of those require intentional
14 killing. Mr. Wright didn't do this intentionally. It was
15 an accident. The gun discharged. He never intended for it
16 to discharge.

17 The evidence shows that the accidental discharge
18 happened in self-defense. You've got to look at the
19 circumstantial evidence that shows Mr. Wright's telling the
20 truth.

21 First off, he didn't flee the scene. He was the only
22 witness. He could have fled the scene right away. A
23 guilty mind would flee. They'd run if they were guilty.
24 He didn't flee. He stayed. He calls family and then
25 called 9-1-1.

Closing arguments

1 He never attempted to hide the weapon. That's another
2 thing that guilty people will do, will try to hide the
3 weapon. He told the officer where the weapon was right
4 when he arrived. He's the one that called 9-1-1. A guilty
5 person wouldn't call 9-1-1.

6 The stippling of the wound backs up our theory of the
7 case, that it was self-defense. The gunshot wound was to
8 the front of the body, which indicates that Ms. Wright was
9 facing him and that she lunged at him.

10 If the gunshot wound was to the side or to the back,
11 then we'd have a different story, but the bullet wound was
12 where she was facing, which corroborates that she was
13 lunging towards him and not running away from him or trying
14 to get away from him or avoid anything. It shows she was
15 in front of him and charging at him.

16 The pictures of the rug rolled up on the sofa
17 corroborates his story. The kitchen, the T.V. in the
18 bedroom, the air conditioning unit face down, all of those
19 things corroborate what Mr. Wright testified to.

20 Now, the call logs that Mr. Barnette is going to be --
21 has shown you -- and y'all will get to look back -- you'll
22 see he's on the phone the entire time. He was scared; he
23 was panicked. The entire time there's people calling him.
24 He was calling other people. He was scared. This had
25 never happened to him before.

Closing arguments

1 The state's trying to make it -- make it seem as if he
2 had time to plant all of these items, to knock over the
3 A.C. unit, to move the T.V., to tie up the rug, to plant
4 the knife all while he's on the phone also at the same
5 time. Just doesn't make sense.

6 Now, I told you today, I told you Monday that they're
7 going to appeal to your emotions. But you need to take
8 your emotions, leave it outside when you go deliberate.
9 Keep the emotion out of it. You have to look at the
10 objective facts here today.

11 The state called Wyoming Switzer as the first, first
12 witness to set the tone. She had no -- like I said, she
13 had no relevant information in this case. But why didn't
14 they call their lead investigator, Louis Nelson? He's got
15 all the information. He was in charge of the case. Why
16 didn't they call him to explain why they didn't get D.N.A.
17 or fingerprints from the knife? Because they want to stick
18 with the emotional aspect of this case and not to the
19 facts.

20 I'm asking that you find my client not guilty of
21 murder, not guilty of voluntary manslaughter, not guilty of
22 involuntary manslaughter, because he was acting in
23 self-defense and the gun accidentally discharged. If you
24 look objectively at all of the facts that's the only
25 conclusion you can truly come to. Thank you.

Closing arguments

1 THE COURT: Mr. Barnette.

2 MR. BARNETTE: May it please the Court, Your Honor.

3 May I remove my mask?

4 THE COURT: You may.

5 MR. BARNETTE: You remember he cleaned the kitchen, so
6 he would have put everything in the sink and everything
7 else.

8 If we would have tested it and found fingerprints or
9 his D.N.A. on it, they would've said, well, he picked up to
10 clean up the kitchen and put it up. Remember, he said he
11 bought it at Wal-Mart and identified the knife and
12 everything else.

13 So they want you to believe, oh, this is just -- they
14 should have done all of this. Well, the problem is if it
15 was on there we know he touched it because he cleaned it
16 that day. So if his D.N.A. or fingerprints was on it
17 anyway that's what they would have explained.

18 What was interesting on the phone continuously, not
19 paying attention to her, not trying to help her at all, not
20 getting any help for her whatsoever. All about him.

21 And you remember the testimony. I asked him -- and
22 remember the testimony as you remember it. Okay. And
23 please do. I don't know, you know -- if you remember it
24 exactly the way you heard it in the courtroom today. But I
25 asked him on cross. I said you told people I knew she

Closing arguments

1 wasn't going to cut me. Yes. I did. But that's not what
2 I thought. I did not feel threatened. Didn't you testify
3 to that? Yes. I did. But no. I did folks. Didn't you
4 tell somebody I should not have never pointed it? Yeah. I
5 said that but, you know, things change. Look at the
6 evidence and everything else.

7 And Mr. MacDonald in his opening and closing both used
8 his right hand. You're going to use your dominant hand for
9 anything you do to pick up anything. And, like I said, the
10 first time anybody heard about was right there yesterday
11 about his left hand.

12 And if you remember Officer Kelley testified that he
13 saw blood on her. And you've got to think. He didn't get
14 there, we know, for at least 35 minutes, and probably
15 longer than that. So she's bleeding out the whole time as
16 her heart's pumping. He saw blood there. There's no blood
17 on the knife, ladies and gentlemen.

18 He makes all these phone calls continuously calling.
19 work is more important to him than the love of his life.
20 He calls his work. The love of your life should be the
21 major thing in your life. That's common sense, tells you
22 that, the person you love, the thing you love. But he's
23 calling his work. He's calling all of these other people
24 while she's laying there dying and bleeding out.

25 And the other thing, he talks about Ms. Switzer. The

Closing arguments

1 reason why she got up there is she's setting the tone why
2 she's getting dressed and getting ready to go, why she has
3 her clothes there, where she talked to her at 11:30.

4 She's a mother. She is going to be emotional. That's
5 a key part, piece of evidence here, ladies and gentlemen.
6 That's something they don't want you to consider, that she
7 was going somewhere that day with her family that cared for
8 her.

9 And I want to play this 9-1-1 call for you. I know
10 you'll have it back there and you can listen to it again.
11 Panicked and scared. He's panicked and scared to death.

12 Playing State's Exhibit 46.

13 (Whereupon, State's Exhibit 46 was played for the
14 jury.)

15 MR. BARNETTE: Scared, panicked. Does that sound like
16 it? And what's funny is he uses legal terms -- accident,
17 mistake, I don't want to touch that crime scene, I don't
18 want to mess up anything. He said he never touched
19 anything.

20 Well, later on he tells people and testified to you
21 yesterday he touched her, he kissed her. He keeps changing
22 the story. That's not a normal person that has just shot
23 somebody at pointblank range. I'm sorry about raising my
24 voice, but that just upsets me.

25 And they bring up these defenses. The judge will give

Closing arguments

1 these to you in the charge, but self-defense, we just have
2 to prove that one of these does not apply, not all four.
3 And the judge will give them to you.

4 The first is the defendant must be without fault in
5 bringing on the difficulty. He's the one that told her,
6 said, well, I'm just going to spend the night with another
7 woman tonight. Does that sound like it's not bringing on
8 the difficulty, that he wants to create a fight?

9 The first one he only -- that's not even proven, so he
10 don't get self-defense.

11 You look at the second one. Believe he's in imminent
12 danger of losing his life or sustaining serious bodily
13 injury or actually was in such imminent danger. He
14 testified, and I asked him on cross. He said I don't even
15 think she was going to cut with a knife. And then he said,
16 well, I think she was going to cut me with the knife.

17 And the other thing, you know, he keeps talking about
18 this different thing. He was -- and talk about he says how
19 close he was to her that he could feel her breath. How can
20 you lunge at somebody when you're that close? I mean,
21 they're like that. How can you lunge at somebody like
22 that? You can't.

23 The third person a reasonable -- and that's where
24 y'all's common sense comes in, is basically imminent
25 danger, a prudent man of ordinary fitness or whatever.

Closing arguments

1 That's where you look for your common sense, your everyday
2 feelings to see if that applies in this situation.

3 And, fourth, he had no other probable means of
4 avoiding the danger of losing life.

5 Ladies and gentlemen, and you'll have this picture
6 back there where he's out in the hallway. She's in the
7 bedroom. Right. He could have walked to the front door.
8 She didn't block him; she didn't keep him in. And you'll
9 have the diagram back there and you'll have the picture.

10 He says it happened somewhere in this area. Well,
11 she's inside the bedroom. Here is the front door. He
12 could have easily just went out the front door and not go
13 into that bedroom or go after her. So that element doesn't
14 apply either. And we've proved one -- any one of those
15 elements does not apply, self-defense doesn't apply. This
16 is not a self-defense case, ladies and gentlemen.

17 They bring up the defense of accident, and the judge
18 will charge you on this also.

19 For a homicidal to be excused -- make sure I get that.
20 For a homicide to be excused on the grounds of accident
21 when the killing was unintentional, the defendant was
22 acting lawfully and due care was exercised in handling the
23 weapon.

24 Anybody looking at this case, he did not handle that
25 weapon with due care. He intentionally shot her with it.

Jury charge

1 But even if you take his story, he's using his non-dominant
2 hand to do all of this. That is not handling the case in
3 any way with due care -- or gun in this case.

4 So accident -- and that one definitely does not apply.
5 And, like I said, proof is -- I mean, proof beyond a
6 reasonable doubt, one, it didn't occur, and they're not
7 entitled to it, and the judge will tell you that.

8 I'm going to sit with this, ladies and gentlemen. The
9 one thing he kept repeating through his testimony was how
10 childish she was. He kept saying that over and over again.
11 He's trying to make her look like that she was a child,
12 that she was the problem. The problem was he shouldn't
13 have been talking in the situation.

14 She was getting involved. She was going to go out
15 with her mom and her friends. He stopped her from going.
16 He shot and killed her at pointblank range, and that shows
17 murder and malice aforethought. And the judge will give
18 you that charge too.

19 And that's what this is, ladies and gentlemen. And
20 that's the verdict we're asking you to return, guilty of
21 murder and possession of a weapon during a violent crime.

22 Thank y'all for listening to me.

23 THE COURT: Does any juror need a break before I
24 provide you with the legal instruction? No one?

25 (No response.)

Jury charge

1 THE COURT: All right. Ladies and gentlemen, as you
2 know, you have, of course, heard and seen all of the
3 evidence to be presented. You've now heard the final
4 summations of the lawyers, and therefore it now becomes my
5 duty and obligation to instruct you on the law that's
6 applicable in this case.

7 You'll then be asked to go back and to begin with your
8 deliberations, and through that process you're going to be
9 called upon through the exercise of good judgment and
10 common sense conscientiously applied to the testimony and
11 evidence received during the trial to determine the facts
12 that relate to the material allegations. Upon deciding the
13 facts you'll apply the law that I will have provided you,
14 and you will determine whether or not the defendant has
15 been proven guilty beyond a reasonable doubt.

16 It is your exclusive prerogative to determine what the
17 facts are, and you do that through your own common sense
18 examination and evaluation of all of the testimony and the
19 other evidence received during the course of this trial.

20 You 12 jurors alone will decide what weight, value and
21 effect to give to any particular witness' testimony or
22 other evidence in the case. Your sole objective, of
23 course, is to simply render a fair and impartial decision
24 based upon the evidence presented and the law that's
25 applicable to the case.

Jury charge

1 Now, as you know, in this particular case the
2 defendant has been charged with the crimes of murder and
3 possession of a firearm during the commission of that
4 violent crime. Those are allegations that have been set
5 forth and alleged in the indictment that I referred to
6 earlier.

7 As to those allegations and as to each of those
8 charges the defendant has entered a plea of not guilty.
9 And, as I told you, that plea of not guilty has placed upon
10 the state the burden of proving the allegations that they
11 have made by way of the indictment, the burden of proving
12 each of the essential elements of any crime the state
13 claims the defendant has committed; and therefore the
14 burden is upon the state to establish the defendant's guilt
15 to your satisfaction beyond a reasonable doubt before any
16 verdict of guilty could be returned as to any crime alleged
17 against the defendant.

18 The burden is never upon a defendant or a person
19 accused of a crime to prove that they are not guilty or to
20 prove that they are innocent because in some cases that
21 might not be possible. The burden is always upon the state
22 because they made the accusation and they have brought the
23 charge to prove the defendant guilty beyond a reasonable
24 doubt.

25 It is an important, vital and cardinal rule of law

Jury charge

1 that every defendant in a criminal trial, no matter how
2 serious the offense might be for which that person stands
3 charged, that person shall always be presumed innocent of
4 that charge, and that presumption of innocence remains with
5 any defendant, as it does with this defendant, from the
6 time that he placed under arrest and throughout the course
7 of the criminal process and even throughout the course of
8 the actual trial in the case.

9 As I previously told you, that presumption of
10 innocence is going to be with the defendant as you go back
11 into your jury room to begin with your deliberations at the
12 conclusion of this instruction, and that presumption of
13 innocence will be with him there, and it'll be with him
14 forever unless you 12 jurors determine that he's no longer
15 entitled to that presumption of innocence.

16 In other words, after you have carefully considered
17 all of the evidence received during the trial of the case
18 and you have evaluated the credibility of witness testimony
19 and you have determined what you believe to be the facts as
20 they relate to the material allegations and after deciding
21 those facts you apply the law that I will have provided
22 you, if you 12 jurors unanimously determine that the
23 defendant has been proven guilty of a crime beyond a
24 reasonable doubt, then he would no longer be entitled to
25 that presumption of innocence.

Jury charge

1 But it is only if, unless and until you are satisfied
2 of his guilt beyond a reasonable doubt that the presumption
3 of innocence would no longer be applicable.

4 Now, while the state does have the burden of proving
5 the defendant's guilt to your satisfaction beyond a
6 reasonable doubt, that doesn't mean that the state has to
7 prove his guilt beyond all doubt or beyond any possible
8 doubt, but it does require the state to prove his guilt to
9 your satisfaction beyond a reasonable doubt.

10 The term reasonable doubt should be given its plain
11 and ordinary meaning. A reasonable doubt is the kind of
12 doubt that would cause a reasonable person to hesitate to
13 act upon the information provided.

14 The defendant is entitled to any reasonable doubt that
15 arises from the evidence, or lack of evidence in a case,
16 and if upon any factual issue essential to a finding of a
17 verdict of guilty you have some reasonable doubt as to how
18 that issue should be resolved, it would your duty to
19 resolve that reasonable doubt in favor of the defendant.

20 Now, while there are various forms of evidence such as
21 testimony, photographs, documents, charts, maps and other
22 types of physical exhibits, there are really only two types
23 of evidence, and either or both of those types of evidence
24 may be used to prove any fact in issue, may be
25 independently or may be in combination. But the two types

Jury charge

1 of evidence are direct evidence and circumstantial
2 evidence.

3 Direct evidence is the testimony of a person who
4 testifies from actual knowledge of that fact. It is
5 testimony by a person who has perceived the existence of
6 some fact by means of his or her senses, and then that
7 person comes into court and they testify as to what they
8 have previously seen, heard or perceived.

9 Direct evidence proves the existence of a fact
10 directly, and it does not require any deduction or
11 inference in order to establish that fact.

12 Circumstantial evidence, on the other hand, is the
13 proof of some other fact or set of facts which taken either
14 singly or collectively may prove the existence of a fact in
15 question as a necessary consequence. That is through a
16 deduction or an inference.

17 And an inference is simply a deduction of fact that
18 may logically and reasonably be drawn from the proof of
19 some other fact or set of facts. In other words, it's a
20 fact not proven by the direct testimony of a witness based
21 upon their personal perception, but it is a conclusion
22 which might reasonably be drawn from the proof of other
23 facts.

24 In other words, you may infer that a particular event
25 occurred or that a particular fact exists based upon the

Jury charge

1 proof of sufficient factual circumstances which would
2 reasonably warrant your arriving at a particular
3 conclusion.

4 The commission of a crime and any particular element
5 necessary to prove a crime may be proven by direct evidence
6 or by circumstantial evidence or by a combination of both
7 direct and circumstantial evidence.

8 The law makes no distinction to be given between the
9 weight or value as to direct evidence or circumstantial
10 evidence. However to the extent that the state relies upon
11 circumstantial evidence in order to establish the
12 commission of a crime, all of the circumstances proven must
13 be consistent with each other and when taken together point
14 conclusively to the guilt of the accused beyond a
15 reasonable doubt.

16 If the circumstances merely portray the defendant's
17 behavior as suspicious the proof is insufficient and it
18 fails. The burden rests with the state regardless of
19 whether the state relies upon direct evidence or
20 circumstantial evidence or some combination of both of
21 those types of evidence to prove the defendant guilty
22 beyond a reasonable doubt.

23 Proof beyond a reasonable doubt is proof that leaves
24 you firmly convinced of the defendant's guilt. There are
25 very few things in life that we know with absolute

Jury charge

1 certainty, and in criminal cases the law does not require
2 proof that overcomes every possible doubt.

3 If, based upon your consideration of all of the
4 evidence received during the trial and in the exercise of
5 good judgment and common sense conscientiously applied to
6 that testimony and evidence, if you are firmly convinced
7 that the defendant is guilty of a crime for which he stands
8 charged, then you must find him guilty of that crime.

9 And if, on the other hand, you think there is a real
10 possibility that the defendant is not guilty of a crime
11 with which he stands charged, then you must give him the
12 benefit of that doubt and return a verdict of not guilty.

13 Now, as I have told you, you are the judges of the
14 facts. You are the finders of the facts, and therefore you
15 are the judges of the credibility and the believability of
16 each witness that has testified during the course of this
17 trial; and therefore there are a number of factors which
18 you should consider in evaluating the credibility of
19 witness testimony, and I'm going to list those factors for
20 you.

21 You should consider the demeanor of the witness, that
22 is how the witness appeared to you while the witness was
23 testifying before you from that witness stand. Was the
24 witness straightforward in responding to questions, or was
25 the witness hesitant or evasive in responding to questions

Jury charge

1 that were posed to that witness.

2 simply put, did the witness appear to you to be
3 telling the truth and to have knowledge of the facts to
4 which that witness has testified.

5 You should also consider whether or not the testimony
6 of a witness is consistent, or is it inconsistent with that
7 witness' own testimony provided here during the course of
8 this trial, as well as whether or not it is consistent or
9 inconsistent with statements made by that same witness,
10 whether it be in court during the trial or outside of this
11 court at some other time.

12 You should also consider whether or not the testimony
13 of a witness is consistent, or is it inconsistent with
14 other witnesses' testimony or other evidence received
15 during the course of the trial.

16 You should also consider how the witness came to know
17 the facts to which that witness has testified. In other
18 words, what was that particular witness' opportunity and
19 ability to perceive the existence of those facts to which
20 that witness has testified by having previously used his or
21 her senses, and then what is the ability of that witness to
22 be able to come into court and to accurately recollect to
23 you as to what they have previously perceived.

24 You should also consider any bias or prejudice or
25 interest that a witness might have with regard to the case.

Jury charge

1 In other words, do you find some reason that a particular
2 witness would come into court and would testify one way or
3 another to help or hurt one side or the other. And you may
4 consider any interest that a witness might have in the
5 outcome of the case if you determine that that witness does
6 have an interest in the outcome and you find that that
7 interest would bear upon that particular witness'
8 credibility and believability.

9 You should also consider whether or not the testimony
10 of a witness was strengthened or was it weakened by other
11 testimony or other evidence received during the course of
12 the trial.

13 Now, you as the finders of the facts and you as the
14 judges of the credibility of each witness that has
15 testified during this trial are permitted to believe as
16 much or as little of what a witness has testified to as you
17 deem is appropriate, and therefore it is your prerogative
18 to believe everything that a witness testified to.

19 You may choose to believe none of it. You may believe
20 some portion of a witness' testimony and reject some other
21 portion of that same witness' testimony.

22 In a given case you could believe one witness as
23 opposed to several, or several as opposed to one. But
24 whatever your good judgment and common sense tells you is
25 the most believable and credible testimony is the testimony

Jury charge

1 you should accept, and you should reject any testimony or
2 other evidence that you find not to be credible or
3 believable.

4 Again, your sole objective is to simply render a fair
5 and impartial decision based upon the information provided
6 during the trial and the law that's applicable as I will
7 have given it to you.

8 Now, the same law that provides that you are the
9 judges of the facts also provides that I am the judge of
10 the law, and that just simply means that nobody's going to
11 tell you how to arrive at your determination of fact in
12 this case. You do that, as I've already stated, through
13 the exercise of good judgment and common sense
14 conscientiously applied to the testimony and evidence
15 received during the course of the trial.

16 You must however under your oath as a juror accept the
17 law as I provide it to you as being the law that you are to
18 apply in the case.

19 In other words, you're never to concern yourself with
20 what you thought the law was before you came to serve as a
21 juror this week or what you think the law ought to be.
22 Under your oath as a juror you must accept the law as I
23 provide it to you as being the law that you are to apply in
24 the case. And then you simply take that law and you apply
25 it to the facts as you 12 jurors determine those facts to

Jury charge

1 be based upon your common sense examination of the evidence
2 in the case.

3 Now, as you know, the defendant is charged in the
4 indictment with the crimes of murder and with possession of
5 a firearm during the commission of a violent crime, that
6 violent crime alleged to be the murder that is set forth in
7 count one of the indictment.

8 So I'm going to instruct you on the law as it relates
9 to the criminal offense known as murder, and then following
10 that I'll have some other instructions to give you with
11 regards to other potential criminal offenses that you will
12 be permitted to consider during your deliberations.

13 But murder is defined in Section 16-3-10 of the Code
14 of Laws of South Carolina as the killing of any person with
15 malice aforethought, either expressed or implied. Murder
16 is the killing of any person with malice aforethought,
17 either expressed or implied.

18 In order for you to find the defendant guilty of the
19 crime of murder it would be necessary that the evidence in
20 this case has established to your satisfaction beyond a
21 reasonable doubt that the defendant did commit some act or
22 acts which proximately caused the death of the decedent,
23 Quanisha Deshawn Fernanders, and that the killing was done
24 with malice aforethought.

25 Malice aforethought is an essential element of the

Jury charge

1 crime of murder. So what is malice and what is malice
2 aforethought?

3 well, malice as an essential element of the crime of
4 murder is a state of mind connoting an ill will and having
5 the intent to do harm.

6 Intent refers to the state of a person's mind which
7 directs his actions towards a specific object or goal.
8 Intent would include those consequences which represent the
9 very purpose for which an act is done, as well as those
10 consequences which are known to be substantially certain to
11 result whether actually intended or not.

12 Malice is a technical term importing wickedness and
13 excluding just cause or legal excuse. It is something
14 which springs from depravity, from a heart devoid of social
15 duty and fatally bent on mischief.

16 It is a state of mind indicating an extreme disregard
17 for or an extreme indifference to human life. Malice may
18 be likewise defined as a state of mind which indicates a
19 formed purpose and design to do a wrongful act under
20 circumstances that exclude any legal right to do it.

21 The words expressed or implied malice as referred to
22 in the statute do not mean different kinds of malice but
23 merely the manner in which malice may be shown to have
24 existed. That is to say malice proven by either direct
25 evidence or by circumstantial evidence from which you might

Jury charge

1 imply or infer the existence of malice.

2 Malice may be expressed as where there is an expressed
3 threat to kill or where there is shown to be a lying in
4 wait or where the circumstances show directly that the
5 intent to kill was entertained by the killer when the
6 killing took place.

7 Malice may be inferred, though no expressed intent to
8 kill is proven by direct evidence, where the facts and
9 circumstances which have been proven by the evidence in the
10 case satisfy you beyond a reasonable doubt that malice was
11 present in the mind of the killer at the time that any
12 homicide took place.

13 The existence of malice may be inferred from acts,
14 declarations and conduct of the killer, as well as from any
15 other circumstances shown to have existed at the time of
16 the event from which you might reasonably infer the
17 existence of malice, as often the state of a person's mind
18 can only be proven by circumstantial evidence.

19 Malice as an essential element of the crime of murder
20 does not by necessity require proof of an ill will or a
21 hatred towards the particular individual who was killed,
22 nor does it by necessity require proof of an actual or
23 specific intent to take human life, but rather what it
24 means is a state of mind accompanying conduct signifying a
25 general malignant recklessness and an extreme disregard for

Jury charge

1 or an extreme indifference to human life.

2 Even if the facts are -- that have been proven are
3 sufficient to raise an inference of malice, such an
4 inference would simply be an evidentiary fact to be taken
5 into consideration by you 12 jurors, along with all of the
6 other evidence in the case, and you shall give it such
7 weight, if any, that you determine it should receive, if
8 any.

9 The state is required to prove malice, just as it must
10 proven any other essential element of the crime charged,
11 and it is for you 12 jurors to determine whether or not the
12 evidence in this case establishes malice beyond a
13 reasonable doubt in the case of the crime of murder.

14 It is also essential that there exist not only malice
15 but that it be malice aforethought. The law does not
16 require that malice must exist for any appreciable length
17 of time before the commission of an act proximately causing
18 a fatal result. Indeed, it may be conceived at the very
19 moment that the fatal act is committed.

20 It is sufficient in the law so long as the state does
21 prove beyond a reasonable doubt both the existence of
22 malice and the commission of an act or acts by the
23 defendant which proximately caused the fatal result.

24 You must determine whether or not malice aforethought
25 existed based upon your consideration of all of the

Jury charge

1 evidence introduced during the trial of this case and any
2 reasonable inferences that might be drawn from that
3 evidence.

4 while the state must prove beyond a reasonable doubt
5 that a killing occurred and that it was accompanied by the
6 element of malice aforethought in order to establish the
7 defendant's commission of the crime of murder, it is not
8 necessary that the state prove any motive for the killing.
9 Motive is not an essential element of the crime of murder
10 which must be proven, whether there may or may not be
11 evidence related to such a fact introduced during the trial
12 of the case.

13 An indictment for the crime of murder may also include
14 the lesser included offenses of voluntary manslaughter and
15 involuntary manslaughter, even though those lesser included
16 offenses are not actually set forth in the indictment
17 itself.

18 A jury may find the defendant guilty of a lesser
19 included offense where the evidence in the case warrants
20 such a finding.

21 In other words, a defendant who has been charged with
22 the offense of murder may under appropriate circumstances
23 be found guilty of the lesser included offense of voluntary
24 manslaughter or of involuntary manslaughter if the jury
25 determines that the evidence in the case warrants such a

Jury charge

1 finding, whether or not the lesser offense is actually set
2 forth in the indictment itself.

3 The crime of manslaughter is an unlawful killing of a
4 human being without the element of malice, either expressed
5 or implied, being present. While the element of malice
6 must be proven in order for the defendant to be found
7 guilty of the crime of murder, malice is not an essential
8 element of the crime of manslaughter.

9 Now, there are two types of manslaughter. As I've
10 indicated, there's voluntary manslaughter and there's
11 involuntary manslaughter. And so I'm going to now instruct
12 you on the law first as it relates to what constitutes
13 voluntary manslaughter, after which I will instruct you on
14 the law as to what constitutes involuntary manslaughter.

15 Voluntary manslaughter is a crime defined in the law
16 as the unlawful killing of another human being which is
17 committed in a sudden heat of passion provoked by a
18 sufficient legal provocation.

19 The law recognizes that sudden heat of passion arising
20 out of exasperation, rage, anger, sudden resentment, fear
21 or terror may for the time being affect the self control of
22 an individual temporarily disturbing the ability to
23 properly reason creating an uncontrollable impulse to do
24 violence; and therefore the law reduces the crime from that
25 of murder to that of voluntary manslaughter provided that

Jury charge

1 the sudden heat of passion arose from a sufficient legal
2 provocation.

3 The law does not reduce from murder to voluntary
4 manslaughter every homicide that is committed in the heat
5 of passion. It must be the heat of passion justly excited
6 by a sufficient legal provocation.

7 If a sufficient legal provocation does not exist, then
8 the killing, even committed in the heat of passion, is
9 murder and not voluntary manslaughter.

10 The sudden heat of passion aroused by a sufficient
11 legal provocation which may reduce a homicide from that of
12 murder to that of voluntary manslaughter need not dethrone
13 reason entirely or shut out knowledge or volition, but it
14 must be such heat of passion provoked by such acts or
15 circumstances as would naturally disturb the ability of an
16 ordinary reasonable and prudent person to properly reason
17 rendering in that person's mind the inability or
18 incapability of cool reflection and producing what
19 according to human experience may be described as an
20 uncontrollable impulse to do violence.

21 In determining whether an act resulting in the death
22 of another was impelled by heat of passion aroused by a
23 sufficient legal provocation or by malice aforethought, you
24 should take into consideration all of the surrounding
25 circumstances and conditions accompanying the event which

Jury charge

1 resulted in the killing.

2 Therefore, as I've stated, voluntary manslaughter is
3 an unlawful homicide committed in the absence of malice but
4 in a sudden heat of passion aroused by a sufficient legal
5 provocation, a sufficient legal provocation being the
6 existence of facts or circumstances as would naturally
7 affect the ability of an ordinary reasonable and prudent
8 person to properly reason rendering that person's mind
9 incapable of cool reflection -- or rendering the mind
10 capable of cool reflection and producing what, according to
11 human experience, may be described as an uncontrollable
12 impulse to do violence.

13 I'm also going to instruct you on the law as it
14 relates to the lesser included offense of involuntary
15 manslaughter.

16 Involuntary manslaughter is defined as the
17 unintentional killing of another person without malice
18 while engaged in a lawful activity with reckless disregard
19 for the safety of others. Involuntary manslaughter, again,
20 is the unintentional killing of another person without
21 malice while engaged in a lawful activity with reckless
22 disregard for the safety of others.

23 Within the meaning of that statute unintentional means
24 that the defendant was acting without malice and without an
25 intent to kill or seriously injure anyone but acted

Jury charge

1 recklessly in the handling of a dangerous instrumentality
2 which resulted in the death of another person.

3 The terms a reckless disregard for the safety of
4 others and acting recklessly refers to a state of mind in
5 which a person consciously acts, notwithstanding knowledge
6 that his conduct creates a risk to the safety of another
7 person.

8 Now, in this case it has been claimed by the defendant
9 that the death of Quanisha Deshawn Fernanders was the
10 result of accident.

11 The law provides that a homicide caused by the
12 discharge of a firearm or the use of a dangerous
13 instrumentality may be excusable on the ground of accident
14 if it is shown three essential elements.

15 First, that the death or injury occurring to the other
16 was unintentional; secondly, that the defendant was acting
17 lawfully at the time; and, thirdly, that the defendant
18 exercised reasonable care in the handling of the firearm or
19 dangerous instrumentality that caused death to another. If
20 any one of these essential elements has been disproven the
21 defense of accident does not exist.

22 In this case there has also been presented evidence
23 relating to what is known in the law as the defense of
24 self-defense. A defense to a criminal charge is a reason
25 based upon the law or the facts or both as to why the

Jury charge

1 person charged with a particular crime should not be found
2 guilty of that crime.

3 As it relates to the defense of self-defense, the law
4 recognizes the right of every person to defend himself or
5 herself from death or from sustaining serious bodily harm.
6 To do this a person may use such force as is reasonably
7 necessary even to the point of taking human life under the
8 appropriate circumstances.

9 The right of self-defense is founded upon necessity,
10 either actual or reasonably apparent necessity. And it is
11 a complete defense to a charge of an unlawful homicide if
12 shown to exist. The existence of self-defense entitles a
13 person charged with the commission of an unlawful homicide
14 to a verdict of not guilty.

15 Although the defendant has raised the issue of the
16 defense of self-defense, the burden of proof is not on a
17 defendant to prove the existence of such a defense because,
18 as I have previously instructed you, the burden is always
19 upon the state to prove the defendant's commission of the
20 crime alleged against him beyond a reasonable doubt. This
21 burden would therefore necessarily require that the state
22 prove beyond a reasonable doubt the absence of
23 self-defense.

24 In your consideration of the existence or absence of
25 self-defense you are instructed that there are four basic

Jury charge

1 elements which must be present in order for the defense of
2 self-defense to be established in a particular case, and
3 those elements are as follows:

4 First, it must be shown that the defendant was without
5 fault in bringing on the immediate difficulty which
6 necessitated the use of deadly force against another that
7 resulted in the death.

8 In other words, the defendant cannot provoke, initiate
9 or otherwise through his own fault bring about a difficulty
10 and then claim the right of self-defense in the use of
11 deadly force in repelling an attack caused by that
12 provocation.

13 Secondly, you are instructed that every person is
14 entitled to defend himself or herself against death or the
15 infliction of reasonably anticipated unlawful serious
16 bodily harm and in doing so may use such force as is
17 reasonably necessary even to the point of using deadly
18 force.

19 However, every assault or attack will not justify the
20 use of deadly force or extreme force in order to defend
21 against it.

22 Where deadly force is employed in response to an
23 assault or to an attack it must be shown that at the time
24 the deadly force was employed the defendant actually
25 believed that he was in imminent danger of losing his life

Jury charge

1 or sustaining serious bodily injury or that the defendant
2 actually was in such imminent danger of losing his life or
3 sustaining serious bodily injury. The term imminent danger
4 refers to an immediate or present danger and not to past or
5 future danger.

6 As to the third element you are instructed that if the
7 defense is based upon a belief of imminent danger of death
8 or serious bodily injury, then it must be shown not only
9 that the defendant had such a belief but that the
10 defendant's belief was reasonable. In other words, that a
11 reasonably prudent person of ordinary firmness and courage
12 would have entertained the same belief if acting under the
13 same or similar circumstances as established by the
14 evidence in this case.

15 If the defendant was in actual imminent danger, then
16 it must be shown that the circumstances were such as would
17 warrant a person of ordinary reason and courage to act as
18 the defendant acted in order to save himself from death or
19 suffering serious bodily injury.

20 Deadly force in repelling an assault is only
21 appropriate when necessary and may only be exercised when
22 the defendant is in actual imminent danger of losing his
23 life or suffering serious bodily injury or when the
24 defendant entertains a reasonable belief that he is about
25 to suffer death or serious bodily injury.

Jury charge

1 The law of self-defense encompasses preventative
2 action taken to protect one's self from sustaining bodily
3 injury provided such action is taken in anticipation of
4 immediate danger of bodily injury and such action is taken
5 in response to an immediate threat.

6 The defendant has a right to act upon appearances. He
7 may be mistaken. The law does not hold someone to a
8 refined assessment of the actual danger as might be
9 accomplished having adequate time to properly reflect,
10 provided however that the defendant has acted as a
11 reasonable person of ordinary courage and firmness would
12 have acted or should have acted in meeting the appearance
13 of the danger.

14 In other words, the defendant does not have to wait
15 until the aggressor gets an advantage, for one always has
16 the right to act under the law of self preservation and to
17 prevent an assailant from getting the advantage over him or
18 her.

19 There is however a requirement of objectivity. The
20 belief of the necessity to act must be reasonable. The
21 circumstances must be such that a reasonable and prudent
22 person of ordinary firmness and courage acting under the
23 same or similar circumstances as established by the
24 evidence in this case would have entertained the same
25 belief and would have been warranted in acting as the

Jury charge

1 defendant did.

2 In determining whether the defendant's belief in the
3 apparent danger and in the necessity of using deadly force
4 meets the objective standard you should consider a
5 reasonable person of ordinary firmness and courage but one
6 who shares some of the same physical characteristics of the
7 defendant such as age, size, sex and physical condition in
8 contrast to those characteristics of the person alleged to
9 have been the aggressor.

10 with regard to the fourth element establishing
11 self-defense, it must be shown that the defendant had no
12 other means of avoiding the danger of losing his life or
13 sustaining serious bodily injury other than to act as he
14 did in the particular circumstances, because, as I've
15 stated, the use of deadly force is -- in defending one's
16 self against an attack is only founded upon necessity.

17 It is therefore a person's duty to avoid the use of
18 deadly force and the taking of human life where it is
19 possible to avoid such action if such can be taken without
20 increasing the danger to one's self.

21 while a person ordinarily does have a duty to retreat
22 before employing the use of deadly force when on a public
23 street or otherwise in a public place, a person who is not
24 engaged in an unlawful activity and who is attacked in his
25 own home has no duty to retreat and has the right to stand

Jury charge

1 his ground and to meet force with force, including deadly
2 force, if he reasonably believes it is necessary to prevent
3 death or great bodily injury to himself.

4 The defense of self-defense does not exist if any one
5 of the required four elements is absent or has been
6 disproven.

7 As I have previously stated, where there has been
8 evidence presented relating to a defense such as accident
9 or self-defense, the state has the burden of disproving a
10 defense in order to prove the defendant guilty of an
11 unlawful homicide.

12 This does not however require that the state disprove
13 each of the elements in order to disprove the existence of
14 a defense. The state will have met its burden of
15 disproving the existence of a defense if the state
16 disproves beyond a reasonable doubt any one of the required
17 elements necessary to the existence of that defense.

18 If you have a reasonable doubt as to the defendant's
19 guilt after considering all of the evidence received during
20 the trial of this case, including any evidence relating to
21 the issues of self-defense or accident, then it would be
22 your duty to resolve that reasonable doubt in favor of the
23 defendant and to find him not guilty.

24 If, on the other hand, you have no reasonable doubt as
25 to the defendant's guilt after considering all of the

Jury charge

1 evidence, including any evidence relating to the issues of
2 self-defense and/or accident, then it would your duty to
3 find the defendant guilty of any unlawful homicide that has
4 been proven to your satisfaction beyond a reasonable doubt
5 based upon my instruction already provided as to the
6 elements of that particular offense.

7 Count two of the indictment alleges possession of a
8 firearm during the commission of a violent crime, and that
9 particular law is contained in Section 16-23-490(A) of the
10 Code of Laws, and it provides that a person shall be guilty
11 of an additional criminal offense if a person is in
12 possession of a firearm or visibly displays what appears to
13 be a firearm during the commission of a violent crime and
14 is convicted of committing that violent crime as defined in
15 Section 16-1-60.

16 16-1-60 is the statute that lists those crimes that
17 are classified as violent under the law, and that
18 particular section of law provides that the crimes of
19 murder and voluntary manslaughter are violent crimes
20 under state law.

21 So before the defendant could be found guilty of a
22 violation of this particular provision of law it would be
23 necessary that you have found the defendant to be guilty of
24 the crime of murder or the crime of voluntary manslaughter
25 in the indictment and you find beyond a reasonable doubt

Jury charge

1 that the defendant did possess and/or display a firearm
2 during the commission of that violent crime.

3 Now, Madam Forelady and ladies and gentlemen of the
4 jury, I am not in any concerned with what your decisions
5 are, but, as I have stated on more than one occasion, the
6 verdict you render must be unanimous. All 12 must be in
7 agreement before any decision may be rendered and returned
8 to court.

9 So, Madam Forelady, you're going to be tasked with the
10 responsibility of presiding over jury deliberations simply
11 to ensure that they are carried out in some orderly
12 fashion, but all jurors are expected to participate in
13 those deliberations, because, as I've said, any verdict
14 rendered by the jury has to be unanimous. All of you have
15 to be in agreement or there is no verdict.

16 Now, Madam Forelady, you're going to have in addition
17 to all of the exhibits which have been introduced during
18 the trial, you're going to have two documents that I'm
19 going to provide you.

20 One is the indictment, and that indictment of course
21 alleges the crimes of murder and possession of a firearm
22 during the commission of that violent crime.

23 As you also know based upon my instruction, you're
24 going to be permitted to consider two lesser included
25 offenses of the crime of murder, and those are voluntary

Jury charge

1 manslaughter and involuntary manslaughter. Of course those
2 aren't in the indictment. But I have another document
3 which I'm going to provide for you, and this document is
4 entitled verdict forms, and it's simply to provide you
5 guidance as to the various potential verdict forms that you
6 may consider and that you can return.

7 The verdict-form document simply sets forth count one,
8 which is murder, and you have four potential verdict forms.
9 One is guilty, meaning guilty of murder, or guilty of
10 involuntary -- excuse me -- guilty of voluntary
11 manslaughter, or guilty of involuntary manslaughter, or not
12 guilty. That's with regard to count one.

13 Then there's also a provision for count two, and those
14 two verdict forms are guilty and not guilty.

15 I only have one indictment, and I'm going to ask you
16 to indicate the jury's verdicts on the back of that
17 indictment. So don't mess it up because I don't have
18 another one.

19 I'm providing you with this verdict-form document
20 which I can print as many as you need it. So this is for
21 your guidance, and you're to indicate on it what your
22 verdict is.

23 If you mess it up for some reason, you keep this copy
24 and tell the bailiff you need another copy of this
25 document, and we'll provide you with one. But you'll be

Jury charge

1 indicating the jury's unanimous decision on this document
2 that I prepared. And once you've done that, so you're
3 certain as to what the verdict is, you'll then write that
4 verdict on the indictment itself on the back. I've written
5 in underneath the word verdict, count one, count two. So
6 you will indicate whatever the decision the jury's reached.
7 You would write that in on the back of the indictment.

8 You'll also be signing your name as the foreperson,
9 and place the appropriate date. You're the only juror that
10 needs to sign the verdict form.

11 Now, during deliberations there may come a time where
12 you have a question about evidence or the facts of the
13 case.

14 Understand that I'm never allowed to comment upon the
15 evidence or to comment upon the facts of the matter.
16 That's something that the jury has to decide based upon
17 your review of the testimony and the evidence received
18 during the trial.

19 Please understand however that the case is closed so
20 far as evidence is concerned. No additional evidence can
21 be received.

22 If you go back and you start your deliberations and
23 discussions and you think of something else that you think
24 might help you, if it hasn't been introduced during the
25 trial it cannot be introduced now. So no additional

Jury charge

1 document, photograph, chart, exhibit, physical exhibit,
2 whatever, nothing else can be introduced now that the case
3 is closed.

4 So if you think of something and you wonder if it
5 exists, don't ask me about it because I couldn't give it to
6 you if it did exist because no additional evidence can be
7 received.

8 We will be verifying all of the exhibits which have
9 been introduced during the trial, and hopefully we'll get
10 that right and they'll all be accounted for.

11 So when the exhibits come back if, during
12 deliberations, you think there was something introduced
13 during the trial but you don't have it, you let me know
14 about that because then we'll look to verify whether or not
15 an exhibit is missing or not. But I just can't have
16 additional exhibits introduced.

17 If at any time you ever have a question about the law
18 that's applicable, I am permitted to answer those
19 questions. And so if you need a complete re-instruction, I
20 can provide you with that. If you simply need an
21 explanation or a clarification of some point of law that I
22 provided, I can provide you with that explanation or
23 clarification.

24 If at any time you have a question about witness'
25 testimony, I don't have transcripts of the testimony, but

Jury charge

1 if you a question about the evidence in the case or
2 testimony and you think that question can be answered by
3 having the testimony of that witness reheard, we can bring
4 you back into the courtroom to have a witness' testimony
5 replayed in whole or in part if that will help you resolve
6 that question.

7 So, Madam Forelady, if at any time during jury
8 deliberations you have a question that you need to address
9 to me or you have a request for hearing testimony again or
10 whatever you need to address to me, write it on a piece of
11 paper, give it to the bailiff. He or she will provide it
12 to me, and I'll respond accordingly.

13 If we have any smokers on the jury, you can't smoke in
14 the courthouse. But if you want to smoke let the bailiff
15 know, and they'll take you outside in order to accomplish
16 that purpose. But please understand that deliberations may
17 not be engaged in unless all 12 jurors are present in the
18 jury room so that all may participate in those
19 deliberations.

20 Now, I don't have any way of knowing, nor do you, how
21 long your deliberations will take. And so I tell you that
22 if you get to a point during deliberations that you want to
23 order lunch, we will provide lunch for you. It usually
24 takes about an hour and ten minutes or an hour and 15
25 minutes or so to have it ordered, prepared and brought to

Jury charge

1 the jury room for your benefit.

2 So as you go back and begin deliberations, just keep
3 that timeframe in mind. If you get to a point where the
4 jury wishes to order lunch, let the bailiff know of that
5 fact, and the clerk will come to the jury room to take your
6 lunch orders.

7 I think that covers everything. At least I hope it
8 does. If it doesn't I'm sure one of these lawyers will
9 remind me that I have neglected to provide you with some
10 information that I should have. And if I feel that's
11 valid, I'll bring you back to provide you with that
12 additional information.

13 If I don't need to bring you back for any reason, I'll
14 simply send word by way of the bailiff that you may begin
15 with your deliberations, and in that event he'll bring to
16 the -- or she -- bring to the jury room all of the
17 exhibits.

18 And to you, Madam Forelady, the bailiff will also
19 bring these two documents which serve as the verdict form.

20 I don't know if I said this or not, but once you
21 decide the case, you reflected the jury's unanimous
22 decision on the verdict forms, knock on the door. Tell the
23 bailiff you've reached a unanimous decision.

24 Madam Forelady, you will maintain possession of the
25 verdict forms. Don't give those to the bailiff. Once

1 you've concluded, the bailiff can be given the evidence,
2 but you will hold on to these verdict forms and I'll
3 receive those from you after you and your jurors come back
4 for us to receive the verdicts.

5 So right now I'll ask the 12 original jurors to please
6 retire to your jury room. But do not begin deliberations
7 until I send you word to do so.

8 Ms. Thompson and Mr. Humphries, y'all just stay here
9 with me.

10 (Whereupon, the jury retired to deliberate at
11 11:35 a.m.)

12 THE COURT: Ms. Thompson and Mr. Humphries, as you
13 know, you are alternate jurors. The original 12 are
14 apparently able to deliberate, so that's going to conclude
15 your service for the trial of this case.

16 It's also going to conclude your service for the week.
17 So I do want to thank you for your willingness to serve as
18 jurors this week and of course for your actual service in
19 the trial of the case.

20 I hope that experience has been an educational and a
21 beneficial experience for you, and I do sincerely hope that
22 it has not posed too much of a hardship or an inconvenience
23 on either of you.

24 You will be paid for your service. You'll be
25 receiving a pay voucher in the mail at the address that

1 before they go back, please.

2 MR. MACDONALD: Judge, may I briefly just step out?

3 THE COURT: Yes, sir.

4 (Pause.)

5 THE COURT: All right. Have all of the exhibits been
6 accounted for?

7 MR. BARNETTE: Yes, sir.

8 MR. MACDONALD: Yes, sir.

9 THE COURT: Take them back. Tell the jury to begin
10 their deliberations and notify us when they've concluded.
11 We'll be at ease while the jury is deliberating.

12 (Whereupon, a recess was taken.)

13 THE COURT: All right. I understand the jury wishes
14 to rehear some testimony. So we'll bring them back for
15 that purpose.

16 (Whereupon, the jury returned to the courtroom at
17 1:37 p.m.)

18 THE COURT: Ladies and gentlemen, I understand you
19 have requested to rehear the testimony provided by, you
20 say, the first officer to respond. And we believe that to
21 have been Kegan Kelley. So we're going to replay Kegan
22 Kelley's testimony. And if that's not the one you want to
23 hear, you'll have to let me know.

24 (Whereupon, the testimony of Kegan Kelley was replayed
25 for the jury.)

Verdict

1 THE COURT: All right. That's it. Please return to
2 your jury room and continue with your deliberations.

3 (Whereupon, the jury retired to deliberate at
4 1:52 p.m.)

5 THE COURT: We will continue to be at ease while the
6 jury is deliberating.

7 (Question from the jury marked Court's Exhibit No. 1.)
8 (Whereupon, a recess was taken.)

9 THE COURT: Understandably, the jury has sent out a
10 request asking for a copy of certain portions of the
11 instruction that I provided them. They want the
12 definitions and requirements establishing murder and
13 malice, voluntary manslaughter, involuntary manslaughter,
14 self-defense.

15 So as a result of that request I have prepared those
16 portions of my instruction previously given and reduced it
17 to a written form to be submitted to the jury for their
18 benefit.

19 Prior to that submission of that instruction that they
20 have requested, has been provided to counsel. They have
21 reviewed it, and I understand that they're both in
22 agreement with the contents of it and to have it submitted
23 in written form to the jury for their use in the
24 deliberation room.

25 Is that a fair statement?

Verdict

1 MR. BARNETTE: Yes, Your Honor.

2 MR. MACDONALD: That's correct, Judge.

3 THE COURT: Okay. Thank you.

4 (Whereupon, written portions provided to the jury at
5 2:54 p.m.)

6 (Question from the jury and copy of definitions marked
7 Court's Exhibit No. 2.)

8 (Whereupon, a recess was taken.)

9 THE COURT: I'm told the jury has reached a decision.
10 Are we ready to receive the verdict?

11 MR. BARNETTE: The state's ready, Your Honor.

12 MR. MACDONALD: Yes, Your Honor.

13 THE COURT: Bring them in, please.

14 (Whereupon, the jury returned to the courtroom at
15 4:08 p.m. to report its verdict.)

16 THE COURT: Madam Forelady, have you and your fellow
17 jurors reached a unanimous decision?

18 THE FOREPERSON: Yes, we have, Your Honor.

19 THE COURT: Have you reflected that decision on the
20 verdict forms as requested?

21 THE FOREPERSON: Yes.

22 THE COURT: You signed your name as the foreperson?

23 THE FOREPERSON: Yes, sir.

24 THE COURT: And did you date it?

25 THE FOREPERSON: Yes.

Verdict

1 THE COURT: If you will, please hand those verdict
2 forms up by way of the bailiff.

3 You may publish the verdicts.

4 THE CLERK: Indictment No. 2019-GS-42-4871, in the
5 County of Spartanburg and the State of South Carolina,
6 Charvix Lavoy Wright, count one, murder, guilty of
7 voluntary manslaughter; count two, possession of a firearm
8 during the commission of a violent crime, guilty.

9 Signed by the foreperson, December the 15th of 2021.

10 Ladies and gentlemen of the jury, is this your verdict
11 and still your verdict? If so, please raise your right
12 hand.

13 (Whereupon, all jurors responded in the affirmative.)

14 THE COURT: All jurors have responded in the
15 affirmative.

16 Does the defendant wish to have the jury polled?

17 MR. MACDONALD: Yes, Your Honor.

18 THE COURT: All right. Poll the jury. Poll the jury,
19 please, ma'am.

20 THE CLERK: Ladies and gentlemen of the jury, at this
21 time I'll pose a question, my question being is this your
22 verdict and still your verdict. When your juror number and
23 name -- juror number and name is called, please stand and
24 respond to the question.

25 Juror No. 102, Kimberly Knuckles. Is this your

Sentence

1 would.

2 And I'm sorry, Ms. Wyoming. I'm sorry. I didn't
3 start it. God knows that. But I'm going to be a man and
4 do this time because that's what the jury decided.

5 You know the type of person I am. You know I never
6 put a hand on Queenie, never told her where she can go and
7 can't go. You know that, Ms. Wyoming. But the jury seen
8 it another way, and I am fixing to be taken away from my
9 children. I know your child gone, and I'm sorry, but this
10 was a tragic accident that wouldn't have happened. I'm
11 sorry.

12 Thank you, Judge.

13 THE COURT: Okay. All right. On Indictment
14 2019-04871, an indictment for murder and possession of a
15 firearm during the commission of that violent crime,
16 wherein you have been found guilty by the jury of the crime
17 of voluntary manslaughter in count one and possession of a
18 firearm during the commission of that violent crime in
19 count two, as to count one the Sentence of the Court is
20 you, Charvix Lavoy Wright, be confined to the South
21 Carolina Department of Corrections for a period of 30
22 years. Count two, possession of a weapon during the
23 commission of a violent crime, five years to run concurrent
24 with count one.

25 Indictment 2021-06348, unlawful possession of a

1 handgun after having been convicted of the crime of
2 domestic violence, wherein you had pled guilty to that
3 offense, Sentence of the Court is you, Charvix Lavoy
4 Wright, be confined to the South Carolina Department of
5 Corrections for a period of three years. That sentence is
6 consecutive to that sentence imposed on Indictment
7 2019-04871.

8 Mr. Wright, you have a right to appeal the verdicts of
9 the jury and the Sentence of the Court. You must file any
10 notice of your intent to appeal those decisions within ten
11 days of today's date. Mr. MacDonald will provide you
12 advice on that.

13 MR. BARNETTE: Thank you, Your Honor.

14 MR. MACDONALD: Thank you, Judge.

15 END OF REQUESTED TRANSCRIPT OF RECORD
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25

The Jury would like to hear the testimony of
the first officer to respond to the 911 call.

Thankyou

Ruth Stander

12/15/2021

Court's Exhibit
#1 LM

The Jury would appreciate a copy of
the definition and requirements for:

- Murder + Malice
- Voluntary Manslaughter
- Involuntary Manslaughter
- Self defense.

Ruth Stanton

12/15/2021

Court's Exhibit
#2 LM

MURDER

MURDER IS DEFINED IN SECTION 16-3-10 OF THE SOUTH CAROLINA
CODE OF LAWS AS:

"THE KILLING OF ANY PERSON WITH MALICE
AFORETHOUGHT, EITHER EXPRESSED OR IMPLIED.

IN ORDER FOR YOU TO FIND THE DEFENDANT GUILTY OF THE CRIME
OF MURDER IT WOULD BE NECESSARY THAT THE EVIDENCE IN THIS CASE
HAS ESTABLISHED, TO YOUR SATISFACTION BEYOND A REASONABLE DOUBT,
THAT THE DEFENDANT DID COMMIT SOME ACT OR ACTS WHICH PROXIMATELY
CAUSED THE DEATH OF THE DECEDENT, [QUANISHA DESHAWN FERNANDERS],
AND THAT THE KILLING WAS DONE WITH MALICE AFORETHOUGHT. "MALICE
AFORETHOUGHT" IS AN ESSENTIAL ELEMENT OF THE CRIME OF MURDER.

MALICE

"MALICE", AS ESSENTIAL ELEMENT OF THE CRIME OF MURDER, IS A
STATE OF MIND CONNOTING AN ILL WILL AND HAVING THE "INTENT" TO
DO HARM.

"INTENT" MEANS THE STATE OF A PERSONS MIND WHICH DIRECTS
HIS ACTIONS TOWARDS A SPECIFIC OBJECT OR GOAL. "INTENT" WOULD
INCLUDE THOSE CONSEQUENCES WHICH REPRESENT THE VERY PURPOSE FOR
WHICH AN ACT IS DONE AS WELL AS THOSE CONSEQUENCES WHICH ARE
KNOWN TO BE SUBSTANTIALLY CERTAIN TO RESULT, WHETHER ACTUALLY
INTENDED OR NOT.

"MALICE" IS A TECHNICAL TERM IMPORTING WICKEDNESS AND EXCLUDING JUST CAUSE OR LEGAL EXCUSE. IT IS SOMETHING WHICH SPRINGS FROM DEPRAVITY, FROM A HEART DEVOID OF SOCIAL DUTY, AND FATALLY BENT ON MISCHIEF. IT IS A STATE OF MIND INDICATING AN EXTREME DISREGARD FOR OR AN EXTREME INDIFFERENCE TO HUMAN LIFE.

"MALICE" MAY BE LIKEWISE DEFINED AS A STATE OF MIND WHICH INDICATES A FORMED PURPOSE AND DESIGN TO DO A WRONGFUL ACT UNDER CIRCUMSTANCES THAT EXCLUDE ANY LEGAL RIGHT TO DO IT.

THE WORDS "EXPRESSED" OR "IMPLIED" MALICE DO NOT MEAN DIFFERENT KINDS OF MALICE; BUT MERELY THE MANNER IN WHICH "MALICE" MAY BE SHOWN TO HAVE EXISTED, THAT IS TO SAY, EITHER BY DIRECT EVIDENCE OR BY CIRCUMSTANTIAL EVIDENCE, IMPLYING OR INFERRING THE EXISTENCE OF MALICE.

EXPRESSED MALICE

MALICE MAY BE "EXPRESSED" AS WHERE THERE IS AN EXPRESSED THREAT TO KILL, OR A LYING IN WAIT, OR WHERE THE CIRCUMSTANCES SHOW DIRECTLY THAT THE INTENT TO KILL WAS ENTERTAINED BY THE KILLER.

INFERRED MALICE

MALICE MAY BE "INFERRED", THOUGH NO EXPRESSED INTENT TO KILL IS PROVEN BY DIRECT EVIDENCE, WHERE THE FACTS AND CIRCUMSTANCES, WHICH HAVE BEEN PROVEN BY THE EVIDENCE IN THE CASE, SATISFY YOU BEYOND A REASONABLE DOUBT THAT "MALICE" WAS PRESENT IN THE MIND OF THE KILLER AT THE TIME ANY HOMICIDE TOOK

PLACE. THE EXISTENCE OF MALICE MAY BE INFERRED FROM ACTS, DECLARATIONS, AND CONDUCT OF THE KILLER AS WELL AS FROM ANY OTHER CIRCUMSTANCES SHOWN TO HAVE EXISTED AT THE TIME OF THE EVENT FROM YOU MIGHT REASONABLE INFER THE EXISTENCE OF MALICE, AS OFTEN, THE STATE OF A PERSON'S MIND CAN ONLY BE PROVEN BY CIRCUMSTANTIAL EVIDENCE.

MALICE AS AN ESSENTIAL ELEMENT OF THE CRIME OF MURDER DOES NOT BY NECESSITY REQUIRE PROOF OF AN ILL-WILL OR HATRED TOWARD THE PARTICULAR INDIVIDUAL WHO IS KILLED, NOR DOES IT NECESSARILY REQUIRE PROOF OF AN ACTUAL OR SPECIFIC INTENT TO TAKE HUMAN LIFE, BUT RATHER IT MEANS A STATE OF MIND ACCOMPANYING CONDUCT SIGNIFYING A GENERAL MALIGNANT RECKLESSNESS AND AN EXTREME DISREGARD FOR OR AN EXTREME INDIFFERENCE TO HUMAN LIFE.

MALICE AFORETHOUGHT

IT IS ALSO ESSENTIAL THAT THERE EXIST NOT ONLY "MALICE" BUT "MALICE AFORETHOUGHT".

THE LAW DOES NOT REQUIRE THAT MALICE MUST EXIST FOR ANY APPRECIABLE LENGTH OF TIME BEFORE THE COMMISSION OF AN ACT PROXIMATELY CAUSING THE FATAL RESULT, IN DEED, IT MAY BE CONCEIVED AT THE VERY MOMENT THAT THE FATAL ACT IS COMMITTED. IT IS SUFFICIENT IN THE LAW, SO LONG AS THE STATE PROVES BEYOND A REASONABLE DOUBT, BOTH THE EXISTENCE OF MALICE AND THE COMMISSION OF AN ACT OR ACTS BY THE DEFENDANT, WHICH PROXIMATELY CAUSED THE FATAL RESULT.

YOU MUST DETERMINE WHETHER OR NOT "MALICE AFORETHOUGHT" EXISTED BASED UPON YOUR CONSIDERATION OF ALL THE EVIDENCE INTRODUCED IN THE TRIAL OF THE CASE AND ANY REASONABLE INFERENCES WHICH MAY BE DRAWN THEREFROM.

VOLUNTARY MANSLAUGHTER

"VOLUNTARY MANSLAUGHTER" IS A CRIME DEFINED IN THE LAW AS THE UNLAWFUL KILLING OF ANOTHER HUMAN BEING WHICH IS COMMITTED IN A SUDDEN HEAT OF PASSION PROVOKED BY A SUFFICIENT LEGAL PROVOCATION.

THE LAW RECOGNIZES THAT SUDDEN HEAT OF PASSION ARISING OUT OF EXASPERATION, RAGE, ANGER, SUDDEN RESENTMENT, FEAR, OR TERROR MAY FOR THE TIME BEING AFFECT THE SELF-CONTROL OF AN INDIVIDUAL, TEMPORARILY DISTURBING THE ABILITY TO PROPERLY REASON - CREATING AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE - AND THEREFORE REDUCES THE CRIME FROM THAT OF MURDER TO THAT OF VOLUNTARY MANSLAUGHTER PROVIDED THAT THE SUDDEN HEAT OF PASSION AROSE FROM A SUFFICIENT LEGAL PROVOCATION.

THE LAW DOES NOT REDUCE FROM MURDER TO VOLUNTARY MANSLAUGHTER EVERY HOMICIDE THAT IS COMMITTED IN THE HEAT OF PASSION; IT MUST BE THE HEAT OF PASSION JUSTLY EXCITED BY A SUFFICIENT LEGAL PROVOCATION. IF A SUFFICIENT LEGAL PROVOCATION DOES NOT EXIST, THEN THE KILLING, EVEN COMMITTED IN THE HEAT OF PASSION, IS MURDER AND NOT VOLUNTARY MANSLAUGHTER.

THE SUDDEN HEAT OF PASSION AROUSED BY A SUFFICIENT LEGAL PROVOCATION, WHICH MAY REDUCE A HOMICIDE FROM THAT OF MURDER TO THAT OF MANSLAUGHTER, NEED NOT DETHRONE REASON ENTIRELY OR SHUT OUT KNOWLEDGE AND VOLITION, BUT IT MUST BE SUCH HEAT OF PASSION PROVOKED BY SUCH ACTS OR CIRCUMSTANCES AS WOULD NATURALLY DISTURB THE ABILITY OF AN ORDINARY REASONABLE AND PRUDENT PERSON TO PROPERLY REASON, RENDERING HIS/HER MIND INCAPABLE OF COOL REFLECTION AND PRODUCING, WHAT ACCORDING TO HUMAN EXPERIENCE, MAY BE DESCRIBED AS AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE.

IN DETERMINING WHETHER AN ACT RESULTING IN THE DEATH OF ANOTHER WAS IMPELLED BY HEAT OF PASSION AROUSED BY A SUFFICIENT LEGAL PROVOCATION OR BY MALICE AFORETHOUGHT, YOU SHOULD TAKE INTO CONSIDERATION ALL OF THE SURROUNDING CIRCUMSTANCES AND CONDITIONS ACCOMPANYING THE EVENT.

THEREFORE AS STATED, "VOLUNTARY MANSLAUGHTER" IS AN UNLAWFUL HOMICIDE COMMITTED IN THE ABSENCE OF MALICE BUT IN A SUDDEN HEAT OF PASSION AROUSED BY A SUFFICIENT LEGAL PROVOCATION.

A SUFFICIENT LEGAL PROVOCATION BEING THE EXISTENCE OF FACTS OR CIRCUMSTANCES AS WOULD NATURALLY AFFECT THE ABILITY OF AN ORDINARY REASONABLE AND PRUDENT PERSON TO PROPERLY REASON, RENDERING THE MIND INCAPABLE OF COOL REFLECTION, AND PRODUCING WHAT ACCORDING TO HUMAN EXPERIENCE MAY BE DESCRIBED AS AN UNCONTROLLABLE IMPULSE TO DO VIOLENCE.

INVOLUNTARY MANSLAUGHTER

"INVOLUNTARY MANSLAUGHTER" IS DEFINED AS THE UNINTENTIONAL KILLING OF ANOTHER PERSON WITHOUT MALICE, WHILE ENGAGED IN A LAWFUL ACTIVITY WITH RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.

"UNINTENTIONAL" MEANS THAT THE DEFENDANT WAS ACTING WITHOUT MALICE AND WITHOUT AN INTENT TO KILL OR SERIOUSLY INJURE ANYONE, BUT, ACTED RECKLESSLY IN THE HANDLING OF A DANGEROUS INSTRUMENTALITY WHICH RESULTED IN THE DEATH OF ANOTHER PERSON.

THE TERMS "A RECKLESS DISREGARD FOR THE SAFETY OF OTHERS" AND ACTING "RECKLESSLY" REFERS TO A STATE OF MIND IN WHICH A PERSON CONSCIOUSLY ACTS NOTWITHSTANDING KNOWLEDGE THAT HIS CONDUCT CREATES A RISK TO THE SAFETY OF ANOTHER PERSON.

SELF-DEFENSE

IN THIS CASE THERE HAS BEEN PRESENTED EVIDENCE RELATING TO WHAT IS KNOWN IN THE LAW AS THE DEFENSE OF SELF-DEFENSE.

A DEFENSE TO A CRIMINAL CHARGE IS A REASON BASED UPON THE LAW OR THE FACTS OR BOTH AS TO WHY THE PERSON CHARGED WITH THAT CRIME SHOULD NOT BE FOUND GUILTY.

AS IT RELATES TO THE DEFENSE OF "SELF-DEFENSE", THE LAW RECOGNIZES THE RIGHT OF EVERY PERSON TO DEFEND HIMSELF/HERSELF

FROM DEATH OR FROM SUSTAINING SERIOUS BODILY HARM. TO DO THIS A PERSON MAY USE SUCH FORCE AS IS REASONABLY NECESSARY, EVEN TO THE POINT OF TAKING HUMAN LIFE, UNDER THE APPROPRIATE CIRCUMSTANCES.

THE RIGHT OF SELF-DEFENSE IS FOUNDED UPON NECESSITY, EITHER ACTUAL OR REASONABLY APPARENT NECESSITY, AND IT IS A COMPLETE DEFENSE TO A CHARGE OF AN UNLAWFUL HOMICIDE. THE EXISTENCE OF SELF-DEFENSE ENTITLES A PERSON CHARGED WITH THE COMMISSION OF AN UNLAWFUL HOMICIDE TO A VERDICT OF NOT GUILTY.

IN YOUR CONSIDERATION OF THE EXISTENCE OR ABSENCE OF SELF-DEFENSE YOU ARE INSTRUCTED THAT THERE ARE FOUR BASIC ELEMENTS WHICH MUST BE PRESENT IN ORDER FOR THE OF SELF-DEFENSE TO BE ESTABLISHED IN A PARTICULAR CASE.

State v. Davis, 282

SC 45 (1984)

ELEMENTS

AS TO THE FIRST ELEMENT, IT MUST BE SHOWN THAT THE DEFENDANT WAS WITHOUT FAULT IN BRINGING ON THE IMMEDIATE DIFFICULTY WHICH NECESSITATED THE USE OF DEADLY FORCE AGAINST ANOTHER THAT RESULTED IN THE DEATH. THE DEFENDANT CAN NOT PROVOKE, INITIATE, OR OTHERWISE THROUGH HIS/HER OWN FAULT, BRING ABOUT A DIFFICULTY AND THEN CLAIM THE RIGHT OF SELF-DEFENSE IN THE USE OF DEADLY FORCE IN REPELLING AN ATTACK CAUSED BY THAT PROVOCATION. State v. Bryant, 336 SC 340 (1999)

AS TO THE SECOND ELEMENT, YOU ARE INSTRUCTED THAT EVERY PERSON IS ENTITLED TO DEFEND ONESELF AGAINST DEATH OR THE INFLICTION OF REASONABLY ANTICIPATED UNLAWFUL SERIOUS BODILY HARM AND IN DOING SO MAY USE SUCH FORCE AS IS REASONABLY NECESSARY EVEN TO THE POINT OF USING DEADLY FORCE, HOWEVER, EVERY ASSAULT OR ATTACK WILL NOT JUSTIFY THE USE OF DEADLY FORCE OR EXTREME FORCE IN ORDER TO DEFEND AGAINST IT.

WHERE DEADLY FORCE IS EMPLOYED IN RESPONSE TO AN ASSAULT OR ATTACK IT MUST BE SHOWN THAT AT THE TIME THE DEADLY FORCE WAS EMPLOYED THE DEFENDANT ACTUALLY BELIEVED THAT (S)HE WAS IN IMMINENT DANGER OF LOSING HIS/HER OWN LIFE OR SUSTAINING SERIOUS BODILY INJURY, OR THAT THE DEFENDANT ACTUALLY WAS IN SUCH IMMINENT DANGER OF LOSING HER LIFE OR SUSTAINING SERIOUS BODILY HARM. THE TERM "IMMINENT DANGER" MEANS AN IMMEDIATE OR PRESENT DANGER AND NOT A PAST OR FUTURE DANGER.

AS TO THE THIRD ELEMENT, YOU ARE INSTRUCTED THAT IF THE DEFENSE IS BASED UPON A "BELIEF" OF IMMINENT DANGER OF DEATH OR SERIOUS BODILY HARM, THEN IT MUST BE SHOWN NOT ONLY THAT THE DEFENDANT HAD SUCH A BELIEF BUT THAT THE DEFENDANT'S BELIEF WAS REASONABLE. IN OTHER WORDS, THAT A REASONABLY PRUDENT PERSON OF ORDINARY FIRMNESS AND COURAGE WOULD HAVE ENTERTAINED THE SAME BELIEF IF ACTING UNDER THE SAME OR SIMILAR CIRCUMSTANCES AS ESTABLISHED BY THE EVIDENCE IN THE CASE.

IF THE DEFENDANT WAS IN ACTUAL IMMINENT DANGER THEN IT MUST BE SHOWN THAT THE CIRCUMSTANCES WERE SUCH AS WOULD WARRANT A PERSON OF ORDINARY REASON AND COURAGE TO ACT AS THE DEFENDANT ACTED IN ORDER TO SAVE HIMSELF/HERSELF FROM DEATH OR SUFFERING SERIOUS BODILY INJURY.

DEADLY FORCE IN REPELLING AN ASSAULT IS ONLY APPROPRIATE WHEN NECESSARY AND MAY ONLY BE EXERCISED WHERE THE DEFENDANT IS IN ACTUAL IMMINENT DANGER OF LOSING HIS/HER LIFE OR SUFFERING SERIOUS BODILY INJURY OR WHEN THE DEFENDANT ENTERTAINS A REASONABLE BELIEF THAT (S)HE IS ABOUT TO SUFFER DEATH OR SUSTAIN SERIOUS BODILY HARM.

THE LAW OF SELF-DEFENSE ENCOMPASSES PREVENTATIVE ACTION TAKEN TO PROTECT ONESELF FROM SUSTAINING BODILY INJURY, PROVIDED SUCH ACTION IS TAKEN IN ANTICIPATION OF IMMINENT DANGER OF BODILY INJURY, AND SUCH ACTION IS IN RESPONSE TO AN IMMEDIATE THREAT. THE DEFENDANT HAS THE RIGHT TO ACT ON APPEARANCES. (S)HE MAY BE MISTAKEN. THE LAW DOES NOT HOLD SOMEONE TO A REFINED ASSESSMENT OF THE ACTUAL DANGER, AS MIGHT BE ACCOMPLISHED HAVING AN ADEQUATE TIME TO PROPERLY REFLECT, PROVIDED HOWEVER, THAT (S)HE HAS ACTED AS A PERSON OF ORDINARY REASON, FIRMNESS, AND COURAGE WOULD HAVE ACTED OR SHOULD HAVE ACTED IN MEETING THE APPEARANCE OF THE DANGER. IN OTHER WORDS, (S)HE DOES NOT HAVE TO WAIT UNTIL HIS/HER AGGRESSOR GETS THE ADVANTAGE, FOR ONE ALWAYS HAS THE RIGHT TO ACT UNDER THE LAW OF

SELF PRESERVATION AND TO PREVENT HIS/HER ASSAILANT FROM GETTING THE ADVANTAGE OVER HIM/ HER.

THERE IS, HOWEVER, A REQUIREMENT OF OBJECTIVITY. THE BELIEF OF THE NECESSITY TO ACT MUST BE REASONABLE. THE CIRCUMSTANCES MUST BE SUCH THAT A REASONABLE AND PRUDENT PERSON OR ORDINARY FIRMNESS AND COURAGE ACTING UNDER SIMILAR CIRCUMSTANCES WOULD HAVE ENTERTAINED THE SAME BELIEF AND BEEN WARRANTED IN ACTING AS THE DEFENDANT DID IN THIS CASE.

IN DETERMINING WHETHER THE DEFENDANT'S BELIEF IN THE APPARENT DANGER AND IN THE NECESSITY OF USING DEADLY FORCE MEETS THE OBJECTIVE STANDARD, YOU SHOULD CONSIDER A REASONABLE PERSON OF ORDINARY FIRMNESS AND COURAGE, BUT ONE WHO SHARES SOME OF THE PHYSICAL CHARACTERISTICS OF THE DEFENDANT, SUCH AS AGE, SIZE, SEX, AND PHYSICAL CONDITION IN CONTRAST TO THOSE CHARACTERISTICS OF THE PERSON ALLEGED TO BE THE AGGRESSOR.

AS TO THE FOURTH ELEMENT, IT MUST BE SHOWN THAT THE DEFENDANT HAD NO OTHER MEANS OF AVOIDING THE DANGER OF LOSING HIS/HER LIFE OR SUSTAINING THE INFLECTION OF SERIOUS BODILY INJURY, OTHER THAN TO ACT AS (S)HE DID IN THE PARTICULAR CIRCUMSTANCES, BECAUSE AS I HAVE STATED THE USE OF DEADLY FORCE IN DEFENDING ONESELF AGAINST ATTACK IS FOUNDED UPON NECESSITY.

IT IS THEREFORE A PERSON'S DUTY TO AVOID THE USE OF DEADLY FORCE AND THE TAKING OF HUMAN LIFE WHERE IT IS POSSIBLE TO AVOID SUCH ACTION IF SUCH CAN BE TAKEN WITHOUT INCREASING THE DANGER

TO ONESELF. WHILE A PERSON ORDINARILY DOES HAVE A DUTY TO RETREAT BEFORE EMPLOYING THE USE OF DEADLY FORCE WHEN ON A PUBLIC STREET OR OTHERWISE IN A PUBLIC PLACE, A PERSON WHO IS NOT ENGAGED IN AN UNLAWFUL ACTIVITY AND WHO IS ATTACKED IN HIS OWN HOME HAS NO DUTY TO RETREAT AND HAS THE RIGHT TO STAND HIS GROUND AND MEET FORCE WITH FORCE, INCLUDING DEADLY FORCE, IF HE REASONABLY BELIEVES IT IS NECESSARY TO PREVENT DEATH OR GREAT BODILY INJURY TO HIMSELF." *S. C. CODE SECTION 16-11-440(C)*

THE DEFENSE OF SELF DEFENSE DOES NOT EXIST IF ANY ONE OF THE REQUIRED ELEMENTS IS ABSENT OR HAS BEEN DISPROVEN.

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS
2019-GS-4204871
2021-GS-4206348

State of South Carolina,)

2019 AUG 10 2032 78, 3279

-vs-)

MOTION TO DISMISS PURSUANT
TO SECTION 16-11-450, SOUTH
CAROLINA CODE OF LAWS

Charvix Lavoy Wright)
Defendant)

2021 DEC -6 PM 3:17

CLERK OF COURT
SPARTANBURG COUNTY

TO: BARRY BARNETT, SOLICITOR FOR THE SEVENTH JUDICIAL CIRCUIT:

YOU WILL PLEASE TAKE NOTICE that the Defendant, Charvix Lavoy Wright, by and through his undersigned counsel, will move for an order to dismiss the above-reference indictment and charge pursuant to Section 16-11-450, South Carolina Code of Laws (1976)(Suppl.), and *State v. Duncan*, 392 S.C. 404, 709 S.E.2d 662 (2011).

The Defendant's motion is based upon the following:

1. On or about August 3, 2019, the Defendant was arrested for the alleged murder of Quanisha Fernanders. This incident is alleged to have occurred at [REDACTED] Baltimore Street, Spartanburg, South Carolina at approximately 1:30 p.m.

2. The Defendant will present evidence that the Defendant and victim were alone in their home.

3. At or around 1:30 in the afternoon, the Victim, Quanisha Fernanders and the Defendant, Mr. Charvix Wright got into a verbal argument. During the middle of the argument, Mr. Charvix Wright took a bag of trash outside of the house and upon returning inside the house, Ms. Quanisha Fernanders approached him wielding a large knife in her hand.

4. The Defendant backed away from the victim with his hands up, telling the victim to "back up." Instead of leaving the area, Ms. Fernanders, lunged forward and attacked the Defendant. Prior to the victim lunging, the Defendant had pulled out a firearm from the nearby closet and shot the victim after she had lunged forward with the knife. As a result of the gun wound, Ms. Fernanders died.

5. The Defendant reserves the right to submit additional evidence in support of this motion.

The evidence establishes the following:

- A. The Defendant at all times during the incident was in a place where he had a right to be;
- B. The Defendant was in the process of leaving or attempting to leave the property before he was cornered by Ms. Fernanders.
- C. The Defendant knew or had reason to believe that an unlawful and forcible act was occurring;
- D. The Defendant was attacked by Ms. Fernanders; had no duty to retreat; had the right to stand his ground; had the right to meet force with force; and reasonably believed that his actions were necessary to prevent death or great bodily injury to himself as defined in Section 16-1-60, South Carolina Code of Laws (1976)(Suppl.).

Therefore, the Defendant requests an order finding that the Defendant was justified in using deadly force and is immune from criminal prosecution pursuant to Section 16-11-450(A), South Carolina Code of Laws.

Respectfully submitted,



Daniel James MacDonald IV
 Assistant Public Defender
 Seventh Judicial Circuit Public Defender's Office
 366 North Church Street, Suite 3000
 Spartanburg, South Carolina 29303
 (864) 596-2561

December 6, 2021
 Spartanburg, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF **SPARTANBURG**

The **STATE** of South Carolina,

Prosecutor,

-vs-

Charvix Lavoy **WRIGHT**,

Defendant.

IN THE COURT OF GENERAL SESSIONS

ORDER

Warrant/Indictment Number(s)

2019A4210203278 and 2019A4210203279
2021-GS-42-06348

This matter was before this Court on the defendant's motion to dismiss, by and through his attorney Assistant Public Defender **DANIEL J. MACDONALD, IV**, claiming immunity from prosecution pursuant to *S. C. Code Ann. Section 16-11-140, et. seq.* At the hearing held in this matter the State was represented by Seventh Judicial Circuit Solicitor **BARRY J. BARNETTE**.

The defendant is charged with the crime of Murder, Possession of a Weapon During the Commission of a Violent Crime, and Possession of a Firearm By A Person Convicted Of Domestic Violence. The State alleges that on August 3, 2019 he murdered Quanisha Deshawn Fernanders by shooting her in the face with a pistol at close range. The defendant asserts that he is immune from prosecution as to the Murder and Possession Of A Firearm During the Commission of a Violent Crime charges under the provisions of the "Protection of Persons and Property Act" as he acted lawfully in self-defense and therefore cannot be prosecuted. He seeks to have the indictment dismissed.

Applicable Law

"A person who uses deadly force as permitted by the provisions of this article or another applicable provision of law is justified in using deadly force and is immune from prosecution ... for the use of deadly force, ..." *S. C. Code Section 16-11-450 (A)* "A claim of immunity under the Act requires a pre-trial determination using a preponderance of the evidence standard ..." *State v. Duncan*, 392 SC 404 (2011)

"A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be ... has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself ..." *S. C. Code Section 16-11-420 (C)* "Consistent with ... the text of the Act, a valid case of self-defense must exist ... in determining a defendant's entitlement to the Act's immunity." "... [S]uch immunity is predicated on an accused demonstrating the elements of self-defense to the satisfaction of the trial court by a preponderance of the evidence." *State v. Curry*, 406 SC 364 (2013)

#1

In order to establish a case of self-defense, the defendant must demonstrate the following elements:

First, the defendant must be without fault in bringing on the difficulty.

Second, the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger.

Third, if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. If the defendant actually was in imminent danger, the circumstances were such as would warrant a man of ordinary prudence, firmness, and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life.

Fourth, the defendant had no other probable means of avoiding the danger of losing his life or sustaining serious bodily injury than to act as he did in the particular instance." State v. Curry, 406 S.C. at 371 n. 4 (quoting State v. Davis, 282 S.C. 45, 46 (1984) This element does not include the requirement that the defendant retreat before the employment of deadly force as this requirement is excluded under the Act.

Discussion and Analysis

The defendant testified that he and the victim had been arguing for some time immediately prior to event which led to her death. He also insinuated to her that he may be going out that evening to be with another woman. The defendant testified that he was attacked by the victim and threatened with death or serious bodily injury by her use of a kitchen knife. He retrieved a pistol from a closet with which to protect himself from harm and held it by his side. He claimed she "lunged" at him with the knife causing him to raise his hands and arms in defense. As he did so, and without any intent to shoot her, the pistol discharged striking the victim in her face below her eye causing her to immediately drop to the floor. Testimony and other evidence established that there was a significant amount of blood about her body and the floor. The defendant testified that while she was lying on the floor he hugged and kissed her fearing there was nothing he could do to save her from death. Evidence revealed that there was no blood found on the defendant. The kitchen knife was found upon the victim's body and according to investigators appeared to be positioned at an "odd" angle. The evidence further revealed that no blood appeared on the knife nor was any found on the knife after forensic testing by SLED.

Immunity under the Act is "predicated on an accused demonstrating the elements of self-defense to the satisfaction of the trial court ..." Curry In order to establish self-defense the accused must demonstrate an absence of aggression or fault on his part in bringing on the difficulty which necessitated the use of deadly force. State v. Grantham, 224 SC 41 (1953)

The defendant argues that his testimony is not undisputed and therefore should be accepted by the Court as the facts relevant to the determination as to whether he is entitled to immunity under the Act. He argues that the facts as established by his testimony prove that he was acting reasonably and in self-defense at the time he shot and killed Quanisha Deshawn Fernanders. The presumptions created by S. C. Code Section 16-11-440(A), (D), and (E) are not applicable to the circumstances of this event and therefore the elements necessary to establish self-defense must be proven by the evidence presented in the case and any reasonable inferences that might be drawn from therefrom.

"The fact that testimony is not contradicted directly does not render it undisputed". Black v. Hodge, 306 SC 196 (Ct. App. 1991) "There remains the question of the inherent probability of the testimony and the credibility of the witness or the interests of the witness in the result of the litigation. If there is anything tending to create distrust in his truthfulness, the question must be left to the jury." Terwilliger v. Marion, 222 SC 185 (1952)

Conclusion

The Court has had the opportunity to hear and observe the defendant as he testified and consider other evidence presented which was observed and collected at the scene. This Court is not persuaded by the defendant's version of events as it appears to be contradicted by the physical evidence observed and collected at the scene. It appears that the defendant's 'claim of self-defense presents a quintessential jury question, which, most assuredly, is not a situation warranting immunity from prosecution" as the defendant has failed to establish to this Court's satisfaction by a preponderance of the evidence each of the elements of self-defense which by necessity must be shown to exist before the defendant would be entitled to immunity pursuant to S. C. Code Section 16-11-440(C). The defendant's **MOTION to DISMISS** should be and **IS** therefore **DENIED**.

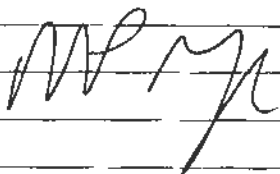
IT IS SO ORDERED!

DECEMBER 13, 2021


J. DERHAM COLE, RESIDENT JUDGE
 The SEVENTH JUDICIAL CIRCUIT COURT

WITNESSES

Spartanburg City Police Department



ARREST WARRANT NUMBER

 2019A4210203278
 2019A4210203279

ACTION OF GRAND JURY

True Bill
 Foreperson of Grand Jury
 Date

AUG 23 2019

VERDICT

 Count one: Guilty of voluntary
 manslaughter

Count two: Guilty

 Ruth Starston
 Foreperson of Petit Jury

Date 12/15/2021

DOCKET NO.

19-GS-42-4871

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

AUG 26 2019

TERM

THE STATE

v.

CHARVIX LAVOY WRIGHT

 Indictment for
 MURDER (Count 1)

SC Code 16-03-0010, 0020

CDR Code 118

Class FEL-EXM

 POSSESSION OF FIREARM
 DURING COMMISSION OF A VIOLENT
 CRIME (Count 2)

SC Code 16-23-490

CDR Code 549

Class FEL/F

CLERK OF COURT
SPARTANBURG COUNTY

2019 AUG 28 AM 9:59



STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on AUG 23 2019, the
 Grand Jurors of Spartanburg County present upon their oath:

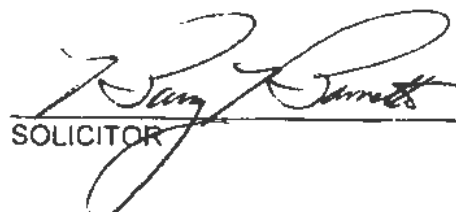
COUNT ONE - MURDER

That the Defendant, Charvix Lavoy Wright, did in the City of Spartanburg located in Spartanburg County on or about August 3, 2019, feloniously, willfully, and with malice aforethought, kill one Quanisha Deshawn Fernanders, by shooting the victim with a firearm, and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

**COUNT TWO - POSSESSION OF FIREARM DURING COMMISSION
 OF A VIOLENT CRIME**

That the Defendant, Charvix Lavoy Wright, did in the City of Spartanburg located in Spartanburg County on or about August 3, 2019, visibly display a gun during the commission or attempted commission of a violent crime, to-wit: Murder, in violation of Code §16-23-490, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended

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


 SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS

STATE

VS.

INDICTMENT/CASE#: 2019GS4204871

Charvix Lavoy Wright

AW#: 2019A4210203278

AKA:

Date of Offense: 8/3/2019

Race: BLACK Sex: M Age: 40

S.C. Code § : 16-03-000; 16-03-0020

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0116

Address: Baltimore St.

City, State, Zip: Spartanburg, SC 29301

DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Manslaughter / Voluntary manslaughter- Count One (1)

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. CW (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARRY J. BARNETTE SCB13039 CHRISTOPHER S. MACDONALD IV SCB102614
BARNETTE, BARRY J SC Bar# Defendant MacDONALD IV, Daniel J. SC Bar#
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of 30 days/months/years Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$ provided that upon the service of days/months/years Time Served and or payment

of \$; plus costs and assessments as applicable; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. days/months

☐ To Include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Charvix Lavoy Wright INDICTMENT/CASE#: 2019GS4204871

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years
And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____

_____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$
§14-1-206 (Assessments 107.5 %)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§14-1-212 (Law Enforce. Funding)	\$25
§14-1-213 (Drug Court Surcharge)	\$150
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	TBD
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD
TOTAL	\$ 128.15

Clerk of Court/ Deputy Clerk: T. CampCourt Reporter: L. MoffittPresiding Judge: [Signature]Judge Code: 2053Sentence Date: December 15, 2021

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE

VS.

Charvix Lavoy Wright

AKA:

Race: BLACK Sex: M Age: 40DOB: [REDACTED] SS#: [REDACTED]Address: Baltimore St.City, State, Zip: Spartanburg, SC 29301DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS4204871AA/W#: 2019A4210203279Date of Offense: 8/3/2019S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death- Count Two (2)in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:Barry J. Barnette
BARNETTE, BARRY J

SCB13039

SC Bar#

Charvix Wright
DefendantDaniel J. MacDonald IV
MacDonald IV, Daniel J.
Attorney for Defendant

SCB102614

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 5 ~~days/months/years~~ Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$ ~~provided that upon the service of~~ ~~days/months/years~~ Time Served and on payment
of \$; plus costs and assessments as applicable*; ~~the balance is suspended with probation for~~~~months/years~~ and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.
 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-85 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Charvix Lavoy Wright INDICTMENT/CASE#: 2019GS4204871A

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total. \$ _____ plus 20% fee: _____ \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

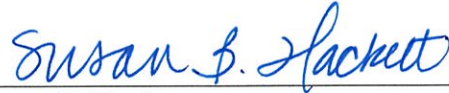
		\$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk: T. CampCourt Reporter: L. McRathPresiding Judge: [Signature]Judge Code: 2053Sentence Date: December 15, 2021

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,



Susan B. Hackett
Appellate Defender

RECEIVED

Feb 13 2023

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 13th day of February, 2023.